MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION AND ZONING ITEMS

April 10, 2008

I. CALL TO ORDER - The meeting was called to order at 1:33 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.

Planning Commission Members Present – Randall Vaughn, Chair; Linda Godfrey; Frank Penn; Ed Holmes; Carolyn Richardson; Joan Whitman; James Mahan; Lynn Roche-Phillips; Mike Cravens; Lyle Aten (arrived at 1:34 p.m.) and Neill Day.

Planning Staff Present – Chris King, Director; Bill Sallee, Barbara Rackers, Tom Martin, Cheryl Gallt, Chris Taylor, and Denice Bullock. Other staff members in attendance were: Hillard Newman, Division of Engineering; Jeff Neal, Division of Traffic Engineering; Bob Carpenter, Division of Building Inspection; Ed Gardner, Department of Law; and Captain(s) Bill Woodward and Charles Bowen, Division of Fire & Emergency Services.

II. APPROVAL OF MINUTES – None at this time.

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

a. PLAN 2007-201F: NDC PROPERTY, UNIT 1-A, LOT 16 (WELLINGTON) (AMD.) (4/10/08)* – located at 249 Ruccio Way. (Council District 9) **(Strand Associates)**

Representation – Laura Wachter, Strand Associates, was present representing the applicant, and requested postponement of PLAN 2007-201F to the May 8, 2008, Planning Commission meeting.

Action - A motion was made by Ms. Godfrey, seconded by Mr. Penn, and carried 11-0 to postpone PLAN 2007-201F to the May 8, 2008, Planning Commission meeting.

b. PLAN 2007-52P: TUSCANY, UNIT 5 (4/10/08)* - located at 1970 Winchester Road (a portion of). (Council District 6) **(EA Partners)**

Representation – Rory Kahly, EA Partners, was present representing the applicant, and requested postponement of PLAN 2007-52P to the May 8, 2008, Planning Commission meeting.

Action - A motion was made by Mr. Penn, seconded by Mr. Aten, and carried 11-0 to postpone PLAN 2007-52P to the May 8, 2008, Planning Commission meeting.

Note: The next two items were acted on simultaneously.

c. PLAN 2008-24F: THOMAS COMMUNICATIONS, INC., UNIT 1-C (WALNUT GROVE ESTATES) (5/15/08)* – located at 2236 Walnut Grove (a portion of). (Council District 12) **(EA Partners)**

d. PLAN 2008-25F: THOMAS COMMUNICATIONS, INC., UNIT 1-D (WALNUT GROVE ESTATES) (5/15/08)* – located at 2236 Walnut Grove (a portion of). (Council District 12) **(EA Partners)**

Representation – Rory Kahly, EA Partners, was present representing the applicant, and requested postponement of PLAN 2008-24F and PLAN 2008-25F to the May 8, 2008, Planning Commission meeting.

Action - A motion was made by Ms. Godfrey, seconded by Mr. Mahan, and carried 11-0 to postpone PLAN 2008-24F and PLAN 2008-25F to the May 8, 2008, Planning Commission meeting.

e. DP 2008-36: RESERVE AT WALNUT GROVE (AMD.) (5/23/08)* – located at 3820 Hatfield Lane. (Council District 12) **(EA Partners)**

Representation – Rory Kahly, EA Partners, was present representing the applicant. He noted that this plan required the posting of a sign on the property, but unfortunately they were not able to have the sign posted in time for the April 10, 2008, meeting; therefore, he requested postponement of DP 2008-36 to the April 24, 2008, Planning Commission meeting.

Action - A motion was made by Ms. Godfrey, seconded by Mr. Penn, and carried 11-0 to postpone DP 2008-36 to the April 24, 2008, Planning Commission meeting.

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f. DP 2007-100: KINGSTON HALL, UNIT 2 (EAST BRIDGEFORD LAND & DEV. CO.) (AMD.) (7/1/08)* – located at 2356 Newtown Pike (a portion of). (Council District 12) **(EA Partners)**

Representation – Rory Kahly, EA Partners, was present representing the applicant, and requested postponement of DP 2007-100 to the May 8, 2008, Planning Commission meeting.

Action - A motion was made by Mr. Penn, seconded by Ms. Whitman, and carried 11-0 to postpone DP 2007-100 to the May 8, 2008, Planning Commission meeting.

g. DP 2008-27: SYLVIA TAYLOR MILBURN PROPERTY (AMD.) (5/15/08)* - located at 767 and 771 Lane Allen Road. (Council District 10) **(EA Partners)**

Representation – Rory Kahly, EA Partners, was present representing the applicant, and requested an indefinite postponement of DP 2008-27.

Action - A motion was made by Ms. Godfrey, seconded by Ms. Whitman, and carried 11-0 to indefinitely postpone DP 2008-27.

h. PLAN 2008-9P: HILLENMEYER PROPERTY (AMD.) (4/17/08)* - located on Lucille Drive and Sandersville Road. (Council District 2) **(VanderWier and Associates)**

Staff Comments – Mr. Martin stated that the staff had received a letter from the applicant, requesting postponement of PLAN 2008-9P to the May 8, 2008, Planning Commission meeting.

Action - A motion was made by Mr. Aten, seconded by Mr. Penn, and carried 11-0 to postpone PLAN 2008-9P to the May 8, 2008, Planning Commission meeting.

i. PLAN 2008-28F: LAKEVIEW ISLAND, UNIT 3 (THE LANDINGS) (5/15/08)* – located at 2414 Lake Park Road. (Council District 5) **(Foster – Roland)**

Staff Comments – Mr. Martin stated that the staff had received a letter from the applicant, requesting postponement of PLAN 2008-28F to the May 8, 2008, Planning Commission meeting.

Action - A motion was made by Ms. Godfrey, seconded by Ms. Richardson, and carried 11-0 to postpone PLAN 2008-28F to the May 8, 2008, Planning Commission meeting.

j. DP 2008-51: PALUMBO PROPERTY (GARDEN SPRINGS, UNIT 1-S) (AMD. #8) (6/12/08)* - located at 820 Lane Allen Road. (Council District 10) **(Foster - Roland)**

Staff Comments – Mr. Martin stated that the staff had received a letter from the applicant, requesting postponement of DP 2008-51 to the May 8, 2008, Planning Commission meeting.

Action - A motion was made by Ms. Whitman, seconded by Mr. Aten, and carried 11-0 to postpone DP 2008-51 to the May 8, 2008, Planning Commission meeting.

k. PLAN 2008-44F: HIGH MOUNT SUBDIVISION, UNIT 1, BLOCK A, LOT 17 (AMD) (6/12/08)* – located at 2932 Candlelight Way. (Council District 5) **(CBC Engineers and Associates)**

Staff Comments – Mr. Martin noted that the applicant was present during the Subdivision Committee; and at that time, the Committee recommended postponement of this plan. He said that no one was present for this item; therefore, this item could be postponed to the May 8, 2008, Planning Commission meeting.

Action - A motion was made by Mr. Penn, seconded by Mr. Aten, and carried 11-0 to postpone PLAN 2008-44F to the May 8, 2008, Planning Commission meeting.

IV. LAND SUBDIVISION ITEMS - The Subdivision Committee met on Thursday, April 3, 2008, at 8:30 a.m. The meeting was attended by Commission Members: Neill Day, Lyle Aten, James Mahan, Randall Vaughn, Carolyn Richardson and Mike Cravens. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Jimmy Emmons, Traci Wade, Denice Bullock, Chris Taylor, Cheryl Gallt, Tom Martin, Rob Johnson, Frank Boateng and Kenzie Gleason; as well as Ed Gardner, Department of Law; Captain(s) Bill Woodward and Charles Bowen, Division of Fire & Emergency Services; and Bob Carpenter, Division of Building Inspection. The Committee made recommendations on plans as noted.

General Notes

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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.*

Planning Commission Comments – Mr. Vaughn noted that the consent agenda had been previously distributed to the Commissioners, and said that for the application to be acted upon they must comply with the five criteria. He then said that if the Commissioners would like to review an application in more detail, then it will be moved to the full hearing portion of the agenda. He then noted that if there are any petitioners, audience members or staff members wishing to discuss an application, then it could also be moved to the full hearing portion of the agenda for further review.

A. CONSENT AGENDA - NO DISCUSSION ITEMS – 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.

Staff Presentation – Mr. Sallee stated that since this is the first Consent Agenda (attached as an appendix to these minutes), it has been marked as "draft" in order for the Commission to review and make changes, if necessary, for future hearings. At this time, Mr. Sallee read the following items from the proposed consent agenda, and oriented the Commission to the location of these items on the Planning Commission Subdivision Items agenda:

1. Page 2, Item c. PLAN 2008-36P: COLDSTREAM RESEARCH CAMPUS, UNIT 4, LOTS 23, 24, 31A & 31B (AMD.) – located at 1501, 1776 and 1778 McGrathiana Parkway.
2. Page 4, Item e. PLAN 2008-37F: POWERHOUSE CHURCH OF GOD (PHASE II) (AMD.) – located at 333 Blackburn Avenue.
3. Page 4, Item F. PLAN 2008-38F: ANDERSON SUBDIVISION (6/12/08)* – located at 317 Robertson Street.
4. Page 5, Item h. PLAN 2008-41F: MAPLELEAF SUBDIVISION, UNIT 1, LOTS 1, 8 & 9 (AMD.) – located at 3150 Mapleleaf Drive.
5. Page 5, Item i. PLAN 2008-42F: VICTORY LUTHERAN CHURCH – located at 1420 Todds Road and 2835 Rio Dosa Drive.
6. Page 8, Item f. PLAN 2008-49F: RICHARDSON, UNIT 5, SECTION 2 - located at Hannah Todd Place.

Mr. Sallee noted that the following item was postponed at the beginning of the hearing.

7. Page 7, Item c. DP 2008-36: RESERVE AT WALNUT GROVE (AMD.) – located at 3820 Hatfield Lane.

He resumed reading the following items from the proposed consent agenda:

8. Page 7, Item d. DP 2008-47: CROSSROADS PLAZA (AMD.) - located at Nicholasville Road and East Reynolds Road.
9. Page 7 and 8, Item e. DP 2008-48: JTC PROPERTY, TRACT 2, LOT 1-A (TEMA ISENMANN, INC., FORMERLY MAGNA INTERNATIONAL) (AMD.) - located at 2107 Sandersville Road.
10. Page 8, Item g. DP 2008-50: K. MICHAEL CRAVENS PROPERTY (THE LOFTS @ 991) (AMD. #2) - located at 991 Todds Road.
11. Page 9, Item i. DP 2008-52: MAPLELEAF SUBDIVISION, UNIT 1 (B-6P) (AMD.) - located at 3140 and 3150 Mapleleaf Drive.
12. Page 9, Item k. DP 2008-62: LAKEPOINT SUBDIVISION, BLOCK "B," LOT 1 (AMD.) - located at 2373 Lake Park Road.
13. Page 9 and 10, Item l. DP 2008-63: JERRICO, INC., UNIT 1, LOT 1-D (AMD.) - located at 3477 Yorkshire Boulevard.
14. Page 10, Item m. DP 2008-30: MANCHESTER DEVELOPMENT, LLC (AMD.) - located at 855-941 Manchester Street.

Mr. Sallee then stated that the Commission may consider the deletions from the consent agenda on behalf of the members, applicants or audience members.

Planning Commission Comments and Questions – Ms. Roche-Phillips asked for clarification for DP 2008-30 (Manchester Development, LLC) and its change to the proposed uses on the property. Mr. Martin said that this is a request to change the proposed uses to allow additional retail, as well as a banquet facility to be placed in the warehouse portion.

Mr. Penn asked if the proposed change will affect the parking. Mr. Martin said that the parking generator will change and the applicant will need to document compliance with the required parking prior to the development plan being certified. Mr. Penn said that he is concerned with the pedestrians crossing Manchester Street.

Mr. Vaughn stated that it is the Commission's consensus to have this case moved to the full hearing portion of the agenda in order to review it in more detail.

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Mr. Vaughn then noted that the consent agenda is subject to the following 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.

He noted that two applications listed on the consent agenda have been removed, the first being DP 2008-36: RESERVE AT WALNUT GROVE (AMD.) due to its being postponed; and the second being DP 2008-30: MANCHESTER DEVELOPMENT, LLC (AMD.), which has been moved to the full hearing portion of the agenda to review it in more detail.

Mr. Sallee noted that the staff did not include any applications that are subject to a revised recommendation. He said that the staff believes that it is important for the Commission to review those applications.

Action - A motion was made by Mr. Day, seconded by Mr. Mahan, and carried 11-0 to approve these items listed on the consent agenda:
1. PLAN 2008-36P: COLDSTREAM RESEARCH CAMPUS, UNIT 4, LOTS 23, 24, 31A & 31B (AMD.) – located at 1501, 1776 and 1778 McGrathiana Parkway.
2. PLAN 2008-37F: POWERHOUSE CHURCH OF GOD (PHASE II) (AMD.) – located at 333 Blackburn Avenue.
3. PLAN 2008-38F: ANDERSON SUBDIVISION (6/12/08)* – located at 317 Robertson Street.
4. PLAN 2008-41F: MAPLELEAF SUBDIVISION, UNIT 1, LOTS 1, 8 & 9 (AMD.) – located at 3150 Mapleleaf Drive.
5. PLAN 2008-42F: VICTORY LUTHERAN CHURCH – located at 1420 Todds Road and 2835 Rio Dosa Drive.
6. PLAN 2008-49F: RICHARDSON, UNIT 5, SECTION 2 - located at Hannah Todd Place.
7. DP 2008-47: CROSSROADS PLAZA (AMD.) - located at Nicholasville Road and East Reynolds Road.
8. DP 2008-48: JTC PROPERTY, TRACT 2, LOT 1-A (TEMA ISENMANN, INC., FORMERLY MAGNA INTERNATIONAL) (AMD.) - located at 2107 Sandersville Road.
9. DP 2008-50: K. MICHAEL CRAVENS PROPERTY (THE LOFTS @ 991) (AMD. #2) - located at 991 Todds Road.
10. DP 2008-52: MAPLELEAF SUBDIVISION, UNIT 1 (B-6P) (AMD.) - located at 3140 and 3150 Mapleleaf Drive.
11. DP 2008-62: LAKEPOINT SUBDIVISION, BLOCK "B," LOT 1 (AMD.) - located at 2373 Lake Park Road.
12. DP 2008-63: JERRICO, INC., UNIT 1, LOT 1-D (AMD.) - located at 3477 Yorkshire Boulevard.

And deleting the following items from the consent agenda:

13. DP 2008-36: RESERVE AT WALNUT GROVE (AMD.) – located at 3820 Hatfield Lane.
14. DP 2008-30: MANCHESTER DEVELOPMENT, LLC (AMD.) - located at 855-941 Manchester Street.

Mr. Day thanked the members of the Subdivision Committee for putting their efforts into each application to make the review process faster.

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

The procedure for consideration of these remaining plans is as follows:
- Staff Report(s)
- Petitioner's Report(s)
- Citizen Comments – (a) in support of the request, and (b) in opposition to the request
- Rebuttal – (a) petitioner's comments, (b) citizen comments, and (c) staff comments
- Commission discusses and/or votes on the plan

Planning Commission Comments – Mr. Vaughn asked if DP 2008-30: MANCHESTER DEVELOPMENT, LLC (AMD.) could be heard first. Mr. Sallee said that the order of the remaining items is at the Commission's discretion. Mr. Vaughn stated that it is the Commission's consensus to move DP 2008-30 in front of PLAN 2008-39F, DP 2008-49 and DP 2008-53.

Mr. Mahan welcomed Ms. Roche-Phillips class to the Planning Commission meeting, and reminded everyone that they are our future planners. Mr. Vaughn also welcomed them to the hearing.

Mr. Vaughn said that the Commission has been working on the consent agenda for a number of months, and today was the first attempt to implement it. He said that the consent agenda is an effort to expedite the Planning Commission meetings, so that they could focus their attention of the discussion items. He then said that he would like to thank former Commission Chairman Dal Harper for initiating the consent agenda idea.

1. Development Plans

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a. DP 2008-30: MANCHESTER DEVELOPMENT, LLC (AMD.) (6/25/08)* - located at 855-941 Manchester Street. (Council District 2) **(Pohl, Rosa, Pohl)**

Note: The Planning Commission originally approved this plan on March 13, 2008, 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 landscape buffers.
4. Urban Forester’s approval of the tree preservation plan.
5. Bike and Pedestrian Planner’s approval of bike trails and pedestrian facilities.
6. Environmental Planner’s approval of environmentally sensitive areas.
7. Division of Fire’s approval of emergency access and fire hydrant locations.
8. Division of Waste Management’s approval of refuse collection.
9. Approval of street names and addresses per e911 staff.
10. Clearly define Phase 1 and Phase 2 portions of the plan, including site statistics.
11. Label “Interior Area” as “Interior Landscape Area” in site statistics.
12. Clarify note regarding 20’ front yard variance (along Manchester Street).
13. Denote as an “Amended Final Development Plan” in plan title.
14. Document off-site parking arrangements, as necessary.
15. Provided the Board of Adjustment grants approval of the nightclubs prior to certification, or revise the uses accordingly.
16. Denote Manchester Street improvements.

Note: The applicant now requests a continued discussion of this plan to change the proposed uses on the property.

The Subdivision Committee Recommended: Approval, subject to the previous conditions.

Staff Presentation – Mr. Martin said that the continued discussion portion of this plan is to change the proposed uses of the property located at 899 Manchester Street. He oriented the Commission to the development layout on Manchester Street, as well as the surrounding street system, which includes Newtown Pike Corridor, Pine Street and Manchester Street. He then oriented the Commission to the location of the parking area that is associated with this request.

Mr. Martin said that the focus of the amendment is to change the proposed uses for the warehouse located at 899 Manchester Street. He said that the proposed changes will alter the parking generator for this request, but the applicant will only need to document that change for parking compliance on the revised plan. He noted that, as of now, the parking requirement is being met.

In conclusion, Mr. Martin said that the applicant is in the process of obtaining the Board of Adjustment’s approval for a nightclub and indoor recreation use, which is related to the additional off-site parking agreements.

Representation – Barry McNeese, owner and developer of the property was present. He said that that the parking has been an issue from the beginning; and they have spoken with the Kentucky Department of Transportation regarding the installation of a crosswalk flasher, which will help to facilitate pedestrian crossing. Mr. McNeese also said that there have been discussions concerning traffic calming along the Newtown Pike Corridor. He said that they will be providing landscaping along this area to help improve the area, which will force the vehicles to slow down.

In conclusion, Mr. McNeese then said that they have secured additional parking on the opposite side of Manchester Street, and they are in the process of obtaining the proper permits from the Kentucky Department of Transportation.

Planning Commission Comments and Questions – Mr. Mahan asked if there will be additional outdoor lighting. Mr. McNeese said that Kentucky Utilities is maintaining some of the light poles in the area. He said that KU has replaced the bulbs that were out, which has helped illuminate the area; but as for who is responsible, he is not sure at this time.

Ms. Roche-Phillips said that where Newtown Pike crosses Manchester Street, it is not to be the same grade. She asked if it will be raised; and, if so, how high. Mr. McNeese said that it is his understanding that it will be between 10 to 12 feet above grade.

Mr. Penn asked where the pedestrian crosswalk will be located, in relation to Pine Street. Mr. McNeese said that it will be on the western side of Pine Street. He said that when the traffic analysis was completed, it had indicated

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a huge amount of traffic coming off of Manchester Street onto Pine Street. However, on the opposite side of Manchester Street the analysis showed very little change. Mr. Penn said that he is concerned with traffic turning right onto Pine Street. Mr. McNeese said that this area is evolving; and with the Newtown Pike Extension, the increased traffic flow will impact the way the traffic and pedestrians move in this area. He said that there have been discussions with the Kentucky Department of Transportation regarding the viability of a stop sign until everything is worked out with the Newtown Pike Extension. He said that they want to invest in providing a safe crosswalk without it being undone later down the road.

Mr. Holmes asked what type of permit they will be receiving from the Kentucky Department of Transportation. Mr. McNeese said that the permit is for a crosswalk with flashing lights. He said that there are some questions regarding the actual siting of the crosswalk and the type of warning device that should be used. He then said that LFUCG Traffic Engineering had also expressed some concern with the location of the flashers. Mr. Holmes then asked if the Kentucky Department of Transportation will want the traffic calming device dedicated, to which Mr. McNeese responded that he is not sure. He said that they are hoping that KDOT will be willing to discuss the possibility of installing a device for the benefit of the area and pedestrian safety.

Staff Comment – Mr. Martin said that the Planning Commission originally approved this plan on March 13, 2008, subject to the 16 conditions listed on the agenda, noting that this is a continued discussion item.

Action - A motion was made by Ms. Godfrey, seconded by Mr. Mahan, and carried 11-0 to approve DP 2008-30, subject to the 16 conditions listed on the agenda.

2. Final Subdivision Plans

a. PLAN 2008-39F: NEWTOWN SPRINGS, LLC, UNIT 2A, LOT 1 (AMD.) (6/12/08)* – located at 700-708 Newtown Springs Drive. (Council District 1) **(Strand Associates)**

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

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

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 landscape buffers and required street tree information.
4. Approval of street names by e911 staff.
5. Urban Forester’s approval of tree preservation plan.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Place site statistics within a box.
8. Denote: There shall be no access to Citation Boulevard from Lot 1.
9. Addition of temporary construction easement expiration note.
10. Resolve proposed driveway locations.

Staff Presentation – Mr. Martin submitted the revised recommendation to the Commission, and oriented them to the development layout, as well as the surrounding street system, which includes Newtown Springs Drive, Citation Boulevard and Newtown Pike. He said that the purpose of this amendment is to subdivide an existing lot into three lots for property located at 700-708 Newtown Springs Drive. He noted that the existing lot was the display house for Beazer Homes.

Mr. Martin then said that the staff is recommending approval of the applicant’s request, subject to the following revised 11 conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection’s approval of landscape buffers and required street tree information.
4. Approval of street names by e911 staff.
5. Urban Forester’s approval of tree preservation plan.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Place site statistics within a box.
8. Denote: There shall be no access to Citation Boulevard from Lot 1.
9. Addition of temporary construction easement expiration note.
10. Resolve proposed driveway locations.
11. Resolve removal of existing parking lot use prior to certification.

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Mr. Martin stated that the staff had concerns with the placement of the driveway on Lot 1 (700 Newtown Spring Drive), particularly the driveway being accessed from Citation Boulevard; therefore, condition number 10 was added to resolve the proposed driveway location. He said that location of the proposed driveway led the staff to recommend condition number 11, which will resolve the removal of the existing parking lot use prior to it being certified. Mr. Martin said that currently there is a parking lot on lot 1, and that use is not permitted in the R-1D zone.

<u>Planning Commission Comments and Questions</u> – Ms. Godfrey asked if the revised plan resolves the staff's concerns. Mr. Martin said that the revised plan does address those concerns. He said that with the driveway location being established as far back as it can go, it will create a double driveway. Ms. Godfrey then asked if the approval is based upon the revised plan. Mr. Martin replied that it is.

<u>Representation</u> – Laura Wachter, Strand Associates, was present representing the applicant. She stated that the applicant is in agreement with the staff's recommendations, and requested approval of PLAN 2008-39F, subject to the revised conditions.

<u>Action</u> - A motion was made by Mr. Aten, seconded by Ms. Whitman, and carried 11-0 to approve PLAN 2008-39F, subject to the revised conditions as listed by the staff.

3. <u>Development Plans (continued)</u>

a. <u>DP 2008-49: LARKIN PROPERTY</u> (6/12/08)* - located at 2580 Spurr Road.
(Council District 2) **(EA Partners)**

<u>The Subdivision Committee Recommended: Approval</u>, subject to the following requirements:

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 landscape buffers.
4. Urban Forester's approval of tree preservation plan.
5. Division of Fire's approval of emergency access and fire hydrant location.
6. Division of Waste Management's approval of refuse collection.
7. Approval of street names and addresses per e911 staff.
8. Correct note number 11.
9. Clearly identify utility easement adjacent to Innovation Drive right-of-way.
10. Adjust building location to meet state building code regulations and fire safety requirements.
11. Correct note number 10 to the approval of the Division of Engineering.
12. Resolve and/or denote the timing for construction of Innovation Drive.

<u>Staff Presentation</u> – Mr. Martin directed the Commission's attention to the revised recommendation previously submitted for this plan, and oriented them to the final development plan that was submitted since the zone change. He explained that this property is for a beer distributor; and the subject property will be fronting on Spurr Road, while the loading area will be fronting on Innovation Drive. The warehouse and loading dock will be 145,500 square feet and the office space will be 20,750 square feet, as well as including an 11,250 square-foot building for a vehicle maintenance structure located in the rear of the property.

Mr. Martin explained that there are three access points leading into the subject property off of Innovation Drive, the first being at the rear of the property; the second being in the center of the property, which will be used as a drive through for delivery trucks; and the third being at the front of the property, which will lead to the parking area. He said that the applicants had revised their plan by changing the layout and the square footage of the buildings, as well as added a drive-through adjacent to the warehouse building. He then said that they had also added an access point off of Spurr Road, which will lead into the front parking area. He noted that there are two detention basins located on the property; one is located in the front parking area, and the other is located in the rear of the property.

At this time, Mr. Martin referenced a larger map of the area, and oriented the Commission to the existing portion of Innovation Drive, as well as the proposed extension of Innovation Drive, noting that the subject property will be adjacent to the proposed section of the road. He then pointed out the location of Spurr Road, Greendale Road and Lucille Drive, and said that there are two access points directly across from the subject property on the Ramsey-Sullivan property, noting that this area is zoned for residential uses.

<u>Planning Commission Comment</u> – Mr. Vaughn apologized, and said that he did not realize this property would be before the Commission today, and noted that he would need to recuse himself from this item, due to a conflict.

Note: Chairman Vaughn recused himself, and left the meeting. Ms. Godfrey chaired the meeting.

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Mr. Martin continued to orient the Commission to the location of Georgetown Road in relation to the subject site, adding that Georgetown Road is an arterial street, as is Citation Boulevard. He then noted that Jaggie Fox Way, Spurr Road, Greendale Road, and Lucille Road are all collector streets, while Innovation Drive is a local street.

Mr. Martin said that the Subdivision Committee had reviewed the applicant's request, and recommended approval, subject to the 12 conditions listed on the agenda. He noted that most of the conditions are standard; but as for condition number 12, the timing for the construction of Innovation Drive has always been an issue for this area (i.e., Big Ass Fan development). He said that the staff had received a letter from Commerce Lexington, Inc., who will be addressing the timing for the construction of Innovation Drive.

Mr. Martin noted that since the applicant's are requesting an access onto Spurr Road, the staff felt that adding another condition, regarding the right-of-way dedication and improvements, would be necessary. Therefore, a 13th condition was added that reads: "Right-of-way dedication and/or necessary improvements to Spurr Road are subject to approval of the Kentucky Department of Transportation Cabinet prior to the certification of this plan, and those improvements are to be identified on this development plan."

Planning Commission Comments and Questions – Ms. Godfrey asked if condition number 12 had been resolved. Mr. Martin said that the staff recommends that a note be placed on the plan referencing the memorandum from Commerce Lexington, Inc. He said that they (Commerce Lexington, Inc.) are requesting funding to help defray the cost of the extension, but it has not been confirmed as of yet. Ms. Godfrey then asked if condition number 12 should remain. Mr. Martin replied that it should.

Representation – Rory Kahly, EA Partners, was present representing the applicant. Referencing condition number 13, he asked if this condition meant for the applicant to show what KDOT wanted and not actually dedicate or make improvements to Spurr Road prior to the certification of this plan. Mr. Martin said that the staff is requesting that KDOT approval for the right-of-way dedication and/or necessary improvements to Spurr Road be shown on the plan prior to the certification of this plan. Ms. Godfrey asked if the staff is requesting the applicant to obtain the approval from KDOT. Mr. Martin said that the staff is requesting that the applicant show the approval of those improvements, and not the actual dedication.

Referencing condition number 12, Mr. Kahly said that on the revised plan, note number 14 states that "permanent vehicular access to Spurr Road shall not be constructed until Innovation Drive is dedicated." He said that this note would allow the construction process to begin by using the existing driveway, and the proposed access point off of Spurr Road would not be constructed until Innovation Drive is dedicated. He said that he is unsure about condition number 12, and would rather have something more concrete.

Planning Commission Comments and Questions – Mr. Penn asked if Innovation Drive would be operational prior to the businesses being open. Mr. Kahly said that during the Subdivision Committee meeting, they had discussed several means as to when everything would be functioning. Referencing the letter from Commerce Lexington, Inc., he said that they are trying to get Innovation Drive built for the distribution center. He said that they would rather show what will happen, and that is the reason note number 14 is on the plan. He said that if Innovation Drive were not built, the applicant would need to revise the plan, which would then come before the Commission again. He noted that Innovation Drive is needed for the trucks coming into the subject property. Mr. Penn agreed and said that the trucks cannot be coming out onto an existing street. Mr. Kahly noted that Innovation Drive will curve around toward the subject property; the first entrance will be located at the rear of the property, the second will be in the center of the development itself, and the last entrance will be at the front of the property where the offices are located. He then said that if the entrance located in the front of the property is backed up, then the access point off of Spurr Road could be utilized, if needed.

Mr. Holmes asked if Commerce Lexington, Inc. intends to build Innovation Drive. He said that the letter reads that it is their intent to build the road contingent upon the funding being in place. Ms. Godfrey clarified that the road is contingent upon funding from KDOT. Mr. Holmes said that the letter stated that the construction should take 150 days to complete, and said that he is confused with what the letter says. Ms. Godfrey said that the question is whether or not to leave condition number 12 "as is" because it seems to be a "gray area." Mr. Kahly agreed and made it aware that he is uneasy with gray areas.

Mr. Sallee said that the note on the development plan would be sufficient if there were no access points being proposed for Spurr Road. He said that that would indicate a potential future desire for the access and the necessary steps that would need to take place to bring the request back in front of the Planning Commission. The staff's uncertainty with this request is that it is a final development plan; and if the access is approved, there is the potential for either KDOT or some other entity to construct the access, even with the proposed note being attached to this plan. He said that this is the reason the staff suggested that condition number 12 remain as is.

Mr. Kahly said that they would like to move forward with this project; and if there is a problem, then they would come back to the Planning Commission to resolve that issue.

Department of Law Comments – Mr. Gardner commented that after reviewing note number 14, there could be a permanent access to Spurr Road after Innovation Drive has been dedicated. He said that dedication is not the same as construction, and the staff is showing that there is a proposal to have access onto Spurr Road. The only thing that will bind the access is the right-of-way dedication, not the construction of Innovation Drive. Ms. Godfrey asked if the suggestion is being made to revise note number 14 to better address the issue. Mr. Gardner said that if the Commission were to go along with the note, it could create a loophole. He said that it seems that there will be access off of Spurr Road until Innovation Drive is dedicated; but if Innovation Drive is not dedicated, there will be a permanent access off of Spurr Road.

Citizen Comments – Councilmember Tom Blues was present on behalf of 2nd District residents. Referencing condition numbers 12 and 13, he said that Spurr Road is narrow and heavily traveled. He requested that as this application goes forward, all measures be taken to ensure the safety of the public on Spurr Road. He said that condition number 13 is extremely important for this area. The Kentucky Department of Transportation will have the opportunity to assess the conditions for that area and propose whatever changes that may be necessary for that section. Mr. Blues then added that there have been traffic accidents at the intersection of Spurr Road and Georgetown Road due to there being no traffic signal, and the State is reluctant to install one there. In conclusion, Councilman Blues said that there are many traffic issues in this area, and condition numbers 12 and 13 should remain listed on the recommendations. He urged the Commission to consider those conditions as part of the application.

Planning Commission Comments and Questions – Mr. Penn said that Innovation Drive is very critical to this application. He said that it is important for condition number 12 to remain listed on the recommendations, rather than rely on a note being placed on the plan. In order for the business to function, Innovation Drive would need to be constructed. Mr. Penn urged the Commission to consider leaving condition numbers 12 and 13 listed on the recommendations.

Action - A motion was made by Mr. Penn, seconded by Mr. Aten, and carried 11-0 to approve DP 2008-49, subject to the revised conditions as listed by the staff.

Note: Chairman Vaughn returned to the meeting at this time.

b. DP 2008-53: L.P. WITT BUSINESS SUBDIVISION, UNIT 1, LOT 6 & UNIT 1-A, LOTS 7 & 9 (6/12/08)* - located at 1130 Versailles Road. (Council District 2) **(Midwest Engineers)**

The Subdivision Committee Recommended: Postponement. There were questions regarding the split zoning of this property and uses now proposed.

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 parking, circulation, access and street cross-sections.
3. Building Inspection's approval of landscape buffers.
4. Urban Forester's approval of tree preservation plan.
5. Division of Fire's approval of emergency access and fire hydrant location.
6. Division of Waste Management's approval of refuse collection.
7. Approval of street names and addresses per e911 staff.
8. Recordation of consolidation plat prior to plan certification.
9. Addition of adjacent property information.
10. Place site statistics within a box.
11. Correct parking statistics.
12. Discuss the uses proposed for the property.

Staff Presentation – Mr. Martin directed the Commission's attention to the development plan for property located at 1130 Versailles Road. He said that this property is located at the intersection of Versailles Road and Porter Place, and just beyond Angliana Avenue. He then said that the applicants are proposing to build a 6,400 square-foot structure that will be split between a Highway Service Business (B-3) zone and Wholesale and Warehouse Business (B-4) zone. There is an existing structure on site that is over 7,000 square feet, as well as the associated parking. He noted that there are two entrances into the subject site, one being on Versailles Road, and the other being on Porter Place.

Mr. Martin directed the Commission's attention to the revised recommendation previously distributed, and said that the Subdivision Committee had originally recommended postponement of this application, due to their

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concern with the allowable uses on the property, particularly the agricultural related uses. This situation was reviewed by Building Inspection, and it was determined that the uses for this property meet the requirements of the Zoning Ordinance. He said that in light of this information, the staff has changed condition number 12 to "Document the uses proposed for the property." He then said that the staff suggested adding three new conditions condition number 13 would read: "Clarify the non-conforming factory use prior to plan certification;" condition number 14 would read: "Denote: The gravel lot is to be paved;" and condition number 15 would read: "Denote: No outdoor storage allowed."

Representation – Andy Holmes, Midwest Engineering, was present representing the applicant. He stated that the applicant is in agreement with the staff's revised recommendations. He noted that there are no factory uses on the property; therefore, they have no objections to leaving condition number 13 listed on the recommendations, as well as leaving condition numbers 14, and 15. He said that the gravel storage area is located in the upper portion of the property, and this area will be paved to become part of the parking area. As for the outdoor storage area, they will be moving the outdoor items indoors and this area will also be paved and used as parking. Mr. Holmes said that they are in agreement with the revised recommendations, and requested approval of DP 2008-53.

Planning Commission Comments and Questions – Ms. Roche-Phillips asked if there will be any encroachments on the stormwater detention requirements. Mr. Holmes commented that a small portion of this site could be affected. He said that there should be a review of the downstream drainage system, noting that the engineering requirements must be in compliance.

Action - A motion was made by Mr. Mahan, seconded by Mr. Aten, and carried 11-0 to approve DP 2008-53, subject to the revised conditions as presented by the staff.

C. PERFORMANCE BONDS AND LETTERS OF CREDIT – A motion was made by Ms. Roche-Phillips, seconded by Mr. Aten, and carried 11-0 to approve the release and call of bonds as detailed in the memorandum dated April 10, 2008, from Rice Lear, Division of Engineering.

VI. COMMISSION ITEMS - The Chairman will announce that any item the staff would like to present will be heard at this time.

VII. STAFF ITEMS – Staff items, if any, will be considered at this time.

A. UPCOMING WORK SESSION – Mr. King reminded the Commission members of the upcoming work session on April 17, 2008. He said that there will be a discussion regarding the engineering review process, the EPA Consent Decree and any related items. He then said that the Ad-Hoc Committee had decided that the information is not ready to be presented to the Commission, but it should be ready for the May 2008 work session.

Mr. Penn commented that the Ad-Hoc Committee has had very productive meetings; and during the May 2008 work session, that information will be presented to the Planning Commission. He said that it is fair to say that the standard operating procedures will be revised.

Ms. Roche-Phillips commented that the Ad-Hoc Committee is trying to identify all issues at this time. She noted that this is a huge task, but it is not unattainable. She said that they are trying to gather the information needed for the May 2008 work session, but an extra month may be required.

Mr. Vaughn agreed, and said that it could take an extra month to gather all the information needed prior to presenting it to the Commissioners.

Mr. Holmes added that he would rather the Ad-Hoc Committee work through the recommendations and have an understanding of what will be needed versus rushing the process to present it to the Commissioners. Mr. Vaughn noted Mr. Holmes' concern.

B. DEPARTMENT OF LAW – Mr. Gardner informed the Planning Commission that the Sand Lake Property had filed a lawsuit against the Planning Commission; and if they would like to obtain a copy of the pending case, it is readily available.

VIII. AUDIENCE ITEMS

A. STAFF COMMENT – Mr. Sallee said that there were audience members present at the meeting. Mr. Vaughn asked if there were any audience members present wishing to speak, to which there was no response. He then thanked them for attending the meeting, particularly the University of Kentucky students.

IX. NEXT MEETING DATES -

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

Work Session, Thursday, 1:30 p.m., 2nd Floor Council Chambers .... April 17, 2008
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) .... April 23, 2008
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers .... **April 24, 2008**
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) .... May 1, 2008
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building) .... May 1, 2008
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers .... **May 8, 2008**

X. ADJOURNMENT - There being no further business, the meeting was adjourned at 2:43 p.m.

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Randall Vaughn, Chair

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Frank Penn, Secretary

CT/CG/TM/JE/BR/BS/DB

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