

MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION AND ZONING ITEMS
August 10, 2023

- I. **CALL TO ORDER** - Chair Larry Forester called to order at 1:31 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.
- II. **ATTENDANCE** – Planning Commission members present were Larry Forester, Judy Worth, Janice Meyer, Ivy Barksdale, Headley Bell, Robin Michler, William Wilson, Bruce Nicol, Graham Pohl, and Mike Owens. Planning staff members present were Jim Duncan, Traci Wade, Chris Evilia, Tom Martin, Daniel Crum, Cheryl Gallt, Autumn Goderwis, and Paula Schumacher. Other staff present were Tracy Jones and Brittany Smith, Department of Law; David Filiatreau, Division of Traffic Engineering; Vaughan Adkins, Division of Engineering; and Embry Beatty, Division of Fire and Emergency Services.
- II. **APPROVAL OF MINUTES** – Ms. Worth made a motion, seconded by Mr. Pohl, and carried 8-0 (Owens abstained, Michler and Davis absent) to approve the July 13, 2023 minutes.
- III. **PERFORMANCE BONDS AND LETTERS OF CREDIT** - Mr. Pohl made a motion, seconded by Ms. Worth, and carried 9-0 (Michler and Davis absent) to approve the performance bonds and letters of credit.
- IV. **POSTPONEMENTS AND WITHDRAWALS** - Requests for postponement and withdrawal were considered at this time.
- A. **PLN-MJDP-23-00030: KINGSTON HALL, UNIT 1, LOT 8 (AMD) (8/29/2023)*** - located at 1061 PROVIDENCE PLACE PARKWAY, LEXINGTON, KY
Council District: 12
Project Contact: Barrett Partners Inc.
- Note: The purpose of this amendment is to revise the proposed development on the lot.
- Note: This plan requires the posting of a sign and an affidavit of such.
- Note: The Planning Commission postponed this item at the June 8, 2023 and July 13, 2023 meetings.
- The Technical Committee Recommended: **Postponement**. There are question regarding the compliance with Article 23A of the Zoning Ordinance.
- Should this plan be approved, the following conditions should be considered:
1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Landscape Examiner's approval of landscaping and landscaping buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree preservation plan.
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 8. Greenspace planner's approval of the treatment of greenways and greenspace.
 9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
 10. Division of Waste Management's approval of refuse collection locations.
 11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
 12. United States Postal Service Office's approval of kiosk locations or easement.
 13. Provided the Planning Commission finds the plan complies with the Expansion Area Master Plan.
 14. Addition of purpose of amendment note.
 15. Addition of topography lines at 2' intervals.
 16. Denote proposed and existing easements.
 17. Provide typical townhome details for middle and end units.
 18. Denote proposed Development Standards, including lot size and setbacks per Article 23A-2(i) of the Zoning Ordinance.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

19. Denote Exactions to the approval of the Division of Planning.
20. Denote orientation of residential dwelling units along Providence Place Parkway, per Article 23A-2(j) of the Zoning Ordinance.
21. Discuss stormwater management.
22. Discuss proposed access points to Providence Place Parkway.
23. Discuss landscape buffer along northern RSA boundary and compliance with Article 23A-2(f) of the Zoning Ordinance.
24. Discuss compliance with supportive use regulations established in Article 23A-10(j)(12) of the Zoning Ordinance.

Applicant Representation – Attorney Dick Murphy was present to represent the applicant. He requested a one month postponement so that revisions to the development plan could be completed.

Action – Ms. Meyer made a motion, seconded by Ms. Barksdale, and carried 9-0 (Michler and Davis absent) to postpone PLN-MJDP-23-00030: KINGSTON HALL, UNIT 1, LOT 8 (AMD) to the September 14, 2023 meeting.

Mr. Michler joined the meeting at 1:34 p.m.

- B. PLN-MJDP-23-00032: HOMER C. RATLIFF PROPERTY (AMD) (8/10/2023)* - located at 938 MANCHESTER STREET, LEXINGTON, KY
Council District: 11
Project Contact: Anne Rouse/Earthcycle Design

Note: The purpose of this amendment is to depict adaptive reuse of the site and to denote compliance with the Adaptive Reuse Project criteria.

Note: This plan requires the posting of a sign and an affidavit of such.

Note: The Planning Commission postponed this item at the June 8, 2023 and July 13, 2023 meetings.

The Subdivision Committee Recommended: Postponement. There are questions regarding the compliance with the conditional zoning restrictions per Article 6-7 of the Zoning Ordinance.

Should the plan be approved, the following conditions should be considered:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace planner's approval of the treatment of greenways and greenspace.
8. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
11. United States Postal Service Office's approval of kiosk locations or easement.
12. Revise square footage of buildings in site statistics to meet dimensions.
13. Clarify rear property boundary.
14. Provided the Planning Commission makes a finding that the plan complies with the Adaptive Reuse Project criteria.
15. Discuss proposed land uses and compliance with Article 8-21 of Zoning Ordinance.
16. Discuss compliance with conditional zoning restrictions.

Applicant Representation – Scott Southall, Earthcycle Design, was present to represent the applicant. He requested a one month postponement so that the final details could be worked out with staff.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Action – Mr. Bell made a motion, seconded by Ms. Worth and carried 10-0 (Davis absent) to postpone PLN-MJDP-23-00032: HOMER C. RATLIFF PROPERTY (AMD) to the September 14, 2023 meeting.

- C. PLN-FRP-23-00019: COLEMAN PROPERTY (CLARION CONVENTION CENTER) (AMD) (10/1/23)* – located at 1950 NEWTOWN PIKE, LEXINGTON, KY
Council District: 2
Project Contact: Thoroughbred Engineering

The Subdivision Committee Recommended: **Postponement.** There are questions about required setbacks and frontages.

Should this plan be approved, the following conditions should be considered:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. United States Postal Service Office's approval of kiosk locations or easement.
10. Correct Planning Commission certification.
11. Correct owner's certification.
12. Addition of Urban County Engineer's certification.
13. Delete building information.
14. Addition of lots 3, 4, & 6 to plat and denote parcel lines with a solid line.
15. Addition of private utility providers per Article 5-4(e).
16. Addition of maintenance note per Article 5-4(g).
17. Revise access easement to provide required frontage of 40 feet.
18. Provided the Planning Commission makes a finding on the proposed access easement.
19. Revise plan title to match staff report.
20. Addition of Coleman Court, Newtown Pike, and interstate cross-sections.
21. Discuss timing of proposed building demolition.
22. Discuss required 20' front yard setback.

Staff Comments - Mr. Martin stated that the applicant had requested a one month postponement to continue working on issues with the plan.

Action – Mr. Owens made a motion, seconded by Mr. Pohl, and carried 10-0 (Davis absent) to postpone PLN-FRP-23-00019: COLEMAN PROPERTY (CLARION CONVENTION CENTER) (AMD) to the September 14, 2023 meeting.

- D. PLN-MJDP-18-00004 (AKA DP 2004-153): TRIPLE STARS PROPERTY (8/10/23)* - located at 920 OLD TODDS ROAD.
Council District: 7
Project Contact: CS International Group, Inc.

Note: The Planning Commission approved this plan at their October 14, 2004, meeting, and reapproved on February 8, 2018, subject to the following conditions. The applicant requested re-approval on November 14, 2022.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Note: The Planning Commission postponed this item at their December 8, 2022, January 12, 2023, February 9, 2023, and March 9, 2023, May 11, 2023, and June 8, 2023, and July 13, 2023 meetings.

The Subdivision Committee Recommended: **Postponement**. There are questions regarding the plan meeting the new parking requirements and Article 8 of the Zoning Ordinance.

Should this plan be approved, the following conditions should be considered:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
3. Landscape Examiner's approval of landscaping.
4. Urban Forester's approval of tree preservation plan.
5. Denote: No building permits shall be issued until a final subdivision plan has been approved and certified by the Planning Commission.
6. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
7. Revise general note on grading to reference Article 16 of the Code of Ordinance.
8. Verify or correct owner, applicant name and information.
9. Denote: No amendments to the Final Development Plan shall be required for additions or alterations to individual townhouses provided they comply with the Zoning Ordinance.
10. Correct current zoning in the site statistics.

Staff Comments – Mr. Martin told the Planning Commission that the applicant had once again asked for a one-month postponement.

Action – Mr. Pohl made a motion, seconded by Mr. Bell, and carried 10-0 (Davis absent), to postpone PLN-MJDP-18-00004 (AKA DP 2004-153): TRIPLE STARS PROPERTY the September 14, 2023 meeting.

- E. PLN-MJDP-23-00029: RED MILE MIXED USE DEVELOPMENT (AMD) (8/10/2023)* - located at 1101 WINBACK WAY, LEXINGTON, KY
Council District: 11
Project Contact: Vision Engineering

Note: The purpose of this amendment is to revise buildings 29 & 30 to townhomes, and to revise parking and circulation.

Note: The Planning Commission postponed this item at the June 8, 2023 and July 13, 2023 meetings.

The Technical Committee Recommended: **Postponement**. There are questions regarding proposed townhomes and conditional zoning restrictions, as well as compliance with Articles 16, 18, and 20 of the Zoning Ordinance.

Should this plan be approved, the following conditions should be considered:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. United States Postal Service Office's approval of kiosk locations or easement.
12. Remove cloud for area of amendment at 1101 & 1051 Winback Way.
13. Addition of typical townhome building and dimensions layout.
14. Denote construction vehicle access.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

15. Correct site statistics for square footage and number of dwelling units.
16. Denote height of buildings in feet.
17. Correct commission certification for a major development plan.
18. Revise purpose of amendment note.
19. Discuss compliance with Articles 16, 18, & 20 of the Zoning Ordinance.
20. Discuss conditional zoning restrictions and proposed location of townhouses.
21. Discuss off-site detention basin for stormwater management.

Staff Comments – Mr. Martin stated that the applicant had requested an indefinite postponement.

Action – Mr. Wilson made a motion, seconded by Ms. Meyer, and carried 10-0 (Davis absent) to indefinitely postpone PLN-MJDP-23-00029: RED MILE MIXED USE DEVELOPMENT (AMD).

- F. PLN-MJDP-23-00037: NEWTOWN COPORATION INDUSTRIAL PARK (ABC STORAGE) (AMD) (8/10/2023)* - located at 673 KENNEDY ROAD, LEXINGTON, KY
Council District: 1
Project Contact: Geisler Domigan Engineering, PLLC

Note: The purpose of this plan is to show buildings and parking circulation.

Note: The Planning Commission postponed this item at the July 13, 2023 meeting.

The Subdivision Committee Recommended: **Postponement.** There are questions regarding meeting the requirements of Article 21 of the Zoning Ordinance, as well as Articles 16, 18, and 20.

Should this plan be approved, the following conditions should be considered:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
11. Remove consolidation line and bearings & dimensions.
12. Move bearings and distances on property boundaries to the outside of lot for legibility.
13. Addition and dimension of driveways and walkways on existing buildings.
14. Dimension all buildings.
15. Addition of floor area and open space in site statistics.
16. Addition of tree protection plan per Article 26 of the Zoning Ordinance.
17. Addition of 10% tree canopy per Article 26-5 of the Zoning Ordinance.
18. Addition of dashed lines for adjacent property and street.
19. Denote review of property with Royal Springs Aquifer Committee.
20. Discuss compliance Articles 16, 18, & 20 of the Zoning Ordinance.

Staff Comments – Mr. Martin stated that the applicant had requested a one month postponement.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Action – Mr. Bell made a motion, seconded by Ms. Barksdale, and carried 10-0 (Davis absent) to postpone PLN-MJDP-23-00037: NEWTOWN COPORATION INDUSTRIAL PARK (ABC STORAGE) (AMD) to the September 14, 2023 meeting.

- V. LAND SUBDIVISION ITEMS** – The Subdivision Committee met on Thursday, August 3, 2023 at 8:30 a.m. The meeting was attended by Commission members Judy Worth, Janice Meyer, and Headley Bell, and Mike Owens. Other Committee members present were Vaughan Adkins, Division of Engineering; and David Filiatreau, Division of Traffic Engineering. Staff members in attendance were: Traci Wade, Tom Martin, Cheryl Gallt, Autumn Goderwis, Daniel Crum, Boyd Sewe, Paula Schumacher, Embry Beatty, Division of Fire and Emergency Services; Tracy Jones, Department of Law; Doug Burton, Division of Engineering. 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. 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 agrees with the Subdivision Committee recommendation and conditions listed on the agenda, and
(3) no discussion of the item is desired by the Commission, and
(4) no person present at this meeting objects to the Commission acting on the matter without discussion, and
(5) the matter does not involve a waiver of the Land Subdivision Regulations.

Ms. Wade read the Consent Agenda.

1. PLN-FRP-23-00022: J.G.B. PROPERTY (10/31/23)* – located at 4992 WINCHESTER ROAD, LEXINGTON, KY
Council District: 12
Project Contact: EA Partners

Note: The purpose of this plat is to divide one lot into two lots.

Note: This plan requires the posting of a sign and an affidavit of such.

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

1. Urban County Traffic Engineer's approval of street cross-sections and access.
 2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 3. Addressing Office's approval of street names and addresses.
 4. Department of Environmental Quality's approval of environmentally sensitive areas.
 5. Addition of utility easements as required by the utility companies.
 6. Denote identified sinkhole on Lot 2 and add note per Land Subdivision Regulations.
 7. Denote existing structures are nonconforming per the required building line.
 8. Delete Note #2.
 9. Revise plan title to match staff report.
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2. PLN-MJDP-19-00023: TOWNBRANCH INDUSTRIAL (FRM LAWSON, LLC PARCEL) (11/29/23)* - located at 404 ALEXANDRIA DRIVE, LEXINGTON, KY
Council District 12
Project Contact: Vision Engineering/ EA Partners

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Note: The Planning Commission approved this plan on May 9, 2019. The applicant requested a continued discussion and reapproval on July 17, 2023.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. Addition of adjacent property information to the north of property.
13. Depict landscaping requirements (berms and trees) along Old Frankfort Pike.
14. Resolve existing construction entrance.
15. Resolve proposed fencing enclosing storage yard.
16. Resolve status of outstanding enforcement action on the property.

3. PLN-MJDP-23-00035: NORTH LIMESTONE COMMUNITY CORPORATION (10/1/2023)* - located at 128 EDDIE STREET, LEXINGTON, KY
Council District: 1
Project Contact: Van Meter Pettit

Note: The purpose of this plan is to change building line setback to 0'-0" to allow parking in the front yard per the design standards established in Article 22B-6.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace planner's approval of the treatment of greenways and greenspace.
8. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
9. United States Postal Service Office's approval of kiosk locations or easement.
10. Correct the engineering scale not exceeding 1"=100'.
11. Addition of bearings and distance, adjacent property information, and building line setback front and back property lines on plan face.
12. Label contour elevations for topography.
13. Addition of street cross-section depicting right-of-way for Eddie Street and True Alley and location on plan face.
14. Remove legal description.
15. Addition of existing and proposed utility easements.
16. Correct Owner's Certification per Article 21-6(15) of the Zoning Ordinance.
17. Correct Commission's Certification per Article 21-6(16) of the Zoning Ordinance.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

18. Remove note for circulation and access.
19. Document account with Lynn Imaging to meet Article 21-7(7)(b)(3) of the Zoning Ordinance.
20. Addition of title for "General Notes".
21. Addition of building dimensions.

4. PLN-MJDP-23-00036: GIVENS PROPERTY (CITATION POINT) LOT 8 (TIDAL WAVE AUTO SPA) (AMD) (10/1/2023)* - located at 2357 REMINGTON DRIVE & 2210 GEORGETOWN ROAD, LEXINGTON, KY
Council District: 2
Project Contact: Paulson Mitchell Inc.

Note: The purpose of this amendment is to depict development on Lot 8.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
12. United States Postal Service Office's approval of kiosk locations or easement.
13. Addition of all site statistics required by Article 21 of the Zoning Ordinance.
14. Delete landscaping requirements except for Article 18 reference statement.
15. Correct Note #1.
16. Denote date of review by Royal Springs Aquifer Committee and recommendations.
17. Denote conditional zoning restrictions.
18. Denote source of contour information.
19. Denote compliance with Article 21-7(7)(b)(3).
20. Resolve status of sanitary and storm water sewer infrastructure.
21. Resolve access to Lot 8 through Lots 6 & 7.

5. PLN-MJDP-23-0040: SOUTH BROADWAY PLACE, PHASE IIC (AMD) (10/1/2023)* - located at 1080 EXPORT STREET, LEXINGTON, KY
Council District: 10
Project Contact: Carman

Note: The purpose of this amendment is to revise development of Phase IIC to a proposed hotel and associated parking.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace planner's approval of the treatment of greenways and greenspace.
8. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

9. Division of Waste Management's approval of refuse collection locations.
 10. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
 11. United States Postal Service Office's approval of kiosk locations or easement.
 12. Consolidate site statistics into one table.
 13. Document compliance with Article 12-8(h) and (i) for multi-modal accommodations and transit facilities.
6. PLN-MJDP-23-0041: HAMBURG PLACE OFFICE PARK, LOT 5 (UKFCU CORPORATE OFFICE EXPANSION) (AMD) (10/1/2023)* - located at 1730 ALYSHEBA WAY, LEXINGTON, KY
Council District: 6
Project Contact: Carman

Note: The purpose of this amendment is to depict building addition and revised parking layout.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Landscape Examiner's approval of landscaping and landscaping buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree preservation plan.
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 8. Greenspace planner's approval of the treatment of greenways and greenspace.
 9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
 10. Division of Waste Management's approval of refuse collection locations.
 11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
 12. United States Postal Service Office's approval of kiosk locations or easement.
 13. Correct plan title for Lot 5 and PL N-944.
 14. Darken property boundaries for Lot 5.
 15. Addition of adjacent property information.
 16. Correct area on vicinity map.
 17. Addition of topography information.
 18. Addition of dimension points of ingress, driveways, walkways, and parking spaces.
 19. Depict access location for construction vehicles.
 20. Clarify building square footage for existing and proposed.
 21. Denote height of building in feet.
 22. Denote the use in the building.
 23. Correct title on owner's certification.
 24. Denote: All buildings, paving, signs, fences, walls, and retaining walls that are depicted, described, or required on this Development Plan shall require a separate review and building permit from the Division of Building Inspection prior to construction.
 25. Remove "resolution" from Note #9.
 26. Remove Vision Engineering information.
 27. Correct utility easement dimension from 40' to 30' per Plat N-944.
7. PLN-MJDP-23-00042: EASTLAND SHOPPING CENTER (AMD) (10/1/2023)* - located at 1301 WINCHERSTER ROAD & 1064 INDUSTRY WAY, LEXINGTON, KY
Council District: 1
Project Contact: Barrett Partners Inc.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Note: The purpose of this amendment is to show development of Buildings 5 & 6.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Landscape Examiner's approval of landscaping and landscaping buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 6. Greenspace planner's approval of the treatment of greenways and greenspace.
 7. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
 8. Division of Waste Management's approval of refuse collection locations.
 9. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
 10. United States Postal Service Office's approval of kiosk locations or easement.
 11. Narrow the area of amendment on vicinity map.
 12. Denote height of buildings in feet.
 13. Addition of type and size of trees to be removed.
 14. Denote: All buildings, paving, signs, fences, walls, and retaining walls that are depicted, described, or required on this Development Plan shall require a separate review and building permit from the Division of Building Inspection prior to construction.
 15. Dimension width of parking spaces (see highlighted copy).
 16. Submit exhibit with open space for usable and vegetated areas.
8. PLN-MJDP-23-00044: RICHMOND WOODS (A PORTION OF) & LJR CORPORATION PROPERTY, LOT 1 (GOSS & MARTIN) (AMD) (10/1/2023)* - located at 2637 & 2647 RICHMOND ROAD, LEXINGTON, KY
Council District: 7
Project Contact: CDP Engineers

Note: The purpose of this amendment is to depict building and parking layout for new restaurant with an accessory drive-through facility.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace planner's approval of the treatment of greenways and greenspace.
8. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
11. United States Postal Service Office's approval of kiosk locations or easement.
12. Addition of written scale.
13. Dimension access points.
14. Denote location of construction access.
15. Addition of street cross-section and location on plan face.
16. Denote height of building in feet.
17. Addition of conditional zoning restrictions. (Ordinance #93-2002)
18. Delete note #17 property outside of infill area.
19. Delete "May 2017" from Note #20.
20. Submit exhibit showing open space area for usable and vegetated areas.
21. Addition of conditional zoning line.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Action – Ms. Worth made a motion, seconded by Mr. Wilson, and carried 10-0 (Davis absent), to approve the Consent Agenda as presented by staff.

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

The procedure for these hearings is as follows:

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

1. Final Development Plans

- A. PLN-MJDP-23-00039: SOUTHEND PARK, SECTION 2 (LEXINGTON COMMUNITY LAND TRUST COMMUNITY CENTER) (AMD) (10/1/2023)* - located at 615 DE ROODE STREET, LEXINGTON, KY
Council District: 11
Project Contact: EHI Consultants

Note: The purpose of this amendment is to depict park layout and community center building.

The Subdivision Committee Recommended: **Postponement.** There are questions regarding Article 21 information and purpose of amendment.

Should this plan be approved, the following conditions should be considered:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
12. United States Postal Service Office's approval of kiosk locations or easement.
13. Revise plan to include PLN-MJDP-22-00085 information.
14. Revise purpose of amendment note.
15. Delete zone change information.
16. Denote area of Unit 2 that is still a Preliminary Development Plan.
17. Denote proposed community center Floor Area Ratio, lot coverage, and height in site statistics.
18. Dimension proposed community center.
19. Revise building schedule to reflect certified final development plan.
20. Addition of owner's certification.
21. Denote Final Record Plat information for subject property.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

22. Denote Board of Adjustment approval on plan (date and case number).
23. Revise plan title to reflect plan status.

Staff Presentation – Mr. Martin presented the development along with the revised staff report. He oriented the Commission to the area where a community center was proposed, and noted that it had already been approved as a conditional use by the Board of Adjustment. He also displayed a rendering of what the building would look like.

Applicant Representation – Ed Holmes, EHI Consultants, was present to represent the application. He agreed with the staff recommendation, and requested approval.

Action – Mr. Wilson made a motion, seconded by Ms. Barksdale, and carried 10-0 (Davis absent), to approve PLN-MJDP-23-00039: SOUTHBEND PARK, SECTION 2 (LEXINGTON COMMUNITY LAND TRUST COMMUNITY CENTER) (AMD) with the following revised conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner's approval of landscaping and landscaping buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
12. United States Postal Service Office's approval of kiosk locations or easement.
13. Revise plan to include all PLN-MJDP-22-00085 information.
- ~~14. Revise purpose of amendment note.~~
- ~~14.~~ ~~15.~~ Delete all zone change information, including addresses and Lot 27 notation.
- ~~15.~~ ~~16.~~ Denote area of Unit 2 that is still a Preliminary Development Plan, including Lot 27.
- ~~17.~~ ~~18.~~ Denote proposed community center Floor Area Ratio, lot coverage, and height in site statistics.
- ~~18.~~ ~~19.~~ Dimension proposed community center.
- ~~16.~~ ~~19.~~ Revise building schedule to reflect certified final development plan.
- ~~20.~~ ~~21.~~ Addition of owner's certification.
- ~~17.~~ ~~24.~~ Denote Final Record Plat information for subject property (S-194).
- ~~22.~~ ~~23.~~ Denote Board of Adjustment approval on plan (date and case number).
- ~~18.~~ ~~23.~~ Revise plan title to reflect plan status. Label all buildings per the building schedule.

V. ZONING ITEMS - The Zoning Committee met on August 3, 2023, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Larry Forester, Robin Michler, and Zach Davis. Staff members present were; Traci Wade, Tom Martin, Daniel Crum, Bill Sheehy, and Tracy Jones, Department of Law.

A. ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS

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 - Following abbreviated hearings, the remaining petitions will be considered.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

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).

1. ANDERSON COMMUNITIES, INC ZONING MAP AMENDMENT AND PHELPS PROPERTY DEVELOPMENT PLAN

- a. PLN-MAR-23-00005: ANDERSON COMMUNITIES, INC – a petition for a zone map amendment from a Highway Service Business (B-3) zone and Agricultural Rural (A-R) zone, to a Community Center (CC) zone, for 8.36 net (11.95 gross) acres, for property located at 4075 Old Richmond Road.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2018 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The applicant is rezoning the property to allow for the construction of a mixed-use development including an automobile service station, coffee shop, two story townhouse buildings, and four story multi-family apartment buildings. The applicant proposes a total of 139 dwelling units for a density of 23.52 units per net acre. The multi-family residential use will be accompanied by amenities including a dog park, fitness center, and pool. A total of 257 parking spaces are proposed between the commercial and residential components of the development.

The Zoning Committee Recommended: **Postponement.**

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

1. The proposed Community Center (CC) zone is in agreement with the 2018 Comprehensive Plan's Goals, Objectives, and Policies, for the following reasons:
 - a. The proposal introduces multi-family residential uses into an area predominately characterized by single-family attached and detached units, the applicant expands the variety of housing types and densities present in the area (Theme A, Goal #1.c).
 - b. By developing an underutilized parcel of land within the Urban Service Area, the proposal supports goals relating to redevelopment and strategic growth (Theme A, Goal #2.a; Theme E Goal #1.c).
 - c. The proposal creates more meaningful and direct pedestrian and multi-modal connections, which contributes to an effective and comprehensive transportation system in this area (Theme D, Goal #1.c).
 - d. The proposed pedestrian network will move pedestrians and vehicles throughout the site in a context-sensitive manner that is in keeping with a "main street" feel that is appropriate for a Community Center zone (Theme A, Design Policies 1 & 5).
 - e. The development demonstrates compliance with the Multi-Family Design Standards (Theme A, Design Policy 3).
 - f. The request utilizes smaller scale townhome units to provide for more context sensitive transitions from the surrounding development (Theme A, Design Policy 4).
 - g. The development orients parking to the rear of the structures (Theme A, Design Policy 7).

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- h. The proposal increases densities and intensities along the Athens Boonesboro Road corridor in a context-sensitive manner (Theme A, Density Policies 1, 2, and 4).
 - i. The orientation of the commercial uses towards the centralized multi-modal path allows for easy connections to neighborhood scale supportive uses for the surrounding development.(Theme A, Density Policy 3).
 2. The justification and corollary development plan are in agreement with the development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location, as the proposal demonstrates compliance with the requirements of the Multi-Family Design Standards, orients the parking to the side and rear of the development, and utilizes townhouse units to minimize contrasts in scale and massing,
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity, as the revised proposal provides a redesigned road network with significant traffic calming measures, and provides for safer and more direct pedestrian connections both within the site, and to the surrounding areas.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as the proposed design works and provides for distributed and usable open space throughout the development, and avoids developing any environmentally sensitive areas.
 3. This recommendation is made subject to approval and certification of PLN-MJDP-23-00024: PHELPS PROPERTY, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. PLN-MJDP-23-00024: PHELPS PROPERTY (8/28/2023)* - located at 4075 OLD RICHMOND ROAD, LEXINGTON, KY
Council District: 12
Project Contact: Barrett Partners, Inc.

Note: The purpose of this plan is to depict the development of the property for commercial and residential, in support of the requested zone change from an Agricultural Rural (A-R) zone and a Highway Service Business (B-3) zone, to a Community Center (CC) zone.

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

1. Provided the Urban County Council approves the zone change to CC; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Urban Forester's approval of tree preservation plan.
5. Greenspace planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval if environmentally sensitive areas.
7. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Division.
8. United States Postal Service Office's approval of kiosk locations or easement.
9. Discuss compliance with multi-family design standards.
10. Discuss open space area adjacent to buildings F, G, & H.
11. Discuss proposed right-in only and need for a waiver to the Land Subdivision Regulations.
12. Discuss pedestrian facility adjacent to Athens Boonesboro right-of-way.
13. Discuss off-site dog park.
14. Discuss proposed retention versus detention.
15. Discuss connection to existing Expansion Area development in the immediate vicinity.
16. Discuss proposed public street through site.
17. Discuss Placebuilder criteria.

Note: The applicant submitted a revised plan on July 12, 2023. Based on that submittal, staff can offer the following revised conditions.

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

1. Provided the Urban County Council approves the zone change to CC; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Urban Forester's approval of tree preservation plan.
5. Greenspace planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval if environmentally sensitive areas.
7. United States Postal Service Office's approval of kiosk locations or easement.
8. Provided the Planning Commission grants the requested waiver to Article 6-8(q) of the Land Subdivision Regulations.
9. Denote pedestrian facility adjacent to Athens Boonesboro right-of-way shall be determined at time of Final Development Plan.
10. Denote proposed retention versus detention shall be determined at time of Final Development Plan.
11. Denote connection to existing Expansion Area development in the immediate vicinity shall be determined at time of Final Development Plan.
12. Clarify number and type of dwelling units proposed.
13. Discuss Placebuilder criteria.

Staff Presentation – Mr. Crum oriented the Commission to the subject property and presented the zone change request. He distributed the citizen comments that had been received, and explained that the applicant planned to use a Placebuilder argument for the appropriateness of the zone change rather than a map-based argument related to the Expansion Area Master Plan. He described the location of the subject property and the area's current zoning and development patterns. He briefly explained the road changes that would be taking place regarding Athens Boonsboro Road, Old Richmond Road, and Aphids Way. He indicated the portion of Old Richmond Road that would be closed, and Aphids Way would be connected to the remaining Old Richmond Road and align with the Hays Boulevard intersection. Mr. Crum also noted the RCUT turn lanes that were being added to Athens Boonsboro Road to improve traffic safety. He identified the topography of the parcel by sharing photos of the area, and explained the significant changes and improvements that would be occurring on Aphids Way.

He told the Planning Commission that the area was recommended EAR-1 (Expansion Area Residential) which was originally intended for the lowest density of residential. Mr. Crum noted that the Comprehensive Plan stated that it should be used "in addition to" rather than "in place of" the Expansion Area Master Plan (EAMP). He said that the applicant opined that the EAMP land use map was inappropriate. Mr. Crum shared the features of the Community Center (CC) zone. He specifically noted the open space requirements, mixed-use component, and stated that at least forty percent (40%) of the development had to be non-commercial. Mr. Crum identified other CC zoned areas and how they have developed differently than the plan had originally anticipated. He stated that, while the subject property was not originally intended for the CC land uses within the EAMP, the applicant felt that they were activating several features of the CC zone.

He shared the uses that were indicated on the development plan including commercial uses of a restaurant and convenience store, and residential use that included townhouses and four-story apartment buildings for a total of 139 units. Mr. Crum pointed out the pedestrian connectivity, open space, and access to and from the property. He explained the similarities between the CC zone and the New Complete Neighborhood Place-Type, and stated that the place-type and development type were compatible with the requested zone. Mr. Crum identified the Goals, Objectives, Policies, and Development criteria that were being met with the request. Lastly, Mr. Crum listed the reasons why staff was recommending approval for the zone change.

Commission Questions – Mr. Owens asked for clarity regarding the EAMP requiring low to medium density housing with a more defined buffer area. Mr. Crum reiterated that it was the reason why the applicant had used a justification that included existing roadways as a type of buffer. The justification was based more on the Comprehensive Plan and met the spirit of the CC zone. Mr. Owens asked how the Community Center fit in this

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location with the surrounding roadways isolating it. Mr. Crum pointed out the different connections to surrounding neighborhoods, and reminded the Planning Commission that other previously developed Community Center zones had been developed differently than expected, and towards corridor roads. Mr. Owens also asked about how many stories the proposed apartments would have. Mr. Crum replied that they would be 4-story apartment buildings.

Mr. Nicol asked about a small section of the property that was currently zoned B-3, and if it was considered at the time the CC zone was chosen. Mr. Crum responded that it was not considered because the applicant was seeking to abandon that zone at this location. He said that staff made their recommendation based on the proposed zone.

Mr. Michler asked if the proposed convenience store would work well with the neighborhood and pedestrian nature of the Community Center zone, especially regarding the number of cars buying fuel, and the lights and signage that would be included. Mr. Crum responded that the convenience store would sell many needed day to day items, and the restaurant would provide the anchor and center of the project. He pointed out the convenience store would be located the furthest distance away from the existing residential area, and landscaping could help mitigate the lights and sounds. Mr. Michler asked what the sign allowances were in the current zone. Ms. Wade shared the sign specifications for the B-1 zone, noting that the CC zone follows those limitations.

Mr. Bell asked about the size of the parcel below the subject property, but staff did not have that information.

Staff Presentation - Mr. Martin presented the development plan for the site. He reminded the Planning Commission that it was a preliminary development plan, and they are reviewed as if the requested zone had been granted. He pointed out the part of Old Richmond Road that was closing and explained how the abandoned right-of-way would be divided. He also mentioned that it would be heavily landscaped for noise and light mitigation. He indicated the location of two right-in entrances and the full access point at Aphids Way. He made some comments regarding the elements of the plan that would be addressed during the final development phase, such as better pedestrian connections and bicycle parking areas. He told the Planning Commission that the applicant had earlier submitted a waiver request for the right-in entrance at Athens Boonsboro Road, but had withdrawn it, and would potentially request that at the time of the final development plan. Mr. Martin also stated that there may need to be further waivers for issues that would come up at that time as well.

Commission Questions – Mr. Bell asked for some explanation of the future RCUT turn lanes and their impact on this area. He was concerned about the additional traffic that could be caused by the development. David Filiatreau, Traffic Engineering, explained some of the benefits of the RCUTs turn lanes. He also specified where the traffic signals and U-turns, or loons, would be located in relation to the subject property. Mr. Bell asked if the new development had been considered when the new road design was studied. Mr. Filiatreau confirmed that they had considered new development off of Athens Boonsboro Road.

Ms. Meyer asked how pedestrians would be accommodated with the RCUTs. Mr. Filiatreau showed the cross-walk areas and said that it would be a two-step process to cross, and in a diagonal manner.

Mr. Owens asked again if the apartment buildings were 3 or 4 stories. Mr. Martin reiterated that they would be 4 stories. Mr. Crum clarified a typo in the original staff report, and reiterated that the applicant's proposal was for four-story buildings.

Mr. Michler shared his concern for the lack of pedestrian connection within the development, and asked if there had been discussion about improving it. Mr. Martin stated that there had been discussions, but the changes would most likely be seen at the time of a Final Development Plan. Mr. Michler also inquired if the lighting of the convenience store would also be addressed at that time, and Mr. Martin confirmed that it could also be discussed.

Mr. Nicol asked for an explanation of how and when the plan had changed some of the apartment buildings to townhouses. Mr. Martin pointed out the distances between the property and nearby homes. He further explained that the developer had re-oriented the apartment buildings and added the townhouses to help mitigate the visual impact to the adjoining neighborhood.

Mr. Bell asked who would be responsible for the maintenance of the buffer area once Old Richmond Road was no longer used. Mr. Martin replied that there had been some discussion about using the old road as part of a trail system, but it would most likely revert to the adjoining neighbors to own and maintain.

Ms. Meyer asked if the new Aphids Way would take land from the adjoining property in construction. Mr. Martin replied that it would take part of the adjoining property. Mr. Filiatreau added that Aphids Way would become part of Old Richmond Road.

Applicant Representation – Attorney Dick Murphy, was present to represent the applicant, along with Dennis Anderson, Mike Craft, Tony Barrett, Steve Albert, Steve Garland, Clay Johnson and Lisa Corpus. Mr. Murphy gave some background information on the subject property and mentioned that it was small, only 8 1/3 acres. He reminded the Planning Commission that it has been designated for development and inside the Urban Service Area for 27 years. He also mentioned a portion of the property that has been zoned B-3 for over sixty years, but the applicant believed the commercial would be more appropriate closer to Athens Boonsboro Road. He said that the requested CC zone was more restrictive of commercial uses than the current B-3 zone. Mr. Murphy presented several slides depicting the development plan, and gave some details about the Wawa convenience store that was planned. He mentioned that they had moved the orientation of the restaurant to face the walking path. He told the Planning Commission that the apartments and townhouses would be a rental community. He reiterated some details about the RCUT project and the traffic impacts that had been previously mentioned during the staff presentation. Additionally, he informed the Commission that the State of Kentucky would be lowering the property, as well as Aphids way, down about 9 feet during the RCUT construction.

He displayed a rendering that highlighted the pedestrian walkways throughout the development and across Athens Boonsboro Road. Mr. Murphy listed several of the changes that had been made to the development at the suggestion of Planning staff, as well as changes they made to address the concerns of the nearby neighbors of Ellerslie Park. He compared the footprints of the apartment buildings to those of neighboring homes, and pointed out the buffering that already existed between Tatton Park and the new development area.

Mr. Murphy opined that the Comprehensive Plan should be used as justification rather than the Expansion Area Master Plan, and listed some reasons why it was more appropriate. He added some comments regarding the stormwater detention.

Architect, Steve Albert, Albert & Associates, shared some details regarding the apartment design and footprints. They designed the footprints to be smaller to allow for more greenspace.

Lisa Corpus, Wawa convenience stores, described some of the history of the company and the products that will be available at the store. She noted that they are community oriented and will have an electric car charging station.

Commission Question – Mr. Bell asked Ms. Corpus how the Wawa compared to something like a Speedway. She replied that they are not a franchise fuel centered business, but a family owned business that concentrates on what they sell inside the store.

Mr. Murphy finished his presentation by reminding the Planning Commission how this plan agrees with the Comprehensive Plan, Goals and Objectives, and even the principles and objectives of the Expansion Area Master Plan. He also reiterated that the specific details of the plan such as sidewalks and drainage would be addressed at the time of the final development plan. He stated that there have been several changes to the EAMP in the form of text amendments. He asked that the Planning Commission vote in favor of the zone change.

Commission Questions – Mr. Bell asked if Mr. Murphy knew the size of the undeveloped property south of the subject property. He was concerned about a precedent being set. Mr. Murphy stated that it was total of 20 acres with about 10 of them being inside the Urban Service Area.

Mr. Owens thanked Mr. Anderson and Mr. Murphy for agreeing to a two-week postponement at the last Planning Commission meeting.

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Opposition Representation – Attorney Bruce Simpson was present to represent the Old Richmond Road Neighborhood Association and some homeowners in the Ellerslie neighborhood. He began by noting that he had good discussions with some of the neighbors regarding their negative comments toward renters and those who live in apartments made at Committee meetings held earlier. He stated that Chairman Forester was correct in his action to put an end to the comments.

Mr. Simpson stated that he believed that this zone change should be postponed until the Comprehensive Plan update is completed, because the plan is not in agreement with it at this time. He also suggested that the neighboring property owners did not know that this type of density would be requested and assumed that the development would be low density residential. He read from page 268 of the Comprehensive Plan regarding the Expansion Area Master Plan influencing decisions made regarding place-type, development type, and zoning preference. He stated that the low density language was put in the EAMP to protect the agricultural areas. He continued to note several passages of the EAMP to suggest that the zone change was inappropriate because there was too much density, car-centric commercial use, and it is too close to active horse farms. He cited several places in the Comprehensive Plan that said the Expansion Area Master Plan should be amended, and that such an amendment was necessary before the subject property could be developed. He urged the Planning Commission to disapprove the development plan and zone change request due to its failure to meet the guidelines of the Comprehensive Plan.

Commission Question – Mr. Nicol asked Mr. Simpson to comment on the balance of using the EAMP “in addition to” rather than “in place of” the Comprehensive Plan. Mr. Simpson replied that they should be used together, but that the EAMP had to be updated before that could happen.

Mr. Michler believed that there had been significant changes, especially due to the proposed RCUT project, to the area and asked Mr. Simpson if he felt those changes helped make the argument for this zone change to be considered. Mr. Simpson replied that he believed that those changes made no difference to the fact that the EAMP had to be amended before this application could be reviewed.

Mr. Nicol asked if the Law Department could comment on the interpretation of the “in addition to” rather than “in place of” wording of the Comprehensive Plan. Tracy Jones, Department of Law, believed that both the EAMP and the 2018 Comprehensive Plan needed to be used together, but that there would be constant changes in every community that would create the need for an update in one of the plans.

Ms. Worth asked if there was more than one way to update the EAMP, and if it had to coincide with the mandated update every five years to the Comprehensive Plan. Ms. Jones replied that the Planning Commission was constantly making changes through text amendments and corridor studies. Ms. Wade added that a text amendment was a form of implementation of the Comprehensive Plan, and that small area plans and corridor studies become amendments to the Comprehensive Plan.

Citizen Comments – James Hodge, 6050 Old Richmond Road, stated that he believed that the EAMP should be the overriding document for this request, and stated the reasons why he believed it was so.

Thadis Cox, 3961 Tatton Park, stated that he was not against development, but did not feel that this location was appropriate, because he did not want to lose his sense of community. He did not want responsibility for the released easement connected to his property.

Jeff Walker, 3051 Raven Creek Drive, felt that the development plan while very nice, did not belong at this location.

Raye Anne Thomas, 1600 Jacks Creek Pike, did not want more development in the area due to traffic safety concerns, especially regarding tractors and farming implements.

Dal Harper, 4181 Tradition Way, shared his concerns with the development in regard to the stormwater in the area.

Ray Daniels, Lexington for Everyone, felt that this project fit the Comprehensive Plan and created much needed density. He stated that the Ellerslie community had townhouses and was already zoned for apartments that could be built at any time. He was in support of the development.

Susan Wagers, 4102 Tradition Way, was troubled with the potential noise and lights that would come with a convenience store that was open 24 hours.

Greg House, 3853 Branham Park, did not want Athens Boonsboro Road to look like Nicholasville Road and wanted to preserve greenspace. He also did not feel a gas station was needed.

Lyle Hanna, 6398 Richmond Road, read a letter written by Linda Green. She was opposed to the plan, and was concerned about traffic. Mr. Hanna added that he was concerned with the RCUT project, and did not feel that they would help the traffic issues.

Mary Diane Hanna, 6398 Richmond Road, recognized several people that were out in the overflow area that were in opposition to the development. She also submitted a petition of names that she had collected that were in opposition to the plan. She felt that the people in the rural areas do not have their voices heard in development matters. She asked for justice and mercy against the intrusion into the rural area.

Albert Kelley, 204 Ellerslie Park Boulevard, praised the Urban Service Area boundary, and said that the proposal did not belong at the suggested location. He stated that the parking lots around the corner of the Government Center were a more appropriate place for adding the development.

Ken Warren, 1790 Clearlake Drive, and president of Hillgate Farm Home Owner's Association, did not want the amenities of the proposed plan. He wanted to keep development to low density only.

Chair Forester asked if any of the people outside the door wished to speak at this time.

Nelson Maynard (did not sign in) stated that he wanted smart growth, and asked the Planning Commission to follow the Comprehensive Plan.

Frank Cannavo, 4553 Walnut Creek Drive, thanked the Planning Commission for their work. He shared his concern with the restaurant and the gas station not fitting with the character of the area, but felt there could be some type of residential development on the site.

Gloria Martin, Rural Land Management Board, stated that their job was to assist the government in implementing development in the Rural Service Area. She said that the proposed development would negatively affect the rural areas nearby.

Applicant Rebuttal – Mr. Murphy made several statements of clarification. He reminded the Planning Commission that there has been B-3 zoning there for 60 years and the subject property is not on the border of the Urban Service Area. He said that while the Comprehensive Plan was a guide, not the law, even staff had said that the proposal was in agreement of the Comprehensive Plan. He reiterated the agreement with the Placebuilder and that they were planning for the future with their proposal. Mr. Murphy said this was the best plan possible, but that several details would be addressed at the time of the final development. He asked again for approval, and told the Planning Commission that they would be proud that they voted for this development.

Opposition Rebuttal – Mr. Simpson reiterated that the EAMP still needed to be considered and amended as mentioned in the Comprehensive Plan. He reconfirmed his position that the land use recommendation of low density must be followed, and the zone change and development should be disapproved. He further quoted several parts of the Comprehensive Plan and KRS to support the request.

Staff Rebuttal – Mr. Crum addressed some issues that had been heard. He explained that when the EAMP was adopted, Council chose not to re-zone the properties, but wanted to see each zone change request individually. Because of this, the land use element remains a recommendation, and an applicant can deviate from the original recommendations. The Comprehensive Plan allows for what was not originally anticipated since 1996. He suggested that staff could, if the Planning Commission desired, create wording for a finding that the plan and zone change request is consistent with the elements and principles of the EAMP. Lastly, Mr. Crum reiterated the reasons why staff felt the CC zone was in agreement with the Comprehensive Plan.

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Commission Discussion - Mr. Wilson recognized the presentations of the attorneys, and thanked the audience members for staying through the long meeting. He asked if the Costco rezoning, which had been discussed as a similar CC zone change, would be considered spot zoning. Ms. Wade replied that she did not believe so. The EAMP had recommended the zone in that general area at the time.

Mr. Bell stated that he wanted a balance that was fair for everyone. He said that he believed that this proposal was going to make an irrelevant piece of land relevant, and he supported it.

Mr. Owens said that something will be developed at this property. He weighed out the pros and cons of the proposal, but felt that, in the end, the 4-story apartments were too much for this location.

Mr. Nicol believed that this was an appropriate density on an underutilized piece of land within the Urban Service Area. Because there is a housing supply issue in our city that has become a crisis, he felt that this would help meet that need. He supported the plan.

Action – Mr. Nicol made a motion, seconded by Ms. Barksdale, to approve PLN-MAR-23-00005: ANDERSON COMMUNITIES, INC.

Further Discussion – Mr. Michler stated that he was conflicted about this vote. He knew that the rolling hills of the area would be flattened, and he appreciated the value of them. In contrast, he said that since the property was along a major corridor and was already slated for development, he would support it.

Ms. Meyer appreciated the application that was well thought out, but was very concerned with the density in this particular location. She said that this was a very difficult decision, but felt that there needed to be a transition, rather than the density being sought.

Ms. Worth shared that she sees both sides of the difficult decision. She felt that it was not affordable housing, and agreed that it did not look like a good transition. She said that if it was approved, they needed to watch very carefully what happened on the other side of Aphids Way/Old Richmond Road.

Mr. Owens stated that he felt the density requested was too much.

Mr. Pohl repeated that it was a difficult decision. He felt that the plan was very well designed and that the fears of potential issues will prove to be unfounded. While noting his concerns for housing and increasing the housing stock, he stated that he would support the plan, somewhat reluctantly.

Mr. Wilson added that he was looking at the end result for the community of Lexington.

Continued Action – The Planning Commission carried the motion 8-2 (Meyer and Owens opposed, Davis absent) to approve PLN-MAR-23-00005: ANDERSON COMMUNITIES, INC.

Action – Mr. Nicol made a motion, seconded by Ms. Barksdale, and carried 8-2 (Meyer and Owens opposed, Davis absent) to approve PLN-MJDP-23-00024: PHELPS PROPERTY with the 13 revised conditions presented by staff.

Mr. Forester called for a 15 minute recess at 6:00 p.m. Mr. Owens and Mr. Nicol left the meeting at this time.

The meeting resumed at 6:15 p.m.

- 2. PLN-MAR-23-00010: URBAN COUNTY COUNCIL** – a petition for a zone map amendment from a Single-Family Residential (R-1C) zone with conditional zoning to a Single-Family Residential (R-1C) zone removing conditional zoning relating to landscaping and fencing along New Circle Road for 37.21 net (65.48 gross) acres, for properties located at 2500-2529 Bridle Court, 2501-2537 Dressage Way, 1200-1213 Equine Court, 1304-1476 Saddle Club Way, 1213 Viley Road.

STAFF RECOMMENDS: **APPROVAL** OF STAFF ALTERNATIVE CONDITIONS, for the following reasons:

1. The installation of concrete sound barriers by the Kentucky Transportation Cabinet along New Circle Road is a major physical change in the area that was not anticipated at the time of the initial rezoning.

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2. Due to the installation of the sound barriers, portions of the required fencing and landscaping are no longer visible from New Circle Road to provide visual consistency with the adjacent Calumet Farm.
3. There has been no physical, social, or economic change in the area that has impacted the appropriateness of the required landscaping along Viley Road, or along the portions of New Circle Road frontage without a sound barrier.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply to the Saddle Club Subdivision:

Conditional Zoning Restrictions:

- a. Along the Versailles Road frontage:
 1. A fifty (50) foot buffer area shall be provided, which will have the effect of decreasing the number of lots along Versailles Road;
 2. Large deciduous trees shall be planted forty-five feet on center;
 3. Small flowering trees shall be planted thirty (30) feet on center;
 4. The existing farm fencing shall be maintained

These conditions are reasonable and appropriate in order to preserve the scenic and historic character of Versailles Road.

- b. For the portions of the New Circle Road frontage where sound walls are not present:
 1. The existing farm fencing shall be maintained;
 2. One large deciduous tree shall be planted every thirty (30) feet;
 3. A continuous six (6) foot high hedge, three (3) feet high at planting shall be provided.
 4. A twenty (20) foot buffer area shall be provided;
- c. Along the Viley Road frontage one (1) street tree shall be planted every forty (40) feet. Conditions (b) and (c) are appropriate to assure compatibility of the development with the character of the neighboring properties.

The Zoning Committee Recommended: **Referral**, to the Planning Commission.

Staff Presentation – Mr. Crum presented the request that had been initiated by the Urban County Council, and oriented the Planning Commission to the area being discussed. He shared some history of the development and noted that it used to be a part of the Calumet Farm. He stated that at the time of the original zone change, there had been zoning conditions imposed on the development including the maintenance of the existing farm fence that was originally constructed for Calumet Farm. Mr. Crum stated that the original conditions were meant to keep the viewshed consistent with the farm across New Circle Road, but there had been significant change in the area recently. He displayed pictures of the sound barrier wall that had been installed by Kentucky Transportation Cabinet during New Circle Road improvements. He listed some issues that had been caused by the existence of the farm fence, including maintenance. The Neighborhood Association decided to take down the fence, but were alerted that this was a conditional zoning restriction, and they now have asked for those restrictions to be removed. He shared the findings and recommendation of staff that included alternative language. The staff alternative recommended removing the farm fence requirement only where the sound wall was present.

Commission Questions - Mr. Bell suggested, since Calumet Farms had begun painting all of their fences black, the requirement of the fence maintenance should not specify white. Mr. Crum acknowledge that the conditional zoning did not specify a color.

Applicant Representation - Attorney Kamp Purdy was present to represent the Saddle Club Neighborhood Association. He began by stating that this application should have been an abbreviated hearing, except for a disgruntled neighbor. He displayed some photos mounted on presentation boards of the area and stated that the conditional zoning was added to maintain the consistency of the New Circle Road side of the Saddle Club Neighborhood with Calumet Farm. He continued by stating that the new sound barrier wall was doing well for the purpose it was intended. Mr. Purdy said the farm fence became a redundancy, and it was too expensive to maintain. He indicated that the HOA was in control of the easement, and was not required to get a 75% vote of approval to remove the fence. He stated that area between the two fences became difficult to maintain and a catch all for debris

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that came from New Circle Road. He said this is an internal HOA problem. He mentioned that several members of the HOA were planning to speak to the misinformation that was being shared regarding the actions of the HOA.

Opposition Representation – Attorney Bruce Simpson was present representing neighbors in the opposition. He stated that he would share his time with Dr. Davy Jones. Mr. Simpson claimed that the HOA had no right to take down the fence because it was on the private property of homeowners according to a survey that had been done. He added that an easement was irrelevant in this case. He said that conditional zoning stated that the fence was supposed to be maintained, but the fence had been removed. He displayed several before and after photographs of the new sound barrier wall and the removal of the farm fence. He also presented a letter of zoning violation that had been given to the HOA. Mr. Simpson lastly stated that the HOA was asking for forgiveness rather than permission.

Dr. Davy Jones continued the presentation. He shared pictures of his property and the farm fence. He stated that he had spread his wife's ashes in the area of the fence per her wishes. He argued that the HOA stopped maintaining the fence and then used the state of disrepair as a justification to take it down. He stated that he had proposed some alternatives to the HOA that were not considered, such as asking individual homeowners if they wanted to maintain their portion of the fence, and leaving the fence in the shared community space. At this time, he thanked Planning staff for the time that had been given to help him understand the process and beginnings of the subdivision. He shared some history of the development and why the conditional zoning was put in place at the time. He said that the Planning Commission, at the time, envisioned this fence to add to the character of the neighborhood, not just the look from New Circle Road. He asked that the fence be restored, for the sake of the look of the neighborhood.

Citizen Comments – Laina Miller, 2536 Dressage Way, and Saddle Club HOA president, said that she represents all 101 residents of the neighborhood and that there was too much disharmony being spread by one or two people. She suggested that the two neighbors in opposition to the fence removal should build their own fences, and not require the HOA to do it for them. She said that there are many misrepresentations being presented.

Karen Winizrczyk, 2529 Bridle Court, stated that she is against the change in the conditional zoning. She said that she owned a portion of fence that was taken down because it was on her property. She said that the HOA did not own the fence and had no right to tear the fence down. She said that the community area where there was also a farm fence was not visible to New Circle Road, so it had more to do with the look of the neighborhood rather than the look of New Circle Road.

Clarissa Belle, 1464 Saddle Club Way, is on the board of the HOA and stated that they work tirelessly to represent every homeowner. She claimed that every homeowner had the right to do what they wanted on their own property, but not at the expense of the entire neighborhood. She said that trees had been planted in accordance to the conditional zoning, but the state removed them to put in the sound barrier wall.

Becky Wimsatt, 1316 Saddle Club Way, stated that she loves her neighborhood but hates how this has caused division. She said that it made sense to take the fence down, and the new wall solved more problems than the fence ever did. She did not want the fence back.

Marsha Petri, 1337 Saddle Club Way, expressed that the community area used to be beautiful, but now feels that it is not safe or beautiful anymore. She said that she would like to see the fence added back to the community area.

Rick Petri, 1337 Saddle Club Way, shared some details of the timeline of the removal of the fence. He said that while there were other options presented, the HOA board members chose to tear the whole fence down rather than consider partial removal options.

Kevin Bennett – 1344 Saddle Club Way, wished that he had been given the option to keep his portion of the fence before it was removed, but now does not want to pay for it to be rebuilt. He enjoyed the look of the community area when the fence was present. He stated that the HOA board members have also ignored pleas from residents regarding the placement of rock in the pond area. He felt that the HOA members alone should be responsible for replacing the fence.

Monica Lindfors, 1368 Saddle Club Way, said that the HOA board has a history of taking actions without the permission of homeowners. She said she loved her neighborhood and community. She felt that the board members should be responsible for the restoration of the fence.

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David Draggs, 2513 Bridle Court, stated that he does like the sound barrier wall and the HOA was only acting in the best interest of the neighborhood. He said that the wall helps the safety of the neighborhood.

Scarlett Devine, 1329 Saddle Club Way, and vice president of the HOA, spoke of the countless hours that the HOA had spent on this issue, both before the fence was taken down and since then. She said that the plat had been examined and that no one knew about the ordinance regarding the maintenance of the fence. She said that the ordinance has never been followed from the beginning of the subdivision. She felt that this was mostly an HOA issue and the Planning Commission was hearing from a very vocal minority. She explained that over 85% of the neighborhood did not want the fence to be replaced.

Richard Harlow, 1465 Saddle Club Way, said that there was the Ordinance issue before the Commission, but the politics of the neighborhood should be dealt with by the neighborhood.

Teresa Parks Crumbie, 1388 Saddle Club Way, said that the community used to be friendly, but the sound barrier wall has caused so much disagreement. She is against the fence.

Edye Dabney, 1452 Saddle Club Way, spoke about the voting process used by the neighborhood and the notification process. She presented a packet with specific information about how it worked. Personal issues should be put aside, and the change in the ordinance is the only issue to be addressed.

Carl Devine, 1329 Saddle Club Way, stated that this issue is not important to the community, and the old ordinance should be taken away. He asked the Planning Commission to agree with the staff recommendation and modify the ordinance.

Ken Westberry, 1472 Saddle Club Way, said that this was a neighborhood problem. He said that the breaks in the sound wall were a safety issue that has been caused by the removal of the fence. He asked for a compromise.

Opposition Rebuttal – Mr. Simpson stated there has been an intentional violation of the Ordinance, and the HOA should have asked for relief before the action was taken. He remarked that allowing this application will cause others to disregard zoning restrictions in the future. He displayed the plat of the property that did mention the conditional zoning requirements. He said that this fence was on private property, and the HOA should not get a pass for their actions.

Staff Rebuttal – Mr. Crum clarified that this zoning restriction was placed by Council, and unfortunately some of the language did not get placed on plats as it should. Despite the inconsistencies with the plats, the conditional zoning is still intact, and that is what is in question at this time. He said that staff still found that the wall was enough of a significant change to constitute the conditional zoning modification.

Commission Questions – Ms. Worth asked about the ownership of the fence. Mr. Crum replied that, based on the easements and notes on the plats, the maintenance of the fence was subject to the HOA. Ms. Wade added that the fence, and everything on the easement belonged to the HOA, but the land underneath belonged to the property owner. She also added that the HOA was responsible for the maintenance of the common areas and defined the LE, or Landscape Easement. Ms. Worth further asked if the HOA was responsible for the plantings required by the plat. Ms. Wade replied that the plantings were not specifically addressed in the staff report, but believed the trees should be planted.

Mr. Wilson asked for information regarding the zoning violation that was sent to the HOA. Ms. Jones explained some of the history that led up to the zoning violation. The Division of Building Inspection was reacting to a complaint that was received, but held off on issuing fines until the Council makes a final decision on this issue.

Mr. Bell asked what would happen, if the Planning Commission voted in favor of the staff recommendation. Ms. Jones replied that only the fencing issue would be addressed, and reminded the Commission that the Council will ultimately decide what to do, and they could alter the recommendation of the Planning Commission. She said that hypothetically, if the Planning Commission and then the Council voted to adopt the staff alternative text, the HOA and Building Inspection would be responsible to make and enforce the required changes. Mr. Bell stated that he wanted there to be some framework for the neighborhood to move forward.

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Mr. Michler stated that aesthetics and common areas are important, and hopes that there can be dialogue among the neighborhood to come to an agreement.

Action – Mr. Michler made a motion, seconded by Mr. Pohl and carried 8-0 (Owens, Nicol, and Davis absent) to approve the modified zoning restrictions for PLN-MAR-23-00010: URBAN COUNTY COUNCIL with staff alternative conditions.

VI. COMMISSION ITEMS – There were none at this time.

VI. COMMISSION ITEMS

Mr. Duncan reminded the Planning Commission of their upcoming work session.

VII. ADJOURNMENT – The meeting was adjourned at 8:08 p.m.

Larry Forester

Janice Meyer

TW/TM/DC/CG/PS