MINUTES
URBAN COUNTY PLANNING COMMISSION
ZONING ITEMS PUBLIC HEARING

June 26, 2008

I. <u>CALL TO ORDER</u> – The meeting was called to order at 1:33 p.m. in the Council Chamber, 2nd Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.

<u>Planning Commission members present</u>: Lyle Aten (arrived at 1:35 p.m.); Mike Cravens; Neill Day; Linda Godfrey (arrived at 1:44 p.m.); James Mahan; Frank Penn; Carolyn Richardson; Lynn Roche-Phillips; and Randall Vaughn, Chair. Absent were Ed Holmes and Joan Whitman.

<u>Planning staff members present</u>: Bill Sallee; Barbara Rackers; Jimmy Emmons; Traci Wade; Tom Martin; Cheryl Gallt; Chris Taylor; and Stephanie Cunningham. Other staff members present were: Rochelle Boland, Department of Law; Jim Gallimore, Division of Traffic Engineering; Bob Carpenter, Division of Building Inspection; Hillard Newman, Division of Engineering; and Captain Charles Bowen, Division of Fire and Emergency Services.

II. <u>APPROVAL OF MINUTES</u> – A motion was made by Mr. Penn, seconded by Mr. Mahan, and carried 7-0 (Godfrey, Holmes, and Whitman absent) to approve the minutes of the May 22, 2008, Planning Commission meeting.

<u>Note</u>: Mr. Aten arrived at this time.

III. <u>POSTPONEMENTS AND WITHDRAWALS</u>

1. <u>TATES CREEK HEIGHTS, LLC, ZONING MAP AMENDMENT & PINNACLE, LOT 1 (AMD.) ZONING DEVELOPMENT PLAN</u>

a. <u>MAR 2007-9: TATES CREEK HEIGHTS, LLC</u> (6/26/08)* – petition for a zone map amendment from a Neighborhood Business (B-1) zone with conditional zoning restrictions to a Neighborhood Business (B-1) zone with modified conditional zoning restrictions, for 4.19 net (5.83 gross) acres, for property located at 1093, 1097 & 1099 Duval Street.

<u>LAND USE PLAN AND PROPOSED USE</u>
The Land Use Element of the 2007 Comprehensive Plan (Sector 10) recommends Retail, Trade and Personal Services land use for the subject property. The petitioner proposes the addition of a coffee shop to the site, which is already approved for a "sit-down" restaurant, offices and a florist shop on the subject property, as well as revisions to the signage and landscaping restrictions previously imposed.

<u>The Zoning Committee Recommended: **Referral to the full Commission**</u>.

<u>The Staff Recommended: **Approval**</u>, for the following reasons:

1. Conditions originally put upon the subject property were not done in anticipation of a professional office use across Duval Street from the subject property. This would constitute a change in the physical and economic nature of the area since 1996, which makes this site eligible for a revision to the very limited conditional zoning restrictions originally placed thereon.
2. The expanded uses currently requested are still consistent with the Retail, Trade and Personal Services land use recommendations of the 2007 Comprehensive Plan and the prior 2001 Comprehensive Plan.
3. This recommendation is made subject to the approval and certification of <u>ZDP 2007-50: Pinnacle, Unit 1 (Amd.)</u> prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of any Planning Commission approval.
4. <u>Under the provisions of Article 6-7 of the Zoning Ordinance, the subject property shall now be subject to the following use restrictions, (*with all edits shown below in italicized text from the previous conditions)*:</u>
   a. The B-1 site shall *contain a maximum of four buildings and* be used only as ~~*either a*~~ sit-down restaurants without drive-through facilities or the service of "fast food," a florist shop, and/or a use permitted in the P-1 zone other than a bank, a credit institution, a television studio or a hospital; *however, notwithstanding any provision to the contrary, a single drive-through shall be permitted solely for the use of a coffee shop (the "permitted drive-through").*
   b. In the event the permitted drive-through should cease to be used solely in connection with a coffee shop, or should a coffee shop cease to operate as a coffee shop (excluding any reasonable number of days necessary for repair, remodeling, or reconstruction as a result of or required by a lawful order or decree of a governmental or regulatory authority, a casualty loss, other than such a loss caused by the owner of the property), then the permitted drive-through shall be removed, no future drive-through shall be allowed on the property, and the use of the coffee shop building shall be restricted to the uses permitted herein.
   c. The portion of the property used for the coffee shop shall be permitted to display on the east-facing portion of the building only a single logo, and the words may be displayed a single time on the east-facing façade, the letters of which shall not exceed 18 inches in height, and the logo shall not exceed 36 inches in height, and in no event shall the words or the logo be backlit or internally lit. Signs on the other sides of the building and on the property shall be regulated under the Zoning Ordinance.

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d. The existing ***("original")*** structure shall be preserved except to the extent it must be modified to permit the construction of additions and/or renovations as described below.
e. *An addition~~s~~* to the existing ***("original")*** structure shall be allowed, but shall only be in accordance with a final development plan submitted to and approved by the Planning Commission; and such additions in total shall not exceed 3,000 square feet and shall be governed by all of the restrictions and limitations that apply to the new building as described below.
f. Parking will be in accordance with a final development plan submitted to and approved by the Planning Commission; *provided, however, that a visual buffer of hedges and trees shall be placed on the east-facing side of the property.*
g. The property owner shall preserve the existing mature trees on site except as necessary for the construction of ~~*one new*~~ *the office* building, *the addition~~s~~* to the existing structure*, the aforementioned coffee shop* and accessory parking, all as approved by the Planning Commission on the final development plan for the site and subject to all restrictions and limitations contained herein; and such trees, if removed, shall be replaced in equal number to preserve the buffer between the site and Tates Creek Road.
~~*f. Signage shall be limited to the signage shown on and approved by the Planning Commission on the final development plan for the site and in accordance with the limitations contained herein;*~~
h. Existing trees which provide a visual buffer from surrounding properties shall be preserved*, and* damaged or diseased trees may be removed if also replaced. ~~*in equal number and kind on the site; and*~~ *Deciduous trees shall be planted in the exterior parking lot.*
i. *In addition to the above-referenced coffee shop building,* the construction of ~~*one*~~ *a single additional* ~~*new*~~ building shall be permitted *(the "office building")*; however, such building shall not exceed 36,000 square feet, shall not exceed 36 feet in height at its highest point as measured from the existing grade level *as of September 20, 2005,* including all fixtures, equipment and any other materials (except that any equipment located on the roof shall be completely screened from view by parapet walls which are permitted to rise an additional 6 feet solely for that purpose), shall primarily utilize only a brick *siding or masonry* façade which must cover no less than 55% of the exterior surface of the building excluding the roof, windows and doors, and the roof shall vary in height with no less than three (3) articulating roof heights. ~~*In addition*~~ *Furthermore, the easternmost edge of the office* ~~*such*~~ building shall be ~~*no closer at any point than 30 feet from the right-of-way bordering Tates Creek Road*~~ *at least 100 feet from the easement line on the east side of the property.*

b. ZDP 2007-50: PINNACLE, LOT 1 (AMD.) (6/26/08)* – located at 1093, 1097 and 1099 Duval Street.
(EA Partners)

Note: The purpose of this amendment is to add a coffee shop with a drive-through, delete sign information, and to relocate buildings and parking.

The Subdivision Committee Recommended: Referral. There were questions regarding compliance with the off-street parking requirements of the Neighborhood Business (B-1) zone and compliance with the applicant's proposed conditional zoning restrictions.

Should this plan be approved, the following requirements should be considered:
1. Provided the Urban County Council revises the conditional B-1 zoning of the property; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Building Inspection's approval of landscaping, including arterial screening.
5. Urban Forester's approval of tree inventory map.
6. Greenspace Planner's approval of the treatment of greenways/bike trails and pedestrian movement.
7. Revise conditional zoning restrictions.
8. Denote: There shall be no development of the property until the Planning Commission approves a final development plan.
9. Dimension drive aisles and new buildings.
10. Addition of record plat information for this development.
11. Clarify easement information.
12. Clarify required off-street parking (restaurant and coffee shop use) based on the number of seats.
13. Clarify note number 13.
14. Correct the spelling in site statistics.

Petitioner Representation: Richard Murphy, attorney, was present representing the petitioner and requested a one-month postponement of this item.

Citizen Comment: Elaine Spaliatsos, 4364 Jasmine Rose Way, stated that her home faces the subject property, and she is opposed to the drive-through coffee shop that has been proposed for the property. Mr. Vaughn noted that the petitioner had requested a one-month postponement, and this request would be heard at the July 24th meeting, should Ms. Spaliatsos wish to speak in opposition at that time. Ms. Spaliatsos responded that she would not be in town on July 24th, and asked if her remarks could be heard today. Mr. Vaughn asked if Ms. Spaliatsos would be willing to meet privately with Mr. Murphy to discuss her concerns, to which she agreed. Mr. Vaughn noted that Ms. Spaliatsos could also provide written comments to be read at the hearing on July 24th.

Action: A motion was made by Mr. Mahan, seconded by Mr. Penn, and carried 8-0 (Godfrey, Holmes, and Whitman absent) to postpone MAR 2007-9 and ZDP 2007-50 to the July 24, 2008, Planning Commission meeting.

2. FORTUNE OFFICES, LLC, ZONING MAP AMENDMENT & EASTWOOD, UNIT 6, SECTION 1, LOT 6 ZONING DEVELOPMENT PLAN

a. MAR 2007-20: FORTUNE OFFICES, LLC (6/26/08)* - petition for a zone map amendment from a Professional Office (P-1) zone to a Wholesale & Warehouse Business (B-4) zone, for 5.555 net (5.635 gross) acres, for property located at 2472 Fortune Drive.

LAND USE PLAN AND PROPOSED USE
The 2007 Comprehensive Plan (Sector 8) recommends Professional Services (PS) future land use for the subject property. The petitioner proposes constructing 57,000 square feet of warehouse and accessory office space, as well as off-street parking and loading areas.

The Zoning Committee Recommended: **Approval**, for the reasons provided by staff.

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

1. The existing Professional Office (P-1) zoning is inappropriate, and the proposed Wholesale and Warehouse Business (B-4) zoning is appropriate at this location for the following reasons:
    a. The B-4 zone requested would be compatible with adjacent commercial development and will not adversely affect the surrounding area or other 2007 Comprehensive Plan land use recommendations for this area.
    b. The subject property would function well as a part of the existing business park development along Fortune Drive, and the requested zone change will allow it to function in this manner.
    c. The subject property is separated from the adjacent P-1 zoned property to the south by an existing tree stand and from the residentially zoned property to the northeast by a large detention basin. The tree stand and detention basin are more appropriate and recognizable land use buffers between the office and residential uses and the proposed wholesale/warehouse use in this instance.
2. This recommendation is made subject to approval and certification of ZDP 2007-113: Eastwood, Unit 6, Sec. 1, Lot 6, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply to the property via conditional zoning:

    PROHIBITED USES
    1. Machine shop.
    2. Major or minor automobile or truck repair.
    3. Tire re-treading and recapping.
    4. Truck terminals and freight yards.
    5. Circuses and carnivals, even on a temporary basis.
    6. Any wholesale or trucking use operating between the hours of 11 p.m. and 7 a.m.

    These use restrictions are appropriate and necessary at this location to ensure that the proposed development adequately protects the nearby neighborhood and assisted living facility.

b. ZDP 2007-113: EASTWOOD, UNIT 6, SECTION 1, LOT 6 (6/26/08)* - located at 2472 Fortune Drive.
(Strand Associates)

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

1. Provided the Urban County Council rezones the property B-4; 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 landscaping.
5. Urban Forester's approval of tree inventory map.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Denote: There shall be no development of the property until the Planning Commission approves a final development plan.
8. Revise owner's certification and Planning Commission's certification.
9. Correct plan title.
10. Addition of written scale information.
11. Label building lines.

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12. Verify the recordation of drainage easements.
13. Resolve building and drainage easement conflict.

Petitioner Representation: Richard Murphy, attorney, was present representing the petitioner and requested a one-month postponement of this item.

Staff Comment: Mr. Sallee asked if the petitioner would be willing to send new notice letters to the surrounding property owners, as it had been two or three months since the last notice letters were sent. Mr. Murphy stated that the petitioner would be willing to provide new notice letters. Mr. Sallee thanked Mr. Murphy.

Action: A motion was made by Mr. Day, seconded by Mr. Mahan, and carried 8-0 (Godfrey, Holmes, and Whitman absent) to postpone MAR 2007-20 and ZDP 2007-113 to the July 24, 2008, Planning Commission meeting.

3. KEVIN CROUSE, PREMIER VILLAGES ZONING MAP AMENDMENT & OLD SCHOOL HOUSE LANE ZONING DEVELOPMENT PLAN

a. MAR 2008-14: KEVIN CROUSE, PREMIER VILLAGES (6/26/08)* - petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Planned Unit Development-1 (PUD-1) zone, for 24.88 net (27.7 gross) acres, for property located at 4500 & 4524 Old Schoolhouse Lane.

LAND USE PLAN AND PROPOSED USE
The 2007 Comprehensive Plan (Sector 11) recommends Medium Density Residential future land use for the subject property. The petitioner proposes to construct 193 townhouse residential units, for a density of 6.97 dwelling units per gross acre.

The Zoning Committee Recommended: **Referral to the full Commission**.

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

1. Requirements of the Planned Unit Development-1 (PUD-1) zone have not been met with the application submitted to the Division of Planning. Specifically, a site inventory; any restrictive covenants (if necessary); evidence that two or more design professionals contributed to the corollary development plan; evidence that the plan respects any known natural or historic features; or, lastly, the continuation of Twain Ridge Drive on the proposed plan (or at least a right-of-way for such connection) are lacking from the submitted materials.
2. The proposed design standards indicate a minimum lot frontage of 20' for this proposal. However, if the units front on open space and an alley, the actual frontage may be 0'. Further discussion of this and other standards may be warranted.
3. Further consideration of the planned extension of Twain Ridge Drive, as recommended by the 2007 Comprehensive Plan, is necessary in light of the Schneider v. LFUCG et al. case.

b. ZDP 2008-61: OLD SCHOOL HOUSE LANE (6/26/08)* - located at 4500 Harrodsburg Road.
(CDS Associates)

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

1. Provided the Urban County Council rezones the property PUD-1; 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. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire's approval of emergency access and fire hydrant location.
8. Division of Waste Management's approval of refuse collection.
8. Department of Environmental Quality's approval of environmentally sensitive areas (steep slopes).
9. Denote: There shall be no development of the property until the Planning Commission approves a final development plan.
10. Addition of tree inventory map (on plan face).
11. Resolve necessary access for dumpster service.
12. Resolve the need for additional Division of Fire emergency access.
13. Resolve location of stormwater detention basins and optimal street alignment for future Twain Ridge Drive extension.
14. Resolve the need for a street stub (from cul-de-sac) into adjacent church property.
15. Resolve local street terminus into floodplain area along with pedestrian access needed into that area.

Petitioner Representation: Rena Wiseman, attorney, was present representing the petitioner. She stated that the petitioner had been contacted by Bruce Simpson, who has been hired to represent two of the adjoining property owners. The petitioner is now in the process of trying to work out appropriate buffering for the subject property with Mr. Simpson and those adjoining neighbors. Mr. Simpson has requested, and the petitioner has agreed to, a one-month postponement for this item, in order to allow more time to resolve those issues.

Action: A motion was made by Mr. Penn, seconded by Ms. Richardson, and carried 8-0 (Godfrey, Holmes, and Whitman absent) to postpone MAR 2008-14 and ZDP 2008-61 to the July 24, 2008, Planning Commission meeting.

4. ZOTA 2007-8: AMENDMENT TO ARTICLE 17-7(g) TO ALLOW ADVERTISING SIGNS TO USE DIGITAL TECHNOLOGY (6/26/08)* - petition for a Zoning Ordinance text amendment to allow advertising signs (billboards) to use digital technology.

REQUESTED BY: The Lamar Companies

PROPOSED TEXT: (Note: Text underlined indicates an addition to the current Zoning Ordinance.)

ARTICLE 17 – SIGN REGULATIONS

17-7(g) **HIGHWAY SERVICE BUSINESS, WAREHOUSE/WHOLESALE, AND INDUSTRIAL ZONES (B-3, B-4, I-1, I-2)** - Permitted signs may be free standing or wall mounted as specified; signs may be non-illuminated, indirectly illuminated, internally illuminated or directly illuminated unless specified otherwise; no free standing business sign shall exceed twenty-five (25) feet in height; no free standing advertising sign shall exceed forty (40) feet in height.

(8) Advertising signs may utilize an Electronic Message Display System provided that only Light Emitting Diodes (LEDs) or Liquid Crystal Diodes (LCDs) or similar digital technology may be used and provided that the minimum time between message changes shall be eight seconds and that such signs shall contain no scrolling, moving, or animated display. Existing advertising signs are permitted to convert to this technology upon the issuance of a building permit. No permit shall be required for the change of message on an advertising sign using an Electronic Message Display System.

The Zoning Committee Recommended: **Postponement**.

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

1. This amendment to the Zoning Ordinance is legally inadvisable, given the fact that off-premise electronic message display signage is specifically prohibited by state law. The existing state law prohibits flashing, moving or intermittent off-premise advertising signs and restricts each sign to no more than two messages per face. The LFUCG does not have authority to allow a type of sign that is prohibited by state and/or federal law.
2. Electronic and/or digital signage was contemplated when the signage regulations were significantly revised for Lexington-Fayette County in the early 1980s, and this type of sign was purposefully limited for on-premise signage and completely prohibited for off-premise signage.
3. Electronic message display systems should continue to be regulated in a manner consistent with the stated intent of Article 17 of the Zoning Ordinance, namely to maintain the overall aesthetics of the community; to improve public safety by minimizing undue distraction to the traveling public; to reduce intrusions and protect property values; and for the protection and enhancement of the tourist industry by promoting a more harmonious and pleasing community image.

Petitioner Representation: Rena Wiseman, attorney, was present representing the petitioner and requested indefinite postponement of this item.

Action: A motion was made by Mr. Day, seconded by Ms. Richardson, and carried 8-0 (Godfrey, Holmes, and Whitman absent) to indefinitely postpone ZOTA 2007-8.

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, and Tom Martin; 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.*

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

2. *All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*

A. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – Mr. Martin stated that the staff, as well as staff members from the Department of Law and the Division of Engineering, had met with the applicant for the surety that was discussed by the Planning Commission at the June 12th meeting. The applicant indicated at that meeting that they intend to renew this bond, so the Planning Commission can now act upon it as they would any other bond presented by the Division of Engineering.

Action: A motion was made by Mr. Penn, seconded by Mr. Aten, and carried 8-0 (Godfrey, Holmes, and Whitman absent) to release and call the bond on the 2429 (2417) Georgetown Road property that was removed from the bond call at the June 12, 2008, Planning Commission meeting.

V. **ZONING ITEMS** - The Zoning Committee met on Thursday, June 5, 2008, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Frank Penn, Linda Godfrey, and Joan Whitman. The Committee reviewed applications, and made recommendations on zoning items as noted.

A. **ABBREVIATED PUBLIC HEARINGS ON ZONE MAP AMENDMENTS AND RELATED PLANS**
The staff will call for objectors to determine which petitions are eligible for abbreviated hearings.

Abbreviated public hearings will be held on petitions meeting the following criteria:
- The staff has recommended approval of the zone change petition and related plan(s)
- The petitioner concurs with the staff recommendations
- Petitioner waives oral presentation, but may submit written evidence for the record
- There are no objections to the petition

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

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

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

1. **CMW, INC., ZONING MAP AMENDMENT & MARK ACRE PROPERTIES, LLC, ZONING DEVELOPMENT PLAN**

a. MARV 2008-7: CMW, INC. (6/26/08)* - petition for a zone map amendment from a Mixed Use 2 – Neighborhood Corridor (MU-2) zone to a Downtown Frame Business (B-2A) zone, for 1.028 net (1.66 gross) acres, for property located at 502-526 South Broadway; 320 Pine Street; and 319 Cedar Street. A dimensional variance to the front setback is also being requested at this location.

LAND USE PLAN AND PROPOSED USE
The 2007 Comprehensive Plan (Sector 5) recommends Downtown Master Plan future land use for the subject property. The petitioner proposes a mixed-use development for approximately one acre, incorporating retail business, service-oriented business, 80 residential condominium units and associated off-street parking. The condominium units proposed are to be part of a boutique hotel use of the property.

The Zoning Committee Recommended: **Approval**, for the reasons provided by staff.

The Staff Recommended: **Approval**, for the following reason:
1. The requested Downtown Frame Business (B-2A) zone is in agreement with the 2007 Comprehensive Plan, and with the *Downtown Lexington Masterplan*, an element of the Comprehensive Plan, for the following reasons:
   a. The 2007 Plan recommends Commercial Residential Mixed Use (formerly Retail/Office Mixture) for the subject property, and for other sites to the south and west. The proposed mixture of residential condominiums, a "boutique

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hotel," restaurants and retail stores, along with the necessary off-street parking for those uses, meets this specific land use recommendation.

b. The *Masterplan* recommends an "increase in residential development," and to maximize residential density "while keeping new structures compatible in form and character with the existing neighborhood." The proposed development of the subject site will provide a compatible mixed-use development between South Hill and the approved Shelbourne Plaza mixed-use project, at a density of 77.82 dwelling units per net acre.

c. The *Masterplan* recommends almost 270,000 square feet of additional multi-family residential use in the entire South Hill area, for an additional 244 dwelling units. This proposed development would supply approximately one-third of that recommended amount.

2. This recommendation is made subject to approval and certification of <u>ZDP 2008-34: Mark Acre Properties, LLC (Amd.)</u>, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

3. <u>Under Article 6-7 of the Zoning Ordinance, the following uses are to be prohibited on the subject property via conditional zoning:</u>

a. Hospitals.
b. Drug stores.
c. Indoor theatres.
d. Bowling alleys.
e. Establishments for the display, rental or sale of automobiles, motorcycles, trucks and boats.
f. Passenger transportation terminals.
g. Wholesale establishments.
h. Major or minor automobile or truck repair.
i. Establishments primarily engaged in the sale of supplies and parts for vehicles and farm equipment.
j. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
k. Storage yards for delivery vehicles of a permitted use.
l. Mining of non-metallic minerals.
m. Gasoline pumps of any kind.

<u>These restrictions are appropriate and necessary to ensure that uses on the subject property will not require large areas for off-street parking, and to ensure a compatible transition from the Historic South Hill Neighborhood to the east and the Shelbourne Plaza development planned to the immediate west of this location.</u>

b. <u>REQUESTED VARIANCE</u>

1. Reduce the required (front yard) setback along South Broadway, Plunkett Street and Cedar Street from 10' to 0'.

<u>The Staff Recommends: **Approval of the variance from 10' to 0'**</u>, for the following reasons:

a. This variance should not adversely affect the public health, safety or welfare, nor alter the character of the general vicinity, due to the wide sidewalks surrounding the building and the central courtyard feature of the proposed mixed-use development.
b. This variance will not result in an unreasonable circumvention of the Zoning Ordinance, as the design of the proposed building will include architectural features to vary the appearance of the building along the streetscape.
c. The special circumstances that contribute to justifying this variance are the relatively narrow width of the subject property, the fact that this property has four street frontages, and the wide sidewalk that will extend around the perimeter of the property.
d. Strict application of the Zoning Ordinance requirement would likely result in a significantly smaller courtyard, which is one of the defining features of the proposed development.
e. This variance is not the result of any prior actions of this applicant or the current owner, nor is it a result of a willful violation of the Zoning Ordinance.

<u>This recommendation of approval is made subject to the following conditions</u>:

1. Provided the Urban County Council rezones the property B-2A; otherwise, any Commission action of approval of this variance is null and void.
2. Should the property be rezoned, it shall be developed in accordance with the approved Preliminary Development Plan, or as approved by the Planning Commission via a certified Final Development Plan.
3. A note shall be placed on the Preliminary Development Plan indicating the dimensional variance that the Planning Commission has approved for this property under Article 6-4(c) of the Zoning Ordinance.
4. All necessary permits shall be obtained from Building Inspection prior to construction, after certification of a Final Development Plan, should this property be rezoned.

c. <u>ZDP 2008-34: MARK ACRE PROPERTIES, LLC (AMD.)</u> (6/26/08)* - located on South Broadway, Pine Street and Cedar Street. **(CMW, Inc.)**

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

The Subdivision Committee Recommended: Approval, subject to the following requirements:
1. Provided the Urban County Council rezones the property B-2A; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of 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. Denote: There shall be no development of the property until the Planning Commission approves a final development plan.
7. Clarify street tree details.

Zoning Presentation: Mr. Emmons presented the staff report, briefly orienting the Commission to the location of the subject property. He said that the staff had received two letters from the South Hill Neighborhood Association: the first letter noted that the Association was not in agreement with this request, and requested that the Planning Commission disapprove it; the second letter indicated that the petitioner and the neighborhood association had worked out all of their conflicts, and the neighborhood association would like to withdraw the original letter of opposition.

Mr. Emmons displayed several aerial photographs of the subject property and surrounding area, noting that the subject properties were rezoned to MU-2 approximately two years ago. Although the subject properties adjoin the Historic South Hill Neighborhood, they are not zoned H-1 as part of that neighborhood.

The petitioner proposes to rezone the subject property to B-2A in order to develop it with a different type of use than that proposed at the time of the rezoning to MU-2. The petitioner now proposes to use the mixed-use development for the operation of a “boutique hotel.” There is no definition in the Zoning Ordinance for such a boutique hotel, but it is generally defined as having between three and 100 rooms. Mr. Emmons stated that, in this case, the petitioner proposes to set up a condominium association for the residential portion of the proposed development, with the owner of each unit having the ability to rent it out as part of the hotel should they so choose. Such a use would be defined by the Zoning Ordinance as a hotel.

Mr. Emmons said that hotels are not allowed in any of the existing mixed-use zones, so the proposed B-2A zone would be the most appropriate for the petitioner’s intended use. Since there are no actual changes proposed to the development, just to the use of the property, the staff felt comfortable that the proposed rezoning to B-2A would meet the intent of the Comprehensive Plan.

Mr. Emmons noted that the staff report indicated that the petitioner proposed to construct 51 units. The petitioner has now submitted an amended plan that proposes 80 dwelling units. The intensity of the use, however, would not increase; the original proposal of 51 units included 102 bedrooms, while the new proposal of 80 units includes 100 beds.

In order to protect the Historic South Hill Neighborhood and the intent of the Comprehensive Plan, the staff has proposed conditional zoning restrictions, as listed on the staff report and the agenda. Those restrictions would limit most of the uses allowed on the subject property to those allowed in the existing MU-2 zone. Mr. Emmons said that the staff and the Zoning Committee recommend approval of this request, for the reasons as listed in the staff report and on the agenda.

Development Plan Presentation: Mr. Taylor presented the amended zoning development plan, noting that, as it is a preliminary development plan, the Planning Commission would be required to review a final development plan for the property at some point in the future if the property ultimately rezoned.

Mr. Taylor stated that the purpose of the amended development plan was to change the use of the property from mixed use with residential condominiums to a mixed use with rentable units. The number of units proposed was increased from 54 to 80, while the number of beds decreased from 102 to 100. The petitioner has also reduced the number of parking spaces by two, in order to widen one of the proposed entrances. The Subdivision Committee recommended approval of this amended development plan, with the seven conditions as listed on the agenda.

Variance Presentation: Ms. Rackers presented the staff’s report on the petitioner’s variance request. She said that, at the time of the rezoning of the property to MU-2 in 2006, the petitioner had requested variances to reduce the front yards from 15 feet to 0 feet on all four of the street frontages, as well as a height variance from 55 feet to 70 feet. The petitioner had requested the front yard variance for the third to sixth floors of the proposed building because the MU-2 zone has a requirement that the building be set at 0 feet for the first two floors, and 15 feet for the third floor and above. The petitioner sought the variance in order to attain a uniform setback for the whole height of the building.

Ms. Rackers stated that, at the time of the 2006 rezoning, the petitioner proposed retail uses on the first floor of the building, with underground parking and residential units on the remaining floors. The building configuration is not proposed to change with the amended development plan, but the petitioner has requested this rezoning to B-2A in order to allow a boutique hotel on the property. The petitioner is now requesting a variance to 0 feet for the front yard along three of the building’s frontages because the B-2A zone has setback requirement of 10 feet, regardless of the number of floors. The property is slightly over an acre in size and only 150 feet wide, which limits the design flexibility of the building. If the building was required to be constructed at the 10-foot setback, it could limit the size of the building, the number of rooms, or the size of the courtyard area, which the staff believes is an important design feature as well as a large portion of the required open space. Ms. Rackers said that, for that reason, and for the reason that the Planning Commission recognized the need for a variance on the previous application to allow the proposed building to be constructed. The staff and the Zoning Committee recommend approval of this variance request, subject to the four conditions as listed in the staff report and on the agenda.

Petitioner Presentation: Brian Hill, landscape architect, was present representing the petitioner. He said, with regard to the South Hill Neighborhood Association, that the petitioner had spent the past several months working with the neighborhood association in order to work out the declaration of restrictions for the subject property. Those restrictions have been recorded and will run with the property, in order to restrict the use of the property to those allowed in the existing MU-2 zone.

Although the petitioner has requested this rezoning of the subject property and filed an amended development plan to allow a boutique hotel, the petitioner still intends that the use of the property be primarily residential. The petitioner believes that there is a niche market in the area for the boutique hotel concept, but wishes to allow condominium residents the flexibility to either occupy their unit all the time, or rent it out as part of the hotel. The proposed B-2A zoning, along with the declaration of restrictions agreed to by the South Hill Neighborhood Association, would safeguard the proposed development and the adjoining neighborhood.

Commission Questions: Mr. Penn asked what size the condominium units are proposed to be. Mr. Hill answered that most of the units are proposed to be between 900 and 1,800 square feet in size, with larger, high-end suites proposed for the upper floors. The petitioner does not anticipate that the larger suite units will be rented out as part of the boutique hotel.

Mr. Aten asked what parking ratio is proposed for the subject property. Mr. Hill responded that 100 beds are proposed with 107 parking spaces in the underground area, which exceeds the requirements for the B-2A zone. He noted that 33 surface spaces are also proposed for the possible spa, restaurant, or commercial uses on the first floor. Most of the retail uses, however, will be geared toward residents of the development, which would not ordinarily require additional parking.

Mr. Aten asked where a visitor to the building would be expected to park, and which entrance would be designated for visitors. Mr. Hill answered that the 33 surface spaces are proposed for the use of visitors only. Should all of the underground spaces not need to be used for resident parking, some of those spaces may be indicated for visitor parking as well, with a gate that would allow them access to the area.

Mr. Penn asked if accesses are proposed to the parking area from South Broadway and Cedar Street. Mr. Hill replied that there are two curb cuts proposed on Cedar Street, with the driving area making a "full circle" on the property. There is also a traffic signal proposed at South Broadway and Cedar Street, with a left-turn signal to allow for easier access to the subject property.

Staff Comment: Mr. Sallee stated that the number of units and the density proposed are correct as listed on the agenda. The original staff report noted that only 54 dwelling units were proposed.

Zoning Action: A motion was made by Ms. Godfrey, seconded by Mr. Penn, and carried 9-0 (Holmes and Whitman absent) to approve MARV 2008-7, including the requested variance and the conditional zoning restrictions, for the reasons provided on the agenda, and subject to the four conditions for approval of the variance, as listed on the agenda.

Development Plan Action: A motion was made by Ms. Godfrey, seconded by Mr. Penn, and carried 9-0 (Holmes and Whitman absent) to approve ZDP 2008-34, subject to the seven conditions as listed on the agenda.

2. D.J. ACQUISITION, LLC, ZONING MAP AMENDMENT & OVERBROOK LAND COMPANY ZONING DEVELOPMENT PLAN

a. MAR 2008-19: D.J. ACQUISITION, LLC (8/7/08)* - petition for a zone map amendment from a Professional Office (P-1) zone to a Highway Service Business (B-3) zone, for 0.48 net (0.59 gross) acre, for property located at 1264 East New Circle Road (a portion of).

LAND USE PLAN AND PROPOSED USE
The 2007 Comprehensive Plan (Sector 2) recommends Professional Services future land use for the subject property. The petitioner proposes constructing a parking lot for the display of automobiles for sale on this portion of the property, associated with the redevelopment of the larger parcel.

The Zoning Committee Recommended: **Approval**, for the reasons provided by staff.

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

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

1. The requested restricted Highway Service Business (B-3) zone is appropriate for the subject property because the property is completely surrounded by more intense business and industrial zoning, and B-3 zoning is more consistent and compatible with the existing land uses in the immediate area. This would allow a clustering of similar land uses with similar intensities.
2. The existing Professional Office (P-1) zone is inappropriate for the subject property. P-1 zoning is infrequent along both the New Circle Road and Liberty Road corridors in this portion of the Urban Service Area. In this location, P-1 zoning no longer provides a buffer between residential and business zoning, nor does the P-1 zoning result in a transition of land use between a more intense and a less intense use.
3. This recommendation is made subject to approval and certification of ZDP 2008-81: Overbrook Land Company, 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 use restrictions are appropriate for the property via conditional zoning:

   PROHIBITED USES
   1. Indoor amusements, such as billiard or pool halls; skating rinks; theaters, or bowling alleys.
   2. Circuses and carnivals, even on a temporary basis.
   3. Taxidermy establishments.
   4. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments and sexual entertainment centers.
   5. Indoor and outdoor athletic facilities that may also require buildings which, as a result of their size and design, are not compatible with residential and business zones, but would be compatible in a Highway Service Business (B-3) zone, such as a field house; gymnasium; football stadium; tennis courts; soccer field or polo field; and baseball field.
   6. Amusement parks, fairgrounds, or horse racing tracks.
   7. Outdoor theaters.
   8. Outdoor recreational facilities, including go-cart tracks; archery courts; skate-board and roller skating tracks; trampoline centers; rifle and other fire-arm ranges; swimming pools; water slides and other water-related recreational facilities, and other similar uses.
   9. Pawnshops.
   10. Hotels or motels.
   11. "Advertising signs" as defined in Article 17-3(b)(1) of the Zoning Ordinance.
   12. Outdoor loud speakers or music.

   OTHER RESTRICTIONS
   1. All outdoor lighting shall be directed away from the nearby residential properties and the public right-of-way.

These use restrictions are appropriate and necessary at this location to ensure that the proposed commercial development of the subject property will not be to the detriment of the nearby residential uses in this area.

b. ZDP 2008-81: OVERBROOK LAND COMPANY (8/7/08)* - located at 1264 East New Circle Road.
(Vision Engineering)

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

1. Provided the Urban County Council rezones the property 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. Denote: There shall be no development of the property until the Planning Commission approves a final development plan.
7. Clearly delineate area of zone change.
8. Clarify employee parking area.
9. Addition of standard development plan notes.

Zoning Presentation: Ms. Wade presented the staff report and identified the location of the subject property. She identified the mixture of industrial, residential and B-3 zoning in the area. She noted that a car dealership is now planned for the corner of New Circle Road and Liberty Road, and noted that the subject property was recently consolidated into a larger parcel, the rest of which is already zoned B-3. Ms. Wade said that the 2007 Comprehensive Plan recommends Professional Services land use for the subject property.

The petitioner is requesting to rezone the property in order to use the area for automobile display, rather than for employee parking, for which the petitioner received Board of Adjustment approval. Although the requested B-3 zone is not in agreement with the Comprehensive Plan and the existing zoning is in agreement, the staff considered the appropriateness of the B-3 zone at this location. The staff believes that the requested B-3 zone would be more appropriate for the subject property, since it is surrounded by more intense zones and the rezoning would make it more compatible with the existing area. However, the staff is recommending conditional zoning restrictions, as listed in the staff report and on the agenda, in order to better protect the nearby residential areas to the southwest of this location. Ms. Wade stated that the staff and Zoning Committee are recommending approval of this request, for the reasons as listed in the staff report and on the agenda.

<u>Development Plan Presentation</u>: Mr. Martin presented the corollary zoning development plan, further orienting the Commission to the location of the subject property. He said that the Planning Commission had previously approved a development plan for this property, which created a 42,000 square-foot building floor area on the subject parcel. That parking area was proposed to be reconfigured on the amended development plan, in order to provide double stalls for storage and display of cars. The current plan includes 89 parking spaces, while the amended plan proposes 112 spaces.

The Subdivision Committee recommended approval of this plan, subject to the nine conditions as listed on the agenda. Mr. Martin noted that condition #6 requires that the petitioner obtain a final development plan prior to development of the subject parcel. The petitioner can, however, proceed with construction on the remaining portion of the current development plan, once that plan is certified.

<u>Commission Questions</u>: Mr. Vaughn asked if the future right-of-way noted on the notification map is consistent with the correct right-of-way for Liberty Road. Mr. Martin answered that the right-of-way as indicated on the notification map is correct, and the petitioner will provide additional right-of-way and improvements.

Ms. Roche-Phillips asked if there is a provision for stormwater detention on the subject property, and if the additional parking spaces can be accommodated as part of that system. Mr. Martin responded that the entire site is governed by stormwater management standards, and the petitioner is proposing to provide underground detention for stormwater.

<u>Petitioner Presentation</u>: Jihad Hallany, Vision Engineering, was present representing the petitioner. He said that the purpose of this request is to provide an area for the display of cars, and requested approval.

<u>Zoning Action</u>: A motion was made by Mr. Penn, seconded by Ms. Godfrey, and carried 9-0 (Holmes and Whitman absent) to approve MAR 2008-19, including the conditional zoning restrictions as recommended by staff, for the reasons provided by staff.

<u>Development Plan Action</u>: A motion was made by Mr. Penn, seconded by Ms. Godfrey, and carried 9-0 (Holmes and Whitman absent) to approve ZDP 2008-81, subject to the nine conditions as listed on the agenda, and including a tenth condition to read: “Addition of conditional zoning restrictions.”

VI. <u>COMMISSION ITEMS</u>

A. <u>CHEVY CHASE NEIGHBORHOOD ZONE CHANGE INITIATION REQUEST</u> – petition request by residents of the Chevy Chase neighborhood for Planning Commission initiation of a ND-1 overlay zone for residential properties bounded by Chinoe Road, Cooper Drive, Tates Creek Road and the rear property line of parcels along the south side of Fontaine Road.

<u>The Zoning Committee Recommended: **Approval**</u> of the initiation of an ND-1 overlay zone.

<u>Staff Presentation</u>: Ms. Wade entered into the record a copy of the Chevy Chase neighborhood’s ND-1 rezoning request and petitions. She briefly oriented the Commission to the location of the Chevy Chase neighborhood, which includes 675 residential properties and encompasses four neighborhood associations.

Ms. Wade stated that the Chevy Chase neighborhood representatives had worked closely with the Strategic Planning staff in order to prepare this request, in addition to collecting the petition signatures necessary to initiate ND-1 zoning. The primary goal of the neighborhood with this request is to maintain the character of the area; conserve the size and scale of development; and reinforce the architecture and historic integrity of the neighborhood.

Ms. Wade referred to the neighborhood representatives’ exhibit packet, which had been distributed to the Commission, noting that the response rate to the petition request was 73%, with 61% of the total respondents in favor of the ND-1 overlay zone. 11.4% were in opposition to the request, and 27.5% of the original total did not respond to the petition request. Of the residents who did respond, 84.5% approved of the ND-1 overlay zone and requested that the Planning Commission go forward with the initiation of that request. The Executive Summary for this application includes the following seven restrictions, to be governed by the proposed ND-1 overlay zone:

1. Minimum rear yard setback requirement shall be 1/3 of the lot depth or 25’, whichever is greater.
2. Maximum residential building height of 28’.
3. Minimum residential roof pitch of at least 7:12.

4. A minimum of 10% window and door openings per new wall.
5. Scaled drawings shall be required to secure a residential building permit.
6. Modified R-1T and R-3 parking limits to require rear yard parking.
7. Maximum garage sizes: 700 square-foot footprint and 19' tall.

Ms. Wade stated that the Zoning Committee recommended approval of the initiation of the ND-1 zone, after reviewing this information at their meeting three weeks ago.

Neighborhood Representation: Brad Hawkins, 405 Dudley Road, stated that he was present representing a committee of neighbors who evaluated the appropriateness of ND-1 zoning for the Chevy Chase neighborhood. He said that that committee included several planners and architects, as well as Henry Jackson, former manager of Strategic Planning. The committee's process began in 2006, when area residents became aware that the ND-1 zone could be used as a tool to preserve the character of the neighborhood. Mr. Hawkins noted that Lexington's older neighborhoods are a "non-renewable resource," and it is important that they be preserved.

Mr. Hawkins stated that the Chevy Chase neighborhood residents embraced the ND-1 zoning process as a way to enhance and improve their properties while providing some degree of certainty as to what is going to happen to the neighborhood in the future. The neighborhood committee held 16 monthly meetings where ND-1 zoning was a topic on the agenda, and every resident in the area received copies of their meeting agendas. After the committee developed the proposed set of guidelines, they spent the winter of 2008 presenting those guidelines to residents, and modifying them based on neighborhood members' input. Of all the property owners surveyed, 61% of the property owners were in agreement with the proposed ND-1 zoning. The neighborhood committee also reached out to the approximately 125 absentee property owners in the Chevy Chase area, sending out two letters in an attempt to contact them; of the 22 responses the committee received to those letters, 18 were in favor of ND-1 zoning.

Mr. Hawkins said that the neighborhood committee held focus groups to determine residents' concerns for the neighborhood, and learned that the primary concern was new development or re-development of properties, mostly with the size and scale of those new homes in comparison to existing residences. The neighborhood committee considered the 15 guidelines allowable under Article 29 from which the neighborhood could choose, and narrowed the list down to the seven guidelines proposed to address size and scale. An architectural survey of every structure in Chevy Chase was also performed, including photos and database information for each structure. Once the list of proposed guidelines was developed, an article was printed in the *Chevy Chaser* magazine in order to allow all area residents the opportunity to review and comment on those guidelines.

Mr. Hawkins stated that he believes that the Chevy Chase area residents have gone far beyond what most neighborhoods have done with regard to the ND-1 process. They believe that the proposed guidelines are reasonable, and would provide protection for the character of the neighborhood.

Commission Questions: Mr. Penn asked, with regard to the demarcation line shown on the map included with the exhibit packet, why the demarcation line was proposed as it was in the area of Cochran and Chenault Roads. Mr. Hawkins answered that both sides of those streets are lined with multi-family homes, so those lots were chosen as the boundary for the request area.

Mr. Penn asked why the ND-1 request area included 901-1015 Tates Creek Road, but excluded properties on Fontaine Road. Mr. Hawkins responded that the neighborhood committee surveyed the area that is traditionally believed to be the Chevy Chase neighborhood. The residents of the properties that front onto Fontaine Road consider themselves part of the Ashland Park neighborhood, and the Chevy Chase residents did not wish to interfere with those established neighborhood boundaries.

Mr. Vaughn asked all those in the audience in favor of this request to stand, and several people stood. There were no citizens present in opposition to this request.

Action: A motion was made by Ms. Godfrey, seconded by Mr. Mahan, and carried 9-0 (Holmes and Whitman absent) to initiate an application for ND-1 overlay zoning as requested by the Chevy Chase neighborhood.

Commission Comments: Ms. Godfrey complimented the Chevy Chase neighborhood committee on their hard work, including the comprehensive exhibit packet presented to the Commission.

Mr. Mahan stated that it was refreshing to see a neighborhood work together so well, and commended the committee on their excellent preparation.

B. NOMINATION OF VICE-CHAIR

Chairman Comments: Mr. Vaughn stated that there were two Commission members whose terms were expiring after this meeting, who were not eligible for re-appointment. Ms. Godfrey, who is the current vice-chair, is one of those members, so Mr. Vaughn formed a nominating committee and asked them to nominate a new vice-chair.

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

Ms. Richardson stated that the nominating committee had met, and would like to nominate Neill Day to serve as the vice-chair of the Planning Commission.

Action: A motion was made by Mr. Penn, seconded by Mr. Mahan, and carried 9-0 (Holmes and Whitman absent) to close the nominations for vice-chair.

Action: A motion was made by Mr. Penn, seconded by Mr. Mahan, and carried 9-0 (Holmes and Whitman absent) to accept Neill Day as the vice-chair of the Planning Commission.

VII. STAFF ITEMS – Mr. Sallee stated that the staff would like to thank Ms. Godfrey and Mr. Aten for their many years of service. He noted that Captain Bill Woodward, Division of Fire and Emergency Services, was retiring his position after 29 years of service and would no longer be serving as part of the staff for the Planning Commission. He said that the upcoming Subdivision Committee meeting would be Captain Woodward's last day of employment, noted that Captain Woodward had been a loyal member of the Technical Committee and an important part of the plan review process for the last five years. He thanked him for his valuable input and participation.

Mr. Vaughn stated that he had enjoyed working with Captain Woodward, and noted that Mr. Mahan's term was also expiring at the end of June. He thanked those Commission members for their service, and asked if they had any comments at this time.

Ms. Godfrey stated that her service on the Planning Commission had been interesting and a learning experience, and she thanked the staff for their dedication and hard work.

Mr. Aten said that he was saddened to no longer be involved with the Planning Commission, having worked with the Commission in some fashion for 40 years. He commended the Planning Commission, noting that they had, as a body, matured and developed a better understanding of planning within the community, with the staff's assistance.

Mr. Mahan thanked the other Planning Commission members and the staff, and noted that he had enjoyed working with everyone.

Mr. Penn stated that many people may not be aware of it, but Mr. Mahan is involved in many projects. He thanked Mr. Mahan for his dedication and involvement in the Planning Commission, given his many other commitments.

VIII. AUDIENCE ITEMS – No such items were presented.

IX. MEETING DATES FOR JULY, 2008

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street)………………	July 3, 2008
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street)……………………	July 3, 2008
Subdivision Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers………………………	**July 10, 2008**
Work Session, Thursday, 1:30 p.m., 2nd Floor Council Chambers……………………………………................	July 17, 2008
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street)………………	July 23, 2008
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers……………………………..	**July 24, 2008**

X. ADJOURNMENT – There being no further business, Chairman Vaughn declared the meeting adjourned at 2:52 p.m.

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Randall Vaughn, Chair

____
Frank Penn, Secretary

TLW/TM/JWE/BJR/BS/src

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