

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

June 12, 2008

- I. CALL TO ORDER** - The meeting was called to order at 1:32 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.

Planning Commission Members Present – Linda Godfrey, acting Chair; Carolyn Richardson; Joan Whitman (arrived at 1:42 p.m.); Lynn Roche-Phillips; Lyle Aten; Mike Cravens; James Mahan; Neill Day (arrived at 1:56 p.m.); Ed Holmes and Frank Penn. Randall Vaughn was absent.

Planning Staff Present – Chris King, Director; Bill Sallee, Barbara Rackers, Tom Martin, Cheryl Gallt, Chris Taylor, Traci Wade, and Denice Bullock. Other staff members in attendance were: Hillard Newman, Division of Engineering; Bob Carpenter, Building Inspection; Jim Gallimore, Division of Traffic Engineering; Keith Horn, Department of Law; Captain Charles Bowen, Division of Fire & Emergency Services; and Tim Queary, Division of Streets, Roads and Forestry.

- II. APPROVAL OF MINUTES** – A motion was made by Mr. Mahan, seconded by Mr. Penn and carried 8-0 (Whitman, Day and Vaughn absent) to approve the minutes of April 10, 2008.

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

- a. DP 2008-77: MICHAEL GENTRY PROPERTY (AMD.) (8/7/08)* - located at 3292 Richmond Road.
(Council District 7) **(Vision Engineering)**

Representation – Bruce Simpson, attorney, was present representing the applicant, and requested postponement of DP 2008-77 to the July 10, 2008, Planning Commission meeting.

Action - A motion was made by Mr. Penn, seconded by Mr. Mahan, and carried 8-0 (Whitman, Day and Vaughn absent) to postpone DP 2008-77 to the July 10, 2008, Planning Commission meeting.

- b. DP 2008-79: CARDINAL HILL HOSPITAL (AMD.) (8/7/08)* - located at 1826, 1832 and 2050 Versailles Road.
(Council District 11) **(Carman & Associates)**

Representation – Bruce Simpson, attorney, was present representing the applicant, and requested postponement of DP 2008-79 to the July 10, 2008, Planning Commission meeting.

Action - A motion was made by Mr. Penn, seconded by Mr. Aten, and carried 8-0 (Whitman, Day and Vaughn absent) to postpone DP 2008-79 to the July 10, 2008, Planning Commission meeting.

- c. DP 2008-80: CHEVY CHASE SUBDIVISION, UNIT 19, LOT 7, (WM. T. BURKE PROPERTY) (8/7/08)* - located at 1136 Providence Lane. (Council District 5) **(Foster – Roland)**

Representation – Richard Murphy, attorney, was present representing the applicant, and requested postponement of DP 2008-80 to the July 10, 2008, Planning Commission meeting.

Action - A motion was made by Mr. Mahan, seconded by Mr. Penn, and carried 8-0 (Whitman, Day and Vaughn absent) to postpone DP 2008-80 to the July 10, 2008, Planning Commission meeting.

- d. PLAN 2008-71P: HAMPTON SPRINGS (AMD.) (8/7/08)* - located at 4574 Harrodsburg Road (a portion of).
(Council District 10) **(EA Partners)**

Representation – Rory Kahly, EA Partners, was present representing the applicant, and requested postponement of PLAN 2008-71P to the July 10, 2008, Planning Commission meeting.

Action - A motion was made by Mr. Penn, seconded by Mr. Aten, and carried 8-0 (Whitman, Day and Vaughn absent) to postpone PLAN 2008-71P to the July 10, 2008, Planning Commission meeting.

Note: The next two items were acted on simultaneously.

- e. PLAN 2008-24F: THOMAS COMMUNICATIONS, INC., UNIT 1-C (WALNUT GROVE ESTATES) (6/12/08)* – located at 2236 Walnut Grove (a portion of). (Council District 12) **(EA Partners)**

- f. PLAN 2008-25F: THOMAS COMMUNICATIONS, INC., UNIT 1-D (WALNUT GROVE ESTATES) (6/12/08)* – located at 2236 Walnut Grove (a portion of). (Council District 12) **(EA Partners)**

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

Representation – Rory Kahly, EA Partners, was present representing the applicant, and requested postponement of PLAN 2008-24F and PLAN 2008-25F to the July 10, 2008, Planning Commission meeting.

Action - A motion was made by Mr. Aten, seconded by Mr. Mahan, and carried 8-0 (Whitman, Day and Vaughn absent) to postpone PLAN 2008-24F and PLAN 2008-25F to the July 10, 2008, Planning Commission meeting.

- g. PLAN 2008-9P: HILLENMEYER PROPERTY (AMD.) (6/12/08)* - 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 July 10, 2008, Planning Commission meeting.

Action - A motion was made by Ms. Richardson, seconded by Mr. Aten, and carried 8-0 (Whitman, Day and Vaughn absent) to postpone PLAN 2008-9P to the July 10, 2008, Planning Commission meeting.

- h. 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 stated that the staff had received a letter from the applicant, requesting postponement of PLAN 2008-44F to the July 10, 2008, Planning Commission meeting.

Action - A motion was made by Mr. Aten, seconded by Mr. Holmes, and carried 8-0 (Whitman, Day and Vaughn absent) to postpone PLAN 2008-44F to the July 10, 2008, Planning Commission meeting.

- i. 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 July 10, 2008, Planning Commission meeting.

Action - A motion was made by Mr. Penn, seconded by Mr. Aten, and carried 8-0 (Whitman, Day and Vaughn absent) to postpone DP 2008-51 to the July 10, 2008, Planning Commission meeting.

- j. DP 2008-60: BLACKFORD TOWN CENTER (7/12/08)* - located at 6600 Man O' War Boulevard.
(Council District 12) **(Rob Sims)**

Staff Comments – Mr. Martin stated that the staff had received a letter from the applicant, requesting postponement of DP 2008-60 to the July 10, 2008, Planning Commission meeting.

Action - A motion was made by Mr. Holmes, seconded by Mr. Penn, and carried 8-0 (Whitman, Day and Vaughn absent) to postpone DP 2008-60 to the July 10, 2008, Planning Commission meeting.

Note: Ms. Whitman arrived at this time.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, June 5, 2008, at 8:30 a.m. The meeting was attended by Commission members: Neill Day, Lyle Aten, James Mahan, Randall Vaughn, Mike Cravens and Carolyn Richardson. 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, Denice Bullock, Chris Taylor, Cheryl Gallt, Tom Martin, Frank Boateng and Kenzie Gleason; as well as Rochelle Boland, Department of Law; Captain Charles Bowen, Division of Fire & Emergency Services; and Bob Carpenter, Division of Building Inspection. 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 - 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

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

- (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.

At this time, Mr. Sallee read the following items from the consent agenda, and oriented the Commission to the location of these items on the Planning Commission Subdivision Items agenda. He noted that the Subdivision Committee had recommended approval of these items. (A copy of the Consent Agenda is attached as an appendix to these minutes).

1. Page 3, Item d. PLAN 2005-330F: SOUTH HILL GARDENS - located at 408 and 426 South Mill Street and 421-437 Lawrence Street.
2. Page 5, Item c. DP 2008-66: MARSHALL PROPERTY, UNIT 2 - located at 3000 Leestown Road (McConnell's Trace).
3. Page 6, Item d. DP 2008-74: SOUTH ELKHORN VILLAGE (AMD.) - located at 4375 and 4395 Old Harrodsburg Road.
4. Page 6, Item e. DP 2008-75: EAST HILLS SHOPPING CENTER, LOT 3A (AMD.) - located at 540 and 544 Eureka Springs Drive.
5. Page 6, Item f. DP 2008-76: SHARKEY PROPERTY, UNIT 2D (AMD.) - located at 149 Old Towne Walk.
6. Page 7, Item h. DP 2008-78: LEESTOWN OFFICE PARK, LOT 1 (AMD.) - located at 101 Leestown Center Way.
7. Page 8, Item k. DP 2007-151: OVERBROOK LAND COMPANY - located at East New Circle Road and Liberty Road.

Mr. Sallee said that the items listed on the consent agenda can be considered, unless there is a request for an item to be removed. He noted that the staff previously distributed findings for an access easement for DP 2008-66 to the Planning Commission and those will need to be adopted, if the Commission grants approval.

Planning Commission Questions – Ms. Godfrey asked if the findings for DP 2008-66 need to be adopted separately from the motion. Mr. Sallee said that the findings could be incorporated into the motion for the consent agenda, or it could be a separate motion.

Action - A motion was made by Mr. Penn, seconded by Ms. Whitman, and carried 9-0 (Day and Vaughn absent) to approve the items listed on the consent agenda, as well as adopting the findings for DP 2008-66.

1. PLAN 2005-330F: SOUTH HILL GARDENS - located at 408 and 426 South Mill Street and 421-437 Lawrence Street.
2. DP 2008-66: MARSHALL PROPERTY, UNIT 2 - located at 3000 Leestown Road (McConnell's Trace).
3. DP 2008-74: SOUTH ELKHORN VILLAGE (AMD.) - located at 4375 and 4395 Old Harrodsburg Road.
4. DP 2008-75: EAST HILLS SHOPPING CENTER, LOT 3A (AMD.) - located at 540 and 544 Eureka Springs Drive.
5. DP 2008-76: SHARKEY PROPERTY, UNIT 2D (AMD.) - located at 149 Old Towne Walk.
6. DP 2008-78: LEESTOWN OFFICE PARK, LOT 1 (AMD.) - located at 101 Leestown Center Way.
7. DP 2007-151: OVERBROOK LAND COMPANY - located at East New Circle Road and Liberty Road.

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

1. Final Subdivision Plans

- a. PLAN 2006-236F: COONS PROPERTY, UNIT 11 (AMD.) (9/2/08)* – located at 4268 Saron Drive.
(Council District 12) **(Quest Engineers)**

Note: The Planning Commission originally approved this plan on November 9, 2006; subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Approval of street addressing by e911 staff.

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

5. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
6. Greenspace Planner's approval of pedestrian movement.
7. Addition of adjacent property information.
8. Provided Public Works approves a 5-foot sidewalk, or the widest sidewalk possible without the need for a handrail, which is ever less.

Note: The applicant now requests reapproval, subject to the previous conditions listed.

The Staff Recommended: Approval, subject to the previous conditions listed.

Staff Presentation – Ms. Gallt said that this is an amended final development plan for property located at 4268 Saron Drive. She directed the Commission's attention to the revised staff recommendations that were previously distributed, and said that the applicant is requesting to amend the sidewalk location due to grading issues. She then said that when the trees were planted, they were planted too close to the area where the sidewalk should have been, and now the applicant will need pull the sidewalk closer to the curb and realign it back with the remaining sidewalk.

Ms. Gallt said that this request had been approved by the Planning Commission at the November 9, 2006, meeting, subject to 8 conditions. She said that the applicant is requesting this item to be reapproved at this time. The staff recommends approval of the applicant's request, subject to the original conditions listed, adding a 9th condition that reads: "Correct zoning information (P-1)."

Action - A motion was made by Mr. Cravens, to reapprove PLAN 2006-236F, subject to the conditions as listed by the staff, and adding a 9th condition to read: "Correct zoning information (P-1)."

Mr. Mahan noted that there is an error in condition number 8, and it should read: "Provided Public Works approves a 5-foot sidewalk, or the widest sidewalk possible without the need for a handrail, whichever is less."

The motion was seconded by Mr. Mahan, and carried 9-0 (Day and Vaughn absent).

- b. PLAN 2004-310F: MONTMULLIN STREET SUBDIVISION (CHARLES & BETTY GETTINGS PROPERTY)
(2/9/05)* - located at 171-173 Montmullin Street. (Council District 3) **(Roger L. Finnie)**

Note: The Planning Commission originally approved this plan on December 9, 2004; and then reapproved this item on July 13, 2006, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
5. Addition of street addresses.
6. Addition of vicinity map.
7. Addition of site statistics.
8. Remove building information from plan face.
9. Complete adjacent property owner information (175 Montmullin).

Note: The applicant now requests reapproval, subject to the previous conditions listed.

The Staff Recommended: Approval, subject to the previous conditions listed, plus one additional condition:

10. Provide documentation of compliance with Article 4-5(a) of the Zoning Ordinance, and document separate utilities for the two structures.

Staff Presentation – Mr. Taylor said that this is an amended final record plat for property located at 171-173 Montmullin Street. He noted that this plat is a subdivided single lot with two principal residences already existing at this location. He said that this item was previously approved by the Planning Commission on December 9, 2004, and then reapproved at the July 13, 2006, meeting, subject to the 9 conditions listed on the agenda. The staff recommends approval of the applicant's request, subject to the original conditions listed, adding a 10th condition that reads: "Provide documentation of compliance with Article 4-5(a) of the Zoning Ordinance, and document separate utilities for the two structures."

Action - A motion was made by Ms. Whitman, seconded by Ms. Richardson, and carried 9-0 (Day and Vaughn absent) to reapprove PLAN 2004-310F, subject to the conditions as listed by the staff, and adding a 10th condition

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to read: "Provide documentation of compliance with Article 4-5(a) of the Zoning Ordinance, and document separate utilities for the two structures."

- C. PERFORMANCE BONDS AND LETTERS OF CREDIT** – A motion was made by Mr. Penn, seconded by Mr. Aten, to approve the release and call of bonds as detailed in the memorandum dated June 12, 2008, from Ron St. Clair, Division of Engineering

Note: Mr. Day arrived at this time.

Citizen Comments – Edward Yancy, attorney, was present on behalf of Millennium Realty, LLC, who owns property located at 2417 Georgetown Road. He said that for the last nine years his client has been paying the bond for property located at 2429 Georgetown Road, which is owned by Charles and Darlene Martha.

Mr. Yancy stated that the previous owners had told his client that LFUCG had said that the current owner is responsible for the bond on this property. He said that he was then told by the staff that the current property owner is responsible for the bond on this property. When researching this property, Mr. Yancy said that the person who is responsible for the bond on this property is, in fact, the owners of 2429 Georgetown Road (Charles and Darlene Martha), and not the owner of 2417 Georgetown Road (Millennium Realty, LLC); therefore, his client is requesting to be released from that responsibility.

Staff Comments – Mr. Sallee presented the subdivision plat to the Commission, and pointed out that the property in question is listed on the memorandum previously handed out, noting that 2429 (2417) Georgetown Road is listed on the second page, and is the fourth title down. He said that the subdivision plat was approved by the Planning Commission in October of 1996, and it was then recorded in November of 1996. He then said that he is not certain, but it is strongly suggested that the bond is associated with the recording of the plat at that time. Mr. Sallee stated that Engineering could possibly give more information on the surety for this property. He then pointed out that the subject property is located on the western side of Georgetown Road, and is approximately midway between the intersection of Citation Boulevard and Spurr Road. The southern edge of the property is zoned B-3, and it is adjacent to an I-1 zone. He said that, to the staff's knowledge, these properties are nearly vacant and there have been very few improvements to this area.

Division of Engineering Presentation – Mr. Newman submitted the Surety Timeline for this property to the Commission, and said that on November 18, 1996, the original surety for a sanitary sewer was posted by owners Charles A. and Darlene Martha and Lexmack Land Company, noting that on November 26, 1996, the final record plat was recorded. He then said that during 1997 through 2000, the surety was provided and renewed by the Lexmack Land Company. On June 18, 1999, the Lexmack Land Company sold 2417 Georgetown Road to Millennium Realty, LLC; and from 2000 up through 2008, they have provided the surety for those bonds. He noted that the current surety is set to expire on July 1, 2008; and if it is not renewed, then it will need to be collected at this time.

Planning Commission Comments and Questions – Ms. Godfrey confirmed that the deadline is July 1, 2008. Mr. Newman replied yes. Ms. Godfrey clarified that property located at 2429 Georgetown Road was part of 2417 Georgetown Road at one time. Mr. Newman said that the original parcel was 2429 Georgetown Road, and then it was subdivided into two parcels, creating 2417 Georgetown Road. Ms. Godfrey asked if there were sanitary sewers constructed. Mr. Newman replied no, and said that normally when subdividing a parcel, sanitary sewer must be provided; but for this case there may have been a waiver granted that would allow the property owner to bond the full cost of the sanitary sewer line. In addition to the surety, a note was added to the final record plat that restricts any building permits to be issued until the sewer line has been constructed. Ms. Godfrey then asked if the City would be responsible for the development of the sewer line if the surety were to expire. Mr. Newman said that if the surety were to expire, the City would collect on the amount owed from the property owner. He noted that with the note being on the plat, no building permit can be issued until the sewer line has been built.

Ms. Roche-Phillips asked if the sewer line will pass along Georgetown Road and connect with an existing line for future development. Mr. Newman said that the sanitary sewer would provide service for those two lots, which could be extended north, if needed. Ms. Roche-Phillips said that the dollar amount for this surety is \$14,175, and this figure was presumably done in 1996. She asked if it is common for the value to remain the same over a period time. Mr. Newman said that this amount is outdated when reviewing today's construction. He said that the City would rely on the note that is attached to the plat, as a form of protection. Ms. Roche-Phillips then asked if it is routine for the Division of Engineering to allow sureties to be prolonged over 12 years. Mr. Newman said that this is a somewhat unusual case, and normally the sewer line would need to be built in advance of recording this plat. He then said that he does not know the history of this case, and it is assumed that there was a waiver granted by the Planning Commission for the sewer lines.

Mr. Holmes asked if there is confirmation of a waiver being granted at that time. Mr. Sallee said that it is not known at this time. Mr. Martin stated that he had researched this case, and this item was sounded by the Planning Commission. He said that there were six basic conditions listed and one of those conditions included the Division of Engineering. The Planning Commission did not grant a waiver at that time due to the issue being worked out between the staff and the applicant. Mr. King said that the laws were different in 1996, and it is not known if this case would have required a waiver. He said that it is obvious that a requirement for sanitary sewers for a subdivision such as this would have been normal, and asked if it is normal

practice when the surety is set to expire that it is reviewed. Mr. Newman replied that it is. Mr. King then said that quite often the surety is increased to keep up with the cost of inflations; but as for this case, it is unknown. He then said that the question as to who is responsible for the construction of the sewer line is a contractual matter between the buyer and seller. The City holds the letter of credit from a party who did submit the surety, and whether or not that party is liable may be a contractual matter that the staff has no knowledge of. He said that as of July 1, 2008, the public will not be holding any money to provide a sewer line; and the question regarding the note on the plat could be researched by the Law Department, because the public may be assuming some liability for that surety. Mr. King said that he has researched the letter of credit, and surety and it was not a cut and dry issue at that time. He said that there is case law that implied that the government had taken on that responsibility.

Keith Horn, Law Department, said that the responsibility should have been handled contractually, and the Planning Commission should not get involved in those contracts. He said that there is a surety for this property, and it would be perfectly fine if the Planning Commission enforces that surety.

Mr. Penn asked where it would leave this particular property if the Planning Commission takes action for the release and call of bonds, as it has been done in the past. Mr. King said that there are two actions, the first being the release and the second being the call of bonds. He said that "release" means that a property is being released from that surety, and the government cannot collect those funds. To "call" authorizes the Division of Engineering to: 1) prior to the expiration date, the funds can be requested and collected from the Bank for the construction of the sewer line; or 2) if that surety is placed on hold for an additional year, then there is an adjustment made for cost of inflation. He said that if this is "called" and the government collects \$14,175, it may not be sufficient for the construction of the sewer lines.

Mr. Holmes asked who is responsible if the Commission calls the bond and there are not enough funds to cover the construction. He said that it seems that whoever purchases the property would be obligated to construct the sewer line due to the note on the plat. Mr. King said that whether it be this property owner or the previous property owner, someone is responsible. He then said that he does not want someone to come in for a building permit, and not be able to receive one due to the surety being released, because that would create a situation where the City would need to provide that sewer line to those properties.

Ms. Godfrey said that the Commission has two options, the first being the release of the sureties listed on the first page, and the second to call (collect) the sureties listed on the second page. She said that the Commission could approve the release and call of bonds as it is being presented by the staff. Mr. King said that at the Commission's discretion, "2429 (2417) Georgetown Road" could be postponed for two weeks, noting that the expiration date is not until July 1, 2008.

Ms. Godfrey stated that this item could be postponed for two weeks (June 24, 2008), which would allow the staff to research this property.

Amended motion – A motion was made by Mr. Penn to withdraw 2429 (2417) Georgetown Road from the release and call of bonds as detailed in the memorandum dated June 12, 2008, and postpone it to the June 24, 2008, Planning Commission meeting.

Mr. Yancy stated that postponement was acceptable, and he would be happy to answer any questions that the Commission may have at that time.

The motion was seconded by Ms. Richardson, and carried 9-0 (Day and Vaughn absent).

A recess was declared at 2:19 p.m. and the meeting re-convened at 2:33 p.m.

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, May 1, 2008, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Ed Holmes, Frank Penn, Randall Vaughn, and Joan Whitman. The Committee reviewed applications, but made no recommendation on the following zoning item, as noted, due to lack of quorum.

A. FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS AND RELATED PLANS –

The procedure for this hearing is as follows:

- Staff Reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) proponents (10 minute maximum OR 3 minutes each)
 - (b) objectors (30 minute maximum) (3 minutes each)
- Rebuttal & Closing Statements
 - (a) petitioner's comments (5 minute maximum)
 - (b) citizen objectors (5 minute maximum)
 - (c) staff comments (5 minute maximum)

- Hearing closed and Commission votes on zone change petition and related plan(s)

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

Planning Commission Comments – Ms. Godfrey reminded everyone of the procedures that will be used for this hearing, and they are as follows:

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

Ms. Godfrey advised everyone that there is a time constraint and these procedures must be followed.

Mr. Holmes noted that he would need to disqualify himself from this item due to a conflict of interest, as did Ms. Whitman, and both left the meeting at that time.

1. URBAN COUNTY PLANNING COMMISSION ZONING MAP AMENDMENT & SOUTHEND PARK, SECTION 1 ZONING DEVELOPMENT PLAN

- MAR 2008-16: URBAN COUNTY PLANNING COMMISSION - petition for a zone map amendment from a Light Industrial (I-1) zone to a Planned Neighborhood Residential (R-3) zone, for 21.13 net (23.02 gross) acres; from a Light Industrial (I-1) zone to a Mixed Use 2 – Neighborhood Corridor (MU-2) zone, for 4.40 net and gross acres; and from a Light Industrial (I-1) zone to a Highway Service Business (B-3) zone with conditional zoning restrictions, for 0.87 net (1.94 gross) acres, for properties located at 709-715 Byars Street; 508-870 DeRoode Street (excluding 757 & 763 DeRoode); 714-726 Deshort Circle; 906 W. High Street (a portion of); 555-561 McKinley Street (portions of odd addresses only); 564-621 McKinley Street; 555-565 Merino Street ; 800-833 Neville Street; 565-637 Patterson Street (portions of odd addresses only); and 812-820 Pine Street.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 5), which incorporates the Newtown Pike Extension Corridor Plan, recommends a combination of High Density Residential (HD), Mixed Use (MU), Public Recreation (PR), and Other Public Uses (OPU) future land use for the subject area. The configuration of these future land uses, as depicted by the Comprehensive Plan, is based on the more detailed *Southend Park Urban Village Plan*, approved by the Planning Commission in November 2003.

The Zoning Committee did not make a recommendation, due to lack of a quorum.

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

- The proposed Planned Neighborhood Residential (R-3) zone and Mixed-Use 2: "Neighborhood Corridor" (MU-2) zone are in agreement with the 2007 Comprehensive Plan for the following reasons:
 - The Plan recommends High Density Residential (HD) future land use, defined as 10-25 dwelling units per net acre, for a portion of the subject area along its western boundary. The corollary development plan identifies 85 dwelling units within about 7.2 acres, for a residential density of 11.81 dwelling units per net acre, which is within the residential density range recommended by the Plan.
 - The Plan recommends Mixed Use (MU) future land use near the future intersection of Newtown Pike with the Scott Street connector for approximately four acres of property. This corner is proposed for MU-2 zoning, which allows for the Comprehensive Plan's recommendation for a mixture of retail, office and residential uses.
 - The Plan recommends Other Public Uses (OPU) future land use for just under three acres of property along the eastern side of the subject area, north of the proposed mixed-use area. This designation recognizes the desire for the Nathaniel United Methodist Mission to remain a prominent part of the Southend Park Neighborhood to continue to provide valuable outreach services. This area is proposed for R-3 zoning, which permits a community center or church as a conditional use with Board of Adjustment approval.
 - The Plan recommends Public Recreation (PR) future land use for about eleven acres of property to serve this neighborhood. R-3 zoning is proposed to accommodate the proposed park, which will be expanded, and will continue to be operated by the Urban County Government.

2. Although the proposed B-3 zone does not allow residential uses, as recommended by the Mixed Use future land use designation of the Comprehensive Plan, it is far more appropriate for a significant gateway and prominent intersection along the corridor than the existing Light Industrial zone, which is inferior and entirely inappropriate at this location.
3. This recommendation is made subject to approval and certification of ZDP 2008-71: Southend Park, Section 1, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses shall be prohibited for the B-3 zone via conditional zoning:
 - a. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
 - b. Automobile service stations.
 - c. Car washing establishments.
 - d. Drive-in restaurants.
 - e. Minor automobile and truck repair.
 - f. Circuses and carnivals, even on a temporary basis.
 - g. Taxidermy establishments.
 - h. Pawnshops.
 - i. Liquor stores.
 - j. Parking lots and structures, as a principal use.
 - k. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
 - l. Drive-through facilities for sale of goods or products or provision of services otherwise permitted herein.
 - m. Advertising signs and billboards, as defined by Article 17-3(b) of the Zoning Ordinance.
 - n. No free-standing business signs taller than 8' in height, or larger than 32 square feet in size.

These use restrictions are appropriate and necessary for land at the southwest corner of the intersection of Newtown Pike and Pine Street in order to protect the gateway entrance to the Southend Park Neighborhood from the most intrusive and intensive commercial land uses, and to help implement the Comprehensive Plan's vision for the Newtown Pike corridor.

- b. ZDP 2008-71: SOUTHEND PARK, SECTION 1 - located at DeRoode Street, Versailles Road and Patterson Street.
(Hall/Harmon)

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

1. Provided the Urban County Council rezones the property R-3, MU-2 and B-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
4. Building Inspection's approval of landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Denote: There shall be no development of the property until the Planning Commission approves a final development plan.
8. Approval of street names per e911 staff.

Zoning Presentation: Ms. Wade presented the staff report on this zone change, and distributed two letters received by the staff regarding this request (dated May 19, 2008 and June 3, 2008), as well as a letter from Andrew Grunwald, Division of Engineering, for review by the Commission.

Ms. Wade noted that this item was initiated by the Planning Commission, and said that this is a petition for a zone map amendment from a Light Industrial (I-1) zone to a Planned Neighborhood Residential (R-3) zone, a Mixed Use 2 – Neighborhood Corridor (MU-2) zone, and a Highway Service Business (B-3) zone, restricted by conditional zoning. She noted that the subject property is approximately 26 acres in size, and briefly oriented the Commission to the Southend Park rezoning area, which is bounded by West High Street to the north; Pine Street and Combs Street to the east; Patterson Street to the south; and the Norfolk-Southern Railroad to the west, noting that this redevelopment area is associated with the proposed Newtown Pike Extension project.

Ms. Wade provided an aerial photograph of the subject property on the overhead display, said that there currently is a mixture of uses within this area that includes both industrial and residential properties, of which some are non-conforming at this time. She then noted that there is a large public park in the center of the subject property. She said that a restricted B-3 zone is proposed at the northeast corner of the area, which is where Versailles Road/High Street intersects Pine Street, noting that there is a convenient store at this location. Ms. Wade stated that a large portion of

the area is proposed for an R-3 zone, which includes the properties south of Versailles Road/High Street, north of Patterson Street and between the Norfolk-Southern Railroad and Combs Street/Pine Street. She then stated that an MU-2 zone is at the southeast corner of the area near the intersection of Patterson Street and Combs Street.

Ms. Wade presented a series of aerial photographs to the Commission that covered the entire area proposed for rezoning, noting that DeRoode Street runs through the area (north to south) and is the location of several businesses.

Ms Wade stated that the 2007 Comprehensive Plan recommends High Density Residential land uses for a portion of this area, and that land use is defined as being between 10-25 residential dwelling units per net acre. She said that the High Density Residential area is located along the western side of the subject property and immediately parallel to the railroad line there are approximately 7.2 acres being proposed for an R-3 zone. She noted that the corollary development plan proposes 85 dwelling units, which would result in a density of 11.81 dwelling units per net acre. She noted that the requested zone change for this portion of the subject property is in agreement with the 2007 Comprehensive Plan.

Ms. Wade noted that the Comprehensive Plan recommends Mixed Use for the northeast corner, as well as the southeast corner of the property. She stated that the northern portion of the property is being proposed for B-3 zoning with conditional zoning restrictions attached; and although it is recommended for Mixed Use, it is believed that the B-3 zone would help to implement the Southend Park Urban Village Plan. She said that the conditional zoning restrictions would help to ensure a greater protection for the redevelopment of the area, as well as help to implement the vision for the proposed entrance to the Newtown Pike Corridor. She then said that although the B-3 zone does not allow residential use, the staff felt it is more appropriate than the existing I-1 zone for this portion of the rezoning area.

Ms. Wade then stated that the southeast corner of the subject property is being proposed for an MU-2 zone, and this will consist of approximately 3.8 acres of the property. She noted that this proposal is also in agreement with the 2007 Comprehensive Plan.

Ms. Wade said that the 2007 Comprehensive Plan also recommends Other Public Use and Public Recreation land use in this area. Referring to the 2007 Comprehensive Plan, she said that the area just west of the new roadway is recommended as Public Recreational Use, and this is the area being proposed for the park. She then said that there will also be a central greenspace near the proposed townhouse development, and a mixed use area nearby. She noted that the corollary development plan has identified 10.8 acres for public recreational use, and it is proposed that all of the greenspace area be rezoned to an R-3 category.

Ms. Wade said that the Nathaniel United Methodist Mission desires to remain in this area because it is a prominent part of the Southend Park Neighborhood, and it continues to provide a valuable outreach service. The Nathaniel United Methodist Mission is proposed to be located within the area designated Other Public Uses by the 2007 Comprehensive Plan. She said that this area is being proposed for an R-3 zone, because a community center and/or a church is an allowable conditional use in an R-3 zone, with Board of Adjustment approval. She noted that this, too, is in agreement with the 2007 Comprehensive Plan.

In conclusion, Ms. Wade stated that the approval of this zone change will begin to implement the vision of the 2007 Comprehensive Plan for this neighborhood, as well as the Newtown Pike Corridor Extension Plan, and more specifically, the adopted Southend Park Urban Village Plan. She said that the Zoning Committee did not make a recommendation due to lack of a quorum. The staff is recommending approval of this request because the proposed R-3 zone and the MU-2 zone are in agreement with the 2007 Comprehensive Plan; and the proposed B-3 zone is far more appropriate for a significant gateway and prominent intersection along the corridor than the existing Light Industrial zone, which is inferior and entirely inappropriate at this location. She noted that the associated development plan must be certified within two weeks prior to the zone change being submitted to the Urban County Council.

Lastly, Ms. Wade said that there are 14 prohibited recommended uses as conditional zoning restrictions for the B-3 portion of this request. She said that these use restrictions are appropriate and necessary for land at the southwest corner of the intersection of Newtown Pike and Pine Street in order to protect the gateway entrance to the Southend Park Neighborhood from the most intrusive and intensive commercial land uses, and to help further implement the Comprehensive Plan's vision for the Newtown Pike corridor.

Development Plan Presentation – Mr. Martin presented the preliminary development plan to the Commission, and briefly oriented them to the surrounding street system, to include Versailles Road, the planned Scott Street extension, and the Newtown Pike Corridor Extension. He stated that the submitted plan does reflect the proposed street system for the Southend development. He said that there will be a series of single family homes, as well as a few multi-family buildings on the western side of the property. Adjacent to those dwelling units will be 2 and 3-bedroom townhouses, and at the corner of Scott Street there will be apartment units developed. He said that the inner street system anticipated through the apartment area will function as a two-way street, which will connect to

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DeRoode Street. Mr. Martin illustrated the location of the proposed greenspace area, in relation to multi-family units, as well as the location of the proposed B-3, R-3 and MU-2 zones. He said that normally the entire development would be shown on the plan; but due to the structure of the approved funding, only portions of the development plan are being requested, at this time, for approval. He noted that this is a preliminary development plan; and at some point in the future there will likely be a final development plan for this area, either proposed by the government or by a Community Land Trust.

In conclusion, Mr. Martin stated that the Subdivision Committee recommended approval of this development plan, subject to the eight conditions listed on the agenda. He noted that there shall be no development of the property until the Planning Commission approves a final development plan (condition number 7).

Ms. Wade commented that Andrew Grunwald, Project Manager, Division of Engineering, was present, as well as the rest of the project team to answer any questions or address any concerns that the Commission or the public might have.

Planning Commission Comments - Ms. Godfrey stated that the audience members who are in support will be called first, followed by those audience members who are in opposition to this request. She then said that after everyone has had a chance to speak, she would ask for rebuttal comments.

Audience Members in Support – Regina Cowan, residing at 615 DeRoode Street, was present. She stated that she is with the Newtown Pike Corridor Extension, as well as the President of Southend Park Neighborhood Association. She said that she is in support of the zone change request, as is her father who was not able to attend the meeting due to illness. She has lived in the area for several years and it's time for a change. They need to bring the people back to the community, and this project is overdue.

Cynthia Reynolds, residing at 833 DeRoode Street, was present. She said that her family has lived in the area for several years, and they are ready for this change to take place. She then said that almost everyone who lives in the area is excited about the zone change and they believe it needs to happen. This area is like a close knit family, everyone knows everyone and enjoys each others company.

Duval Headley, residing at 189 Montmullin Street, was present. He said that he has been affiliated with this project for some time now, and family and community are the two things they hold dear to this project. He then said that he is in support of the zone change, but he does have two questions that need to be addressed, the first being what is the size of the park and who will retain ownership of it. He said that he would like something in writing stating if the city gives up ownership then the park reverts back to the Southend Park Land Trust. He was told by a staff member of the project team that this is a possibility, and he wanted to make sure it was on record. The next item of concern is that the western side of the property is being proposed for an R-3 zone, but it is being built as single-family detached residences, which are allowed in the R-1 zone. He suggested that this section be zoned R-1; and, if needed, then Board of Trustees can submit a zone change in the future. He said that he wanted to go on record with his feelings, and make clear that he is uneasy with the proposed R-3 zone. He asked if a member of the staff could address this issue for the record.

Planning Commission Chair Comments - Ms. Godfrey stated that the project team is present, and they will be able to address the concerns presented by the audience members, if needed, at the end of the hearing.

Maranna Perkins, residing at 743 DeRoode Street, was present. She said that she has lived in the area for several years, and she is an active member of the Nathaniel United Methodist Mission. She then said that she is representing 15 citizens, who are in support of the proposed zone change. They agree that there needs to be a change in the area, and requested that the zone change be approved.

Kenneth Demas, was present on behalf of his parents Mr. and Mrs. Demas, who resides at 728 DeRoode Street. He said that his family has lived in the area for over 65 years, and they agree it is time for a change. He then said that the change needs to come as soon as possible, and requested that the zone change be approved.

Vernal Ann Bode was present. She has lived in the area for 44 years, and said that she is neither in support of nor in opposition to the project. She said that she is concerned that the area will be destroyed in order to make money. This project will not help the area in the end.

Audience Members in Opposition – E. Lawson King, residing at 1295 Gainesway Drive, was present. He said that he is opposed to the project, but not opposed to helping this community. He said that the residents of this area need help worse than anyone else in Lexington. He then said that when a train comes through the area, especially on DeRoode Street, the houses shake. This area is no place to live and it should not be developed for residential area. He said that there is a railroad track on one side and a 4-lane highway proposed on the other side, and this is no place to have a housing project. He then said that the area is a swamp due to the culvert

that runs from Broadway down under the underpass. This culvert backs up during wet weather and transfers it to Town Branch, which then takes the water under Versailles Road. In conclusion, Mr. Lawson King said that this area is a mess and the people need help.

J.E. Caton, operating a business at 1008-I Eastland Drive, was present. He said that he owns property at the corner of DeRoode Street and Versailles Road, near the bridge and the railroad track. He then said that at this time his property is a conforming use; but if the zone change is allowed, it will force his property into a nonconforming status. He is not opposed to the project; but he is opposed to the zone change, as well as the sequence of events that have led to this point. Mr. Caton stated that his property should not be rezoned to a lower classification before it is appraised. He said that he does not want to sell his property; but if the zone change goes through, then he may have to sell.

Planning Commission Question – Ms. Godfrey asked what the current zone for Mr. Catons property is. Mr. Caton pointed out the location of his property and said that it is zoned I-1. Ms. Godfrey then asked if his property is currently vacant. Mr. Caton affirmed that it was so.

Gerald Ray, who owns property at 567 McKinley Street, was present. He said that his property is currently zoned I-1, and his intentions were to use this property as an office space for his company. He then said that he does not understand how his property can be rezoned without his permission. As for the project, he is in support of it; but not the zone change.

Bill Bausch, attorney, was present representing Barry and Diana Gordon, who currently own Harry Gordon Scrap Materials. He said that the Gordon Estate owns property located at 637-647 Patterson Street as well as the property located 508-870 Patterson Street, noting that these properties are approximately 7.25 in total. He said that the property located at 508-870 Patterson Street had been transferred to Mr. and Mrs. Gordon, which made them the largest private property owner within this area.

Mr. Bausch commented that the sequence of events will have a great impact on this area. He said that his client's property is currently zoned I-1, and it is being operated as an I-1 use, which is a steel plant and scrap materials yard. He noted that there is an average of 60 people employed at his client's company. He then said that his clients are in favor of the project, but they do not want to find themselves bearing the cost of private individuals. Mr. Bausch stated that when property is condemned, then the value of the property is based upon the date it is taken, which is when it has logged in and the posting of the money has been distributed. He said that his clients are in Phase 3 portion of this project and they are 48 months away from being made an offer on this property. If the property is rezoned at this point, then this will force their property into a nonconforming use. He said that the difference in the property value could be over a million dollars.

Mr. Bausch said that he has spoken with the staff, and they had told him the property value would be determined based upon the highest and best use, which is true; but property values are determined for what the property is zoned for on the day it is taken. He then said that the best use for this property may be an I-1 use, and when the value of the property is determined it will be based on current condemnation law. A buyer will not purchase an I-1 property, if they are not able to use the property for industrial use. Mr. Bausch said that if the zone change is permitted, then make the zone change effective on the day it is taken or purchased. He said that this will not impose on the property owners, and the condemnation process will not be affected. Selling the property is based on good faith and rezoning the property is not a good faith effort they are in the middle of negotiations.

In conclusion, Mr. Bausch said that the current property owners, who are using this area for their business, will have to relocate and reestablish their company. He said that they will have to either lease or purchase I-1 property, and this cannot be done using R-3 funds. He then said that he does not believe the property owners should have to bear the burden of having their property lowered in value at the same time they are negotiating a good-faith deal. Mr. Bausch stated that if the rezoning is approved, then have it contingent upon the day of taking so it will not affect the property value. He said that it should be documented and protected in order to help keep the current property owners from carrying the burden of this project.

Planning Commission Questions – Ms. Godfrey asked, out of the 23 acres, how many will be affected. Mr. Bausch said that 5.25 acres are being proposed for an MU-2 zone, and 2.0 acres is being proposed for R-3 zoning, and his client's property consists of approximately 7.25 acres.

Ms. Roche-Phillips requested that the aerial photograph of the subject site be shown, and asked Mr. Bausch to illustrate his client's properties, which he proceeded to do.

William Hager was present, and he stated that he owns six contiguous lots, with the primary lot located at 555 Merino Street. He said that his property starts at the corner of Merino Street and McKinley Street and continues

down to 601 DeRoode Street. He then said that these properties are zoned I-1 and, at this time, there is a small manufacturing business at these locations.

Mr. Hager said that he is not opposed to the project because he believes it will be a showcase opportunity for Lexington. He said that it will provide much needed resources and development for the people in this area. He then said that as a property owner, as well as a small business operator, he is against the zone change. If the zone change is approved, it will devalue his property. He said that there has been no negotiation between the residents and the people who are taking these properties.

Mr. Hager stated that they have invested \$80,000 into redeveloping and improving their property; and in doing this, they have made a commitment to the community to maintain a professional workspace. He said that they expect to get compensated for this effort at the time it is vacated. He then said that if the zone change is approved then the property value will be much lower than what the I-1 zone would bring. At this time, he illustrated where his properties are located, and noted that those properties are being proposed for OPU (Other Public Uses). He said that by changing the current zone, they are limited to what the property would be appraised at.

In conclusion, Mr. Hager said that he is not opposed to the project; but he is opposed to the rezoning of this area, and he believes that this is not the right time for this to happen.

Kevin McCormick, residing at 532 DeRoode Street, was present. He said that his family has operated an Auto Repair Shop for 20 years. He said that business has increased and they are now in the position to expand the business. He then said that the problem with the proposed zone change is that they will not be able to expand the company to keep up with the increasing demand. Mr. McCormick stated that the Newtown Pike Corridor Extension project has been underway for 50 years, and there has not been a definite date as to when the road would be constructed. He said that the applicants are requesting a zone change that will limit their growth and expansion for a project that has no definite date as to when it will begin. He then said that for the areas that are being developed, he is in support of the zone change; however, for the areas that are not being developed, he suggested to wait and then request for the area to be rezoned, later. It is not fair to the people who have been working on their property by limiting their growth potential.

In conclusion, Mr. McCormick said that he agrees with the previous testimony given, and the property values will decrease if the zone is changed is granted. He said that if the area must be rezoned, then he agrees that it should be done on the day the property is taken. Until that time, the property owners should be allowed to do what is needed in order to survive, which includes expanding their businesses.

Planning Commission Comments – Mr. Penn requested that the Project Manager step forward, and he reserved the right to call on a property owner for questioning afterwards.

Division of Engineering Presentation - Andrew Grunwald, Project Manager of the Newtown Pike Corridor Extension, was present. He gave a brief history of the Newtown Pike Corridor Extension project, and said that there were numerous meetings held that evaluated the concerns associated with this development, as well as the construction of the corridor, and they were faced with the challenge of what should be done with the Southend Park area. He said that they were under an Executive Order (#12898) from former President Clinton, which stated that all social economic areas impacted must be considered in an Environmental Impact Statement.

Mr. Grunwald stated that at that time, the area was 70 percent rental property; and the concern was if the area was left industrial, it could be redeveloped, forcing the residents to be displaced. He said that they had held numerous meetings to evaluate what should be done and what would be fair for the property owners, as well as to the residents of that area. The solution was to create a mitigation area, which meant the properties would be acquired, and then rezone the area to create a better living environment. He said that in doing this, the cost of the project had increased considerable; and they had to lobby the Kentucky Department of Transportation (KDOT) and the Federal Highway Administration to find new ways to “problem shoot” the new concerns. He then said that the Community Land Trust was formed, and they had developed numerous planning documents to stabilize and generate public input. They agreed to take the entire project through the Planning Commission in order to develop a cohesive environment. He said that this process has given the project team a great deal of knowledge, as well as receiving input from the Police Department, the Fire Department, and from Planning Services.

Mr. Grunwald said that there was concern about the railroad and the noise associated with it, and he said that they are planning to construct a noise retaining wall to separate the railroad from the neighborhood. He then said that they are planning to add a significant amount of fill to the area, which will raise its elevation and will help with the storm water runoff. He noted that they will be constructing a new sanitary sewer system for the area. He said that this project will be funded over the next 4 years, and it has been broken down into 4 phases. The Phase 1 portion will be done immediately, and will be constructed with the next 2 years. This is only for a portion of the

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Southend area from McKinley Street to the new Boulevard extension, over to Versailles Road and to the railroad tracks. The remaining Phases of the project will be constructed over the next 10 years, depending the funding available.

Mr. Grunwald said that many residents of this area indicated that they have concerns with the acquisition of these properties, and he said that when LFUCG approaches the property owners they will be following the procedures that have been set forth by the Federal Highway Administration. These properties will need to be appraised, thus it will be determined what the highest and best use will be for that property at the time it is purchased. This means that if a property owner has an I-1 property that is nonconforming, it will be evaluated as industrial property. If a property owner owns residential property, it will be evaluated as residential property. He said that this gives the best option for the highest and best use evaluation, no matter what the zone is at the time of purchase. In conclusion, he said that the system used for acquiring properties does include the property owner obtaining their own appraisal, to begin negotiations with the City. If the negotiations cannot be resolved, then the process of condemnation begins, at which point the issue goes before a judge and jury, who will then establish the fair market value.

Planning Commission Questions – Mr. Penn said that there was mention of the effective date of taking at the time the zone change occurs and the highest and best use at the time of purchase. He asked why the entire area needs to be rezoned at one time. Mr. Grunwald said that they are requesting the entire area to be rezoned in order for the final development plan to be completed. He said that when a subdivision request comes before the Commission, each series of plans needs to have concurrent zoning. He then said that the Commission usually views the development plans for each area separately, and what they are trying to accomplish is to consolidate plans for the area and submit one development plan to the Commission.

Mr. Penn commented that by obtaining the required appraisal, as previously outlined, it will mitigate the people's concerns as to the effective date of taking. Mr. Grunwald asked if Mr. Penn meant that once the property is obtained, then the need arises to change the zone to what it needs to be. Mr. Penn asked why this would not be workable. Mr. Grunwald said that he is unsure if Kentucky State Law would allow approval of a development plan without having the compatible zoning. For clarification, Mr. Horn said that a zone change cannot be based upon or become effective on a future date, such as the day the property is taken or purchased by the government.

Ms. Godfrey said that the zone change will not have a significant impact on the acquisition of these properties because there will be negotiation that is related to how the properties will be used versus the effect of the zone change itself. Mr. Grunwald said that when they approach a property, their property will be evaluated as to what the property will be used for, which will then establish the property value.

Ms. Godfrey asked if the zone change is approved, and a number of nonconforming uses are created, if those uses could continue until the project moves forward. Mr. Grunwald agreed. Ms. Godfrey then asked for clarification of Phase 1, and whether or not there will be single family housing associated with this area. Ms. Wade illustrated the location of the proposed single family houses along the railroad, which will be served by a new local street, as well as a new hammer head cul-de-sac. She said that the reason R-3 zoning is being proposed is due to the flexibility of the type of housing permitted (i.e. duplexes, four-plexes and townhouses), which are being interspersed into the area.

Ms. Godfrey asked who will own the Southend Park. Mr. Horn said that he is unsure who will hold the property; and as far as he knows, there could already be restrictions placed upon the park. He said that the property would not be held if there is nothing in the deed denoting that this property is to be transferred to a trust or another public entity. Ms. Godfrey said that that would be handled through the deed, with which Mr. Horn agreed.

Ms. Roche-Phillips asked how the boundary between the MU-2 and R-3 zone came about. She said that the zone seems to bisect Mr. Hager's property, who invested \$80, 000 thus far on improvements. Ms. Godfrey said that Mr. Hager's property was not included in the MU-2 zone; rather, it is outside the mixed use area. Mr. Grunwald said that the proposed zoning follows the centerline of the new proposed streets that will be dedicated to the city, and this is the reason why Mr. Hager's existing structure would be in two zones.

Mr. Cravens said that if a property owner was negotiating a price for an I-1 land use and it had been rezoned to an R-3 zone that would take away their negotiating power. He said that in the future that property will not have the highest and best use option available. He then said that this is a downzoning, and the I-1 properties have a higher value than the R-3 properties. Mr. Grunwald said that some properties are, but others are not. He said that it would depend on the size of the lot, and whether or not that lot could sustain an I-1 use.

Mr. Cravens said that he is for the project, but he is concerned for those business owners, who work out of the area. He said that it seems that the property owners are losing their negotiating rights if their property is being downzoned. Mr. Grunwald said that he is unsure, and the staff could investigate that issue further; but as for a

specific parcel, the staff would need to appraise the property prior to it being evaluated. He said that they will need to review the highest and best use for each property, whether it is industrial or residential.

Mr. Mahan asked if the issue of the park size had been addressed. Mr. Headley said that his question had been answered.

Mr. Day said that he is also concerned for the people who own businesses in the area, and asked if there is a time frame as to when this project will be completed, and why the requested zone change needs to be approved right now. He then said that it was mentioned that when dealing with industrial areas, it is unknown as to whom or when this issue would be dealt with, and it seemed that they should have dealt with the property owner who owns 7 parcels out of 26 parcels prior to anything else. He then said that he owns B-1 property, and someone would have a hard time in convincing him that downzoning is appropriate, unless there is room for some negotiation. Mr. Grunwald said that there has been a conflict with the scheduling of this project. He said that they will be acquiring over 50 acres, and the cost of the road improvements is close to \$40 million. He then said that there have been curve balls thrown at the staff, as well as funding concerns for the different phases of the project. As for the Gordon Estate, they are part of the last Phase of construction; the staff has given them a tentative date, but this has been based upon the availability of funding. He noted that the best time frame the staff could give the Gordon's was 5 years out.

Mr. Grunwald added that in November 2002, the Planning Commission had approved the Corridor Plan, which reset the Land Use Map; and, at that time, the Corridor Plan had called for a Small Area Plan to be produced. He said that in November 2003, the Planning Commission had approved that Small Area Plan, at which time it had called for this area to be rezoned, and a development plan needed to be established. He then said that there are two reasons why it is important for this zone change to move forward, the first being the approval of the development plan, which would allow the construction to begin once the property has been acquired. The second is that this approval demonstrates the support to both KDOT and the Federal Highway Administration, who are providing the funding for this project. He said that representatives from both KDOT and the Federal Highway Administration are present at the hearing, and they are showing their support with this project.

Staff Rebuttal – Ms. Wade noted that with the rezoning of this area, some of the uses would become nonconforming, while others become conforming. She said that the Zoning Ordinance does allow for nonconforming uses to continue to the extent that they are today, but there could not be any expansion, noting that the change of ownership would not affect a nonconforming use. She then said that it was mentioned that changing the zone would constitute the taking, but this is not factual.

Ms. Wade then stated that it was pointed out by Mr. Nakajima that if there were any expansion of a use, then the full property would need to be brought into compliance with the existing zone. She said that a nonconforming use could remain; but if the business were to expand, change or alter the use then they would need to comply with the zoning.

Planning Commission Questions – Ms. Roche-Phillips asked where Mr. McCormick's property is located, and whether or not the current use would be conforming or nonconforming upon the adoption of this request. Ms. Wade said that the Auto Repair Shop is located at 532 DeRoode Street, noting that the property would be rezoned to an MU-2 zone, in which an auto repair shop for minor and major repair would become a nonconforming use.

Mr. Mahan asked if the auto shop could expand, and Ms. Wade said that they could continue to use the property as it is today, but no expansion would be permitted.

Citizen Comments – Mr. Headley stated that they are in favor of this request and they are asking for the park information to be documented. He said that he had spoken with some residents of the area, and the issue of the noise was a concern; but that could be addressed with a sound wall installation. Mr. Headley then stated that Mr. Grunwald had confirmed that they will be raising the ground level six feet or more; therefore, the issue with drainage would be covered as well.

Referring to the issue of the R-3 zone versus the R-1 zone, he asked if the duplexes and townhouse are covered under R-2. Mr. Sallee replied that the townhouses and more than two-attached units are not permitted in the R-2 zone.

Mr. Headley said that he is concerned with the number of units allowed in the R-3 zone. He said that on the MU-2 end of the development they are not in disagreement with the staff, but as for the western portion there is a concern. He asked if a restriction could be placed to limit the number of units per acre for this area to protect the residents in this area. Ms. Godfrey said that this would be addressed on the final development plan. Mr. Sallee said that the Planning Commission could address that issue through conditional zoning restrictions. He said that

given that this is a preliminary development plan, there could be some changes in the uses or perhaps in the proposed lotting; and it might be better addressed at the time of a final development plan.

Mr. Headley commented that if the R-3 zone is needed for the duplexes, then that is fine; but they want to make sure that this intent is clear and documented. Ms. Godfrey said that those concerns will be listed in the minutes, and it could be addressed at the time of the final development plan. She said that at this stage, the zone change would allow the infrastructure to begin.

Mr. Bausch said that over time the original people associated with this zone change may not be present, and there are real issues that need to be addressed. He said that his client wanted to expand his business by investing in equipment that will help maintain his company. He then said that right now some of the land in the area is nonconforming because it is zoned I-1, but there are residential homes on those properties. At least two acres of this land is owned by the Gordon's, but if the land is rezoned, then their ability to expand is no longer allowed. It has been mentioned that the project could take up to 8 years, so his client loses the ability to expand his property as well as the ability to sell his property, which results in a taking.

Mr. Bausch stated that the funding for this project is not in place, and asked what would happen if the zone change were to be approved and the funding was later not available. He said that the property values drop and the ability to expand the business is no longer there. He then said that they are in favor of the project, but not the zone change request. They were told that the earliest date for negotiations would be 48 months to 5 years out. He said that his client has been in business for over 30 years and at some point in the future, he is planning to retire and sell the business; however, if he is not able to sell, expand or develop the business, then he has suffered from this project. He asked what the impacts of the zone change are if the project never goes forward. He then asked if the zone change is affecting or impacting the economic ability for the people to perform their job, and the obvious answer is yes.

In conclusion, Mr. Bausch said that they want to help and move this project forward; but you cannot ask business owners to place their company on hold for 5 years and agree to a downzoning, which would limit any future plans that they may have.

Planning Commission Questions – Mr. Penn said that given the notoriety of this project, it is true that if the property were to sell today, then the question would be how long it would stay an I-1 use. Mr. Bausch said that the question would be what could the property bring in at this time. The fact is that no one could not say how long the property will be here; plus, who ever purchases the property would expect to be compensated for I-1 property. He said that if this property were to sell tomorrow, and 5 years from now it is revalued, then it would have to be valued as an I-1 property in order to make its highest and best use. He noted that the highest and best use for his client's property is the I-1 use, and the moment this property is downzoned the value does diminish.

Ms. Godfrey said that there have been several discussions about this project, and part of the funding depends on the zone change approval. She asked if the businesses in the area had attended those meetings held by the Project team, and if they are aware of the preliminary development plan recommendation, as well as 2007 Comprehensive Plan recommendations. These issues have been discussed at these meetings, in terms of these businesses and what is being anticipated for the area. She said that the problem is the sequence of events, which is due to the limited funding. Since the funding slows the process down, it leaves the residents and property owners in a bind and they do not know how long they have to keep their land. Ms. Godfrey further stated that as to whether or not this area would continue to be listed as an I-1 zone for the long-term, the answer is no.

Mr. Bausch said that the senior Mr. Gordon had purchased this property in 1950, and this project has been around since that time. He said that the Gordon family expanded the business because the project was not moving forward. He then said that the only thing that has changed since 1950 is the year. The project is still 8 to 10 years out, and he asked how long the property owners will be made to function like this. Ms. Godfrey said that the question is whether or not the property can be expanded, after the zone change. She said that what they are doing now can continue. Mr. Bausch disagreed, and said that if the zone change were to occur, then 2 acres of land that is not developed for industrial use now would not be allowed to develop as such. He said that as of right now the business can expand and the property owner would not need to acquire additional I-1 land. He then said that with the proposed zone change, the business will need to leave the area and purchase additional land if they wanted to expand their business. Mr. Bausch said that they want the project and they want to help, and they understand the phasing and funding for the project; but if the property is downzoned, this would effectuate a taking. He suggested that his client be compensated now because if a reverse condemnation suit is issued, or some type of action is taken, then an immediate irreparable injury has taken place.

Mr. Cravens said that the Gordon Family currently has a nonconforming use located on the 2 acres, and that use is currently a house. Mr. Bausch said that the property located on Patterson Street is industrial. Mr. Cravens said that according to the previous statement, there is a house located on the 2 acre land; and if the highest and best

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use is residential, then perhaps the highest and best use would be the same 10 years from now. Mr. Bausch said that they can tear the house down and sell that property as industrial use property. Mr. Cravens said that it seems that the highest and best use for the 2 acre of land is residential because there is already a house on those lots. Mr. Bausch said only if the property is maintained in that manner would that be true. He said that if the zone change is approved, his clients would be forced to maintain it as residential. Mr. Cravens then said that there is another property owner who has a vacant piece of land and asked (Mr. Bausch) what would the highest and best use for that land be. Mr. Bausch said that when reviewing the property transactions, as well as the rental values and the houses, it does not take much to figure out that the property in the area was not purchased for a residential use, but rather it was purchased under the industrial zone. He said that if the zone change were to be approved, the capability and development of the area is lost. He said that the highest and best use for this section is I-1; and if the property were to be sold as I-1, then it would bring in more than any residential use in the area.

Mr. Hagen said that this project has been ongoing for 6 years, and during this time they have delayed any repairs or improvements to their building. He said that due to storm damage they went ahead and made the necessary investment to maintain the property. He then said that if this zone change is permitted then his business would become nonconforming. Currently they house a piece of equipment at a vender station located in Indiana, and they have the right amount of land needed to construct a building, just less than 16,000 sq. ft. to store that equipment. If his property is rezoned then that opportunity is gone, then this limits the fair market use of his property. He said that it cost a considerable amount more to have an I-1 property on the edge of Lexington. In conclusion, Mr. Hagen said that he is not opposed to the project itself, only to the zone change request. He said that the majority of the property owners in this area are hopeful that the zone change and they believe the project will bring change; but, at the same time, there are property owners who have made large investments to their property and they want to see that returned. He asked the Commission members, from a business standpoint, would they want their property downzoned. He said that the answer would be no.

Staff Rebuttal – Mr. Grunwald said that if I-1 is the highest and best use at the time of purchase then they will apprise and value the property in accordance with that use. If the property owner disagrees, then they could challenge the decision by having an independent appraise come in. There are other benefits for the residents when the government purchases their property or businesses, which would include relocation benefits and an assessment of their “down time.” These benefits are not offered through the fair market system.

Mr. Grunwald then said that with the inclusion of this area, there is the Environmental Impact Statement; and with the joining of both the KDOT and the Federal Highway Administration, there is a strong assurance that the funding will be there in the future. He said that it may not be tomorrow when the project takes place, but there are commitments from both State and Federal governments that it will happen.

Mr. Wes Nakajima, Newtown Pike Corridor Extension Project Team, was present. He said that this is a very complicated project and there are many different phases to it. He said that one of the requirements for the Newtown Pike Corridor Extension is the implementation of the mitigation plan for developing this area. He then said that it is very crucial for the zone change request to move forward, especially for the areas between McKinley Street and Versailles Road. This will allow the residents to be relocated, and the new housing to be constructed, as well as the road improvements to be done. He concluded by saying that if there is no mitigation plan, then there is no road.

Planning Commission Questions – Ms. Roche-Phillips said that the people seem most concerned with the MU-2 section; and according to the Southend Park Urban Village Plan, this will be done in Phase 2. She asked if there is any way Phase 1 could be rezoned and then discuss later the Phase 2 portion with the agencies funding this project. Mr. Nakajima said that both the KDOT, as well as the Federal Highway Administration, has supported the proceeding for this public facilities plan. They recognize that this is a complicated process that may need to be broken into phases. He said that it would be very beneficial if the Planning Commission could move forward with a portion of the project today.

Rebuttal Comment – Dorothy Coleman, Community liaison for the Newtown Pike Corridor Extension, was present representing Ms. Cowan, who had to leave the hearing earlier. She said that on behalf of the Southend Park residents, she asked that the Planning Commission consider the zone request. They understand the concerns of the business owners in the area, but to place the needs of the business owners in front of the residents would be a true hardship.

Closing Comments – Ms. Wade said that it is obvious that the staff is in support of the zone change, and they request that the Planning Commission consider the importance of this request in relation to the Newton Pike Corridor Extension, as well as for the residents in the area. She said that they are not discounting the business owners' concerns; but, for the most part, the current I-1 uses are nonconforming. She then said that if the business owners were to obtain a permit from Building Inspection, they would need to bring their property up to

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code for such issues as parking and landscaping. The Gordon Steel property may not be a fully conforming I-1 use. The staff requests that the Planning Commission consider this rezoning for the whole community.

Planning Commission Comments and Questions - Ms. Roche-Phillips said that in reviewing figures 11 and 12 in the Southend Park Urban Village Plan, it seems that a portion (phase 1) of the project could now be rezoned. Ms. Godfrey said that there is a preliminary development plan associated with his zone change request. For the whole area, plus this affects the entire Newtown Pike Corridor Extension.

Ms. Godfrey then asked Mr. Nakajima to illustrate the locations of Phases 1 and 2, and explain what the impacts are. Mr. Nakajima noted that the Phase 1 area is from McKinley Street, and DeRoode Street north, which is the single family two-family and four unit residential area. He then noted that the Phase 2 area is for the townhouses and the apartments.

Ms. Godfrey asked what the impact would be if only Phase 1 was approved. Mr. Nakajima said that they need to move forward with Phase 1; and as for the infrastructure, it covers most of the commercial area, not just the residential portions. Ms. Godfrey commented that if the zone change were to be broken up, then the infrastructure could not continue. Mr. Nakajima said that their concern is that if this is placed on hold for a year, it will complicate the entire project.

Mr. Penn asked if the zoning affects the infrastructure. Mr. Grunwald said that some improvements can be done, but it would complicate the infrastructure significantly. He said that this area is the main drainage point for this area and the sanitary sewer line are constantly being utilized.

Mr. Cravens asked how the infrastructure would be built if the properties are not owned by the City. Mr. Grunwald said that the infrastructure would be built as the properties are purchased, and this is why Phase 1 needs to be rezoned. He noted that there is a breaking point at McKinley Street where the new and existing housing is located. He then said that if Phase 1 were to be rezoned, then the Planning Commission would see only those portions of the development plan at this time.

Mr. Cravens then asked when the funding will be available for this project. Mr. Grunwald said that this project is on the 6-year highway plan, and the majority of the funding will come through as a high priority project. He said that there is approximately \$15 million in STP monies, which is a KTC fund. He then said that once the funds reach \$35 million then the money comes from SP monies, which is State funded money. This funding can be moved around to several other projects, which means some of those projects will not get built. Mr. Cravens clarified that the staff does not know or have funds available at this time and the City does not own any section of this area. Mr. Grunwald said that the City does not own any of the area, except for the park at this time, but they are planning to start the appraisal process for these properties that are renter-occupied this summer. He noted that they will be purchasing some properties, and they have made allowances in the contract for the necessary relocation process. He then noted that offers on those properties should be made by the end of summer (2008), while the remaining areas will be processed by mid fall (2009). Mr. Grunwald stated that Brian Cash, their project engineer, had pointed out that they will be using the Pipe Fitter Union Hall, as well as two other properties, for the purpose of housing construction material during the project.

Mr. Aten asked if the properties that will be appraised during the acquisition phases will be determined by the present land use and zoning or by the future land use and zoning. Mr. Grunwald said that those properties will be based upon the present land use, as well as zoning. He said that if the properties are nonconforming, they will be evaluated based on the nonconforming use. As for the future use, they are not speculating what that use will be. He said that the property value will be based upon the current uses. Mr. Aten clarified that the values will not be based upon the new land use. Mr. Grunwald said that the appraisal, as well as the offer, will be based on the existing land use today or at the time of purchase.

Mr. Penn said that he is struggling with the issue of relocating the residents and getting them back into their homes. He asked if Phase 1 will prevent the residents from getting back into their homes and if there will be funding during that time. Mr. Grunwald said that that would not prevent them from completing Phase 1. Mr. Penn clarified that the residents would be able to get into their own homes. Mr. Grunwald confirmed that they would.

Action – A motion was made by Mr. Day, seconded by Mr. Mahan to approve MAR 2008-16, Phase 1 portion only.

In response to the motion, Ms. Wade noted on the overhead projector (for the audience) the areas being suggested for approval, which is the portion north of McKinley Street to Versailles Road.

Discussion of Motion – Mr. Penn commented that it is important to say that the Planning Commission is in no way against this project. He said that they are trying to allow the residents and business owners time to make

necessary arrangements. He then said that no one should misconstrue what has been said today, or that the Planning Commission is not in support of this project. He said that there is a question concerning the sequence of events and the timing of the project, and they do not want to cause harm to the people in the area. He said that it should not be assumed that the next time this request is in front of the Commission, the Planning Commission will not be in full support. Mr. Mahan agreed with Mr. Penn.

Mr. King said that technically the motion on the floor would place the remaining portion of the zone change into an indefinitely postponement category, which means it can be brought back to the Commission with proper notice. He said that this will remain an active application, and it will likely be heard at a later date.

Mr. Mahan asked Ann Ross to speak. Ms. Ross noted that she does not live in this area, and she was concerned with approving only pieces of this project, and had wondered what would happen to the remaining sections, but Mr. King had addressed that concern in his previous statement.

Mr. Day withdrew his motion, and Mr. Mahan withdrew his second in order to make a new motion.

Amended Motion – A motion was made by Mr. Day, seconded by Mr. Mahan, and carried 8-0 (Whitman and Holmes recused; Vaughn absent) to approve MAR 2008-16, Phase 1 portion only (for the area from Versailles Road to McKinley Street) for the reasons provided by the staff, and to indefinitely postpone the Phase 2 portion for the areas from McKinley Street south, to include the side streets, until funding is in place.

Zoning Development Plan Action – A motion was made by Mr. Day, seconded by Mr. Mahan, and carried 8-0 (Whitman and Holmes recused; Vaughn absent) to approve the applicable portion of ZDP 2008-71, subject to the conditions as listed on the agenda.

VI. COMMISSION ITEMS -

A. APPOINTMENT OF NOMINATING COMMITTEE FOR COMMISSION OFFICERS – Ms. Godfrey stated that the Commission must elect a nominating committee to consider officers for the Planning Commission. She said that she would like to appoint Neill Day, Frank Penn and Carolyn Richardson to serve as the nominating committee for new Planning Commission officers. She noted that this must be done by June 24, 2008 in order for the new officers to be appointed by the July meeting.

B. AMENDMENT OF THE 2008 MEETING & FILING SCHEDULE – JUNE TECHNICAL COMMITTEE MEETING – Due to meetings that have been requested by Management Partners, Inc. of Cincinnati with many voting members of the Technical Committee and with Planning Services, the staff would ask the Commission to authorize rescheduling the next Technical Committee meeting. The suggested date would be Friday morning, June 20, 2008, beginning at 8:30 a.m. in the 7th Floor Conference Room (Division of Planning Office), Phoenix Building, 101 East Vine Street, Lexington. If approved as requested, the meeting would be held five days earlier than originally scheduled. Rescheduling this important meeting will allow for the thorough review meeting in June that the Subdivision Committee has come to expect.

Action - A motion was made by Ms. Roche-Phillips, seconded by Ms. Whitman, and carried 10-0 (Vaughn absent) to approve the change of the date for the June Technical Committee meeting to be held on June 20, 2008, Friday morning, beginning at 8:30 a.m. in the 7th floor conference room.

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

A. APA AUDIO CONFERENCE - Ms. Rackers informed the Commission that there will be an APA audio-conference in the Division of Planning Conference Room on Wednesday, June 25, 2008, beginning at 4:00 p.m. The title of this conference is "Planning Law Review" and will count toward 1.5 hours of training credits for the Planning Commission members, as well as staff.

B. OTHER - Mr. King informed the Commission that the staff has had a busy week that included a major kick off on Tuesday, June 10th for the Central Sector Small Area Plan. He said that they are planning to attend a community meeting for the Eastend Small Area Plan later that evening, which will have informational booths and refreshments. He said that this community meeting will continue on Saturday, June 14, 2008, to be held at the Charles Young Center, located on East Third Street. In conclusion, Mr. King invited the Commission members to join the staff at one of these meetings.

VIII. AUDIENCE ITEMS – Citizens may bring a planning related matter before the Commission at this time for general discussion or future action. Items that will NOT be heard are those requiring the Commission's formal action, such as zoning items for early rehearing, map or text amendments; subdivision or development plans, etc. These last mentioned items must be filed in advance of this meeting in conformance with the adopted filing schedule.

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IX. **NEXT MEETING DATES -**

Work Session, Thursday, 1:30 p.m., 2nd Floor Council Chambers June 19, 2008
 Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) June 25, 2008
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers **June 26, 2008**
 Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) July 3, 2008
 Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building) July 3, 2008
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers **July 10, 2008**

X. **ADJOURNMENT** There being no further business, the meeting was adjourned at 4:47 p.m.

Randall Vaughn, Chair

Frank Penn, Secretary

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