

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

April 25, 2024

- I. **CALL TO ORDER** - The meeting was called to order at 1:30 p.m. in the Council Chamber, 2nd Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.

Planning Commission members present: Larry Forester, Zach Davis, William Wilson, Janice Meyer, Judy Worth, Ivy Barksdale, Bruce Nicol, and Robin Michler.

Planning staff members present: Traci Wade, Tom Martin, Cheryl Gallt, Daniel Crum, James Mills, and Bill Sheehy. Other staff members present were: Vaughan Adkins, Division of Engineering; Captain Greg Lengal, Division of Fire and Emergency Services; and Tracy Jones, Department of Law.

- II. **APPROVAL OF MINUTES** – None at this time.

- III. **POSTPONEMENTS AND WITHDRAWALS** - Requests for postponement and withdrawal were considered at this time.

1. **PLN-ZOTA-23-00004: AMENDMENT TO ARTICLE 8-1, OUTDOOR RECREATION IN THE AGRICULTURAL RURAL(A-R) ZONE**– a text amendment to the Zoning Ordinance to amend Article 8 to remove baseball diamond from an accessory use to a conditional use.

Staff Comment – Mr. Daniel Crum, stated that the applicant had requested a one month postponement to the May 23, 2024 public hearing.

Action – A motion was made by Mr. Wilson, seconded by Ms. Worth and carried 8-0 (Pohl, Owens, and Johnathon Davis absent) to postpone PLN- ZOTA-23-00004: AMENDMENT TO ARTICLE 8-1, OUTDOOR RECREATION IN THE AGRICULTURAL RURAL(A-R) ZONE to the May 23, 2024 public hearing.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, April 4, 2024 at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale, Bruce Nicol, Janice Meyer, Mike Owens, and Judy Worth. Other Committee members present were Vaughan Adkins, Division of Engineering; and Steve Parker, Division of Traffic Engineering. Staff members in attendance were: Autumn Goderwis, Tom Martin, Daniel Crum, Cheryl Gallt, Paula Schumacher, Greg Lengal and Embry Beaty; Division of Fire and Emergency Services, and Tracy Jones; Department of Law. The Committee made recommendations on plans as noted.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission:

1. *All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
2. *All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*

- A. **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.

- 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.

- V. ZONING ITEMS** – The Zoning Committee met on April 4, 2024, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Robin Michler, Zach Davis, William Wilson, Graham Pohl, and Johnathon Davis. Staff members present were Autumn Goderwis, Tom Martin, Daniel Crum, James Mills, and Bill Sheehy; as well as 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.

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. ANTHONY HUMPHRESS ZONING MAP AMENDMENT AND KIDWELL & OTIS PROPERTY (GOLF VIEW ESTATES) DEVELOPMENT PLAN

- a. PLN-MAR-24-00002: ANTHONY HUMPHRESS** – a petition for a zone map amendment from a Single Family Residential (R-1C) zone to a Townhouse Residential (R-1T) zone, for 0.458 gross and 0.600 net acres for property located at 800 and 802 Golfview Drive. The applicant is also requesting a variance to reduce the setback from the floodplain from 25 to 5 feet.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2045 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 petitioner is proposing the Townhouse Residential (R-1T) zone in order to construct a 10-unit attached townhome development, for a density of 21.83 units per acre. These structures are proposed to be three stories tall, with second and third floor rear decks. The applicant is proposing to create a rear parking area within the existing floodplain, with access from both Golfview Drive and Garrison Avenue.

The Zoning Committee Recommended: **Postponement**.

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

1. The Townhouse Residential (R-1T) zone is not a recommended zone for the applicant's choice in Place-Type and Development Type. The applicant should provide a justification for the choice in zone.
 2. The applicant should provide further information on how the following Goals, Objectives, and Policies of the 2045 Comprehensive Plan are being met with this request:
 - a. Minimize disruption of natural features when building new communities (Theme A, Goal #3.c)
 - b. Identify and assess potential climate change impacts, including but not limited to, temperature, precipitation, extreme weather, agriculture, and human health (Theme B, Goal #2.b).
 - c. Provide development that is sensitive to the surrounding context (Theme A, Design Policy #4)
 - d. Conserve and protect environmentally sensitive areas, including sensitive natural habitats, greenways, and water bodies (Theme B, Protection Policy #2).
 - e. Reduce and mitigate negative environmental impacts of impervious surfaces and vehicular use areas (Theme B, Sustainability Policy #4).
 3. The applicant should provide further information on how the following Development Criteria of the 2045 Comprehensive Plan are being met with this request:
 - a. B-PR2-1: Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.
 - b. B-PR9-1: Minimize grading and topsoil disturbance by utilizing the existing topography to the greatest extent possible and preserving key natural features.
 - c. B-RE5-1: Dividing floodplains into privately owned parcels with flood insurance should be avoided.
 - d. B-SU4-1: Development should minimize or mitigate impervious surfaces.
 - e. B-RE5-3: Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them.
- b. **VARIANCE** – The applicant is also requesting a variance to reduce the setback from the floodplain from 25 to 5 feet.

The Zoning Committee Recommended: **Postponement**.

The Staff Recommended: **Postponement of the requested variance for the following reasons:**

1. The applicant should provide further information on the necessity of the requested variance, and the feasibility of adapting the design or size of the development in order to request a lesser variance, or no variance at all.
- c. **PLN-MJDP-23-00003: KIDWELL & OTIS PROPERTY (GOLF VIEW ESTATES)** (4/1/24)* - located at 802 & 804 GOLFOVIEW DRIVE, LEXINGTON, KY

Council District: 11

Project Contact: Barrett Partners, Inc.

Note: The purpose of this plan is to depict a townhome development of 10 units, in support of the requested zone change from a Single-Family Residential (R-1C) zone to a Townhouse Residential (R-1T) zone.

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

1. Provided the Urban County Council approves the zone change to R-1T; 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. Provided the Planning Commission grants the requested variance to the floodplain setback.
8. Discuss non-conforming status of remaining single-family units.
9. Discuss Placebuilder criteria.

Staff Presentation – Mr. Daniel Crum presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and the general area. He stated that the applicant was seeking a zone map amendment from a Single Family Residential (R-1C) zone to a Townhouse Residential (R-1T) zone, for 0.458 gross and 0.600 net acres for property located at 800 and 802 Golfview Drive. Mr. Crum stated that the applicant was seeking to establish a townhome development with an Enhanced Neighborhood Place-Type and a Low Density Residential Development Type. Mr. Crum indicated that while the R-1T zone was not a recommended zone in the Enhanced Neighborhood Place-Type, the applicant was only interested in that residential product. The applicant had updated their justification statement Staff was now in agreement with their selections.

Mr. Crum indicated that the applicant had revised their proposal. Originally, the applicant proposed demolition of the two existing homes and construction of 10 townhome units. The applicant now proposes to main the two single family homes and to add three townhomes between the existing homes. He stated that this new proposal was in response to the numerous floodplain issues associated with the original proposal, and stated that much of the environmental concerns were addressed in this latest iteration.

Mr. Crum concluded by stating Staff was recommending Approval of the application for the reasons mentioned and on the supplemental staff report, and could answer any questions from the Planning Commission.

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

1. The proposed Townhouse Residential (R-1T) zone is in agreement with the Imagine Lexington 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The request will increase the residential density of the area, and introduce a new housing type in an area predominantly characterized with single-family detached development (Theme A, Goal #1.b; Theme A, Goal #2.b).
 - b. The proposal creates a better connected development that will encourage safe social interactions by providing sidewalks and orienting the structures toward the roadway on Golfview Drive (Theme A, Goal #3.c).
 - c. By retaining greenspace and limiting development to the rear of the sites, the request minimizes the disruption of natural features (Theme A, Goal #3.c).
 - d. The request minimizes impervious surface near the floodplain in an attempt to mitigate the impact of extreme weather events (Theme B, Goal #2.b).
2. The proposal is in agreement with the Policies of the 2045 Comprehensive Plan for the following reasons:
 - a. The request replaces the existing garages with dwelling units, enhancing the streetscape and creating a more walkable environment (Theme A, Design Policy #5).
 - b. The request will provide additional variety in housing choice (Theme A, Design Policy #8), that will increase the density of the area in a context-sensitive manner (Theme A, Density Policy #2).
 - c. The proposal improves the pedestrian system within the neighborhood by adding sidewalk facilities to the Golfview road frontage (Theme A, Design Policy #1).
 - d. The request respects the surrounding natural context by eliminating the rear vehicular use areas and dumpster within the floodplain (Theme A, Design Policy #4; Theme B, Protection Policy #2; Theme B, Sustainability Policy #4).
3. 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 Land Use, as the request increases density by increasing the number of dwelling units present on the property (A-DN2-1), while providing for a more compact single family attached housing type (A-DN4-1).
 - b. The proposed rezoning addresses the Transportation and Pedestrian Connectivity Development Criteria, as the proposed development provides sidewalk facilities that are not currently present (D-CO2-1), connects to the larger pedestrian network within the Golfview neighborhood (A-DS4-1), and uses the townhomes to reinforce the streetscape (A-DS5-2). Additional sidewalk improvements along Garrison Avenue will also benefit the site and meet the Subdivision Regulations.
 - c. The proposed rezoning meets the criteria for Environmental Sustainability and Resiliency, as the development does not impact environmentally sensitive areas (B-PR2-1), provides greenspace buffer around the floodplain (B-RE5-3), and minimizes the amount of impervious surface on-site (B-SU4-1).

- d. The request meets the requirements for Site Design, as it provides for clearly delineated private open space for each individual unit (A-EQ9-2), and increases connectivity by expanding the sidewalk network (A-EQ9-2).
 - e. The request meets the criteria for Building Form, as the orientation of the structures maximizes connections to the surrounding area (A-DS5-3), and provides variety from the single-family detached residential development that characterizes this portion of Golfview Drive (A-DS8-1).
4. This recommendation is made subject to approval and certification of PLN-MJDP-24-00003: Kidwell & Otis Property (Golf View Estates) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

Development Plan Presentation – Ms. Cheryl Gallt oriented the Planning Commission to the location and characteristics of the subject property. Ms. Gallt reiterated that there will be three additional townhomes built between the two existing homes. Ms. Gallt indicated that there would be the typical signoff conditions, provided that the Planning Commission grants the variance related to the floodplain setback.

Ms. Gallt concluded by stating that this will allow for increased density in the neighborhood, and that Staff is recommending Approval of the development plan and could answer any questions from the Planning Commission.

Staff Variance Presentation – Mr. Daniel Crum stated that with the revised development plan, the applicant also reduced the impact on the floodplain and is now requesting a lesser variance. The applicant is seeking a variance to reduce the required floodplain setback from 25 feet to 15 feet. Mr. Crum showcased what the 25 foot setback would look like on the development plan, and then presented where the 15 foot setback would be to accommodate the rear porches on the townhomes.

Mr. Crum directed the Commission to the revised staff report regarding the variance. He explained that the proposed decks on the rear of the townhome units would be on the second and third floor of the townhomes. He concluded his presentation by stating the Staff is recommending Approval and subject to 5 conditions as follows:

1. Approval of the 15-foot floodplain setback variance should not adversely affect the public health, safety, or welfare, nor should it create a hazard or nuisance to the public. The only portions of the new construction that are proposed to encroach into the floodplain setback are the rear cantilevered porches, which will not impact the floodplain.
2. The significant portions of floodplain to the rear of the properties are special circumstances that justify the need for the variance.
3. Meeting the full floodplain setback would significantly limit the applicant's ability to provide additional residential and density at this location.
4. The circumstances of this variance are not a result of actions taken by the applicant subsequent to the adoption of the Zoning Ordinance.

This recommendation of Approval is made subject to the following conditions:

- a. Provided the Planning Commission and Urban County Council approve the requested zone change to the R-1T zone, otherwise the requested variances shall be null and void.
- b. The rear decks shall be cantilevered.
- c. The development shall be constructed in accordance with the approved Final Development Plan, or as amended by the Planning Commission.
- d. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
- e. Action of the Planning Commission shall be noted on the Development Plan for the subject property.

Applicant Presentation – Dick Murphy, attorney for the applicant, stated that they are in agreement with the Staff's recommendations and they would like to thank the neighborhood association for the dialogue throughout the process. Mr. Murphy stated that they would be demolishing the two garages on the property in order for the townhomes to be built. Finally, Mr. Murphy requested a slight variation to condition b. requiring that the rear decks be cantilevered. He requested that the phrase "or use 6" X 6" posts, if necessary" be added in case the applicant could not accomplish the two-story decks with cantilever, although that was their intent.

Commission Comment – Ms. Meyer stated that she thought that this was a good example of a developer and a neighborhood working together.

Action – A motion was made by Ms. Meyer, seconded by Ms. Worth and carried 8-0 (Owens, Pohl, and J. Davis absent) to approve PLN-MAR-24-00002: ANTHONY HUMPHRESS for reasons provided by Staff.

Action – A motion was made by Ms. Meyer seconded by Ms. Barksdale and carried 8-0 (Owens, Pohl, and J. Davis absent) to approve PLN-MJDP-23-00003: KIDWELL & OTIS PROPERTY (GOLF VIEW ESTATES) STORAGE with the revised 7 conditions, removing conditions #8 and #9.

Action – A motion was made by Ms. Meyer seconded by Ms. Barksdale and carried 8-0 (Owens, Pohl, and J. Davis absent) to approve the variance to reduce the floodplain setback from 25 feet to 15 feet, and to add the language “or use 6” X 6” posts if necessary.” to condition b.

2. DENTON FLOYD REAL ESTATE GROUP ZONING MAP AMENDMENT AND COVENTRY (BELMONT FARM) LOT 6 DEVELOPMENT PLAN

- a. **PLN-MAR-24-00006: DENTON FLOYD REAL ESTATE GROUP**– a petition for a zone map amendment from a Professional Office (P-1) zone to Medium Density Residential (R-4) zone, for 13.09 net (13.82 gross) acres for property located at 2350 Remington Way.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2045 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 petitioner is proposing the Medium Density Residential zone in order to establish a 280-unit multi-family residential development. The applicant’s overall proposal includes the construction of seven (7) four story multi-family residential structures, for a residential density of 22.51 units per acre. Accompanying the residential structures are a proposed clubhouse/amenity area, and a total of 440 parking spaces.

The Zoning Committee Recommended: **Approval.**

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

1. The requested Medium Density Residential (R-4) zone is in agreement with the 2045 Comprehensive Plan’s Goals and Objectives, for the following reasons:
 - a. The proposal will expand housing choices by providing for a higher density multi-family residential development (Theme A, Goal#1.a).
 - b. The request provides multi-modal connections and centralized open space to create a sense of connectedness and community (Theme A, Goal #3.b and 3.d).
 - c. The proposal upholds the Urban Services Area concept by intensifying a large vacant tract of land within the Urban Services Boundary (Theme E, Goal #1.e).
 - d. The request applies environmentally sustainable practices by retaining and emphasizing the most significant trees on the subject property, and are protecting the site’s natural resources and key features (Theme B, Goal #3.b).
2. The requested Medium Density Residential (R-4) zone is in agreement with the 2045 Comprehensive Plan’s Policies, for the following reasons:
 - a. The proposal’s extensive trail and sidewalk connections result in a people-first design that emphasizes connectivity (Theme A, Design Policy #1 and #5).
 - b. The applicant demonstrates compliance with the multi-family design standards (Theme A, Design Policy #3).
 - c. The applicant continues and extends Gatton Way to the adjoining property to provide for additional vehicular connectivity (Theme A, Design Policy #13).
 - d. The request increases residential density along Remington Way, a collector roadway (Theme A, Density Policy #2).
3. The justification and corollary development plan are in agreement with the policies and development criteria of the 2045 Comprehensive Plan.
 - a. The proposed rezoning meets the recommendations for Land Use, as the applicant’s proposal is located within a walkable distance to a grocery store and commercial uses that are currently being developed at the intersection of Citation and Georgetown Road (A-DS12-1), and orients the development around communal open space and natural features (E-ST8-2).

- b. The proposed rezoning addresses the Transportation and Pedestrian Connectivity Development Criteria, as it provides a well-connected interior pedestrian network(A-DS5-1), expands the sidewalk network along Remington Way (A-DS4-1), and provides for a walkable route to the commercial uses and transit stop at Citation Boulevard and Georgetown Road (A-DS1-2; A-DS10- 1).
 - c. The proposed rezoning meets the criteria for Environmental Sustainability and Resiliency, as the request does not impact any environmentally sensitive areas (B-PR1-2), and provides for highly visible green open space centered around the largest trees on-site ((B-RE2-1) (B-PR9-1).
 - d. The request meets the requirements for Site Design, as the proposed development reinforces the streetscape along two arterial roadways(A-DS5-4), provides for significant interior open space for the development (A-DS9-1; D-PL10-1) and provides for significant multi-modal improvements along Winchester Road (C-LI8-1).
 - e. The request meets the criteria for Building Form, as the proposal is in agreement with the Multi- Family Design Standards (A-DS3-1), and sets an appropriate scale for future development in this area (A-DS4-2).
4. This recommendation is made subject to approval and certification of PLN-MJDP-24-00018 Coventry (Belmont Farm) 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.

- b. **PLN-MJDP-24-00018: COVENTRY (BELMONT FARM) LOT 6** (6/2/24)* - located at 2350 REMINGTON WAY, LEXINGTON, KY
Council District: 2
Project Contact: Barrett Partners Inc.

Note: The purpose of this plan is to depict development of an apartment complex and parking, in support of the requested zone change from a Professional Office (P-1) zone to a Medium Density Residential (R-4) zone.

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

1. Provided the Urban County Council approves the zone change to R-4; 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 Commission.
8. Clarify setback and utility easement lines.
9. Denote location of street cross-sections on the face of the plan.
10. Clarify metes and bounds along Gatton Way.
11. Dimension pool and deck area.
12. Dimension dog park.
13. Discuss note #7 on the Final Record Plat R-335.
14. Discuss Placebuilder criteria.

Staff Presentation – Mr. Daniel Crum presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and the general area. He stated that the applicant was seeking a zone map amendment from a Professional Office (P-1) zone to Medium Density Residential (R-4) zone, for 13.09 net (13.82 gross) acres for property located at 2350 Remington Way. Mr. Crum stated that the applicant is seeking to build a 280 unit multi-family residential development under the New Complete Neighborhood Place-Type and the Medium-High Density Residential Development Type. Staff is in agreement that those selections are appropriate at this location.

Mr. Crum highlighted two significant Bur Oak trees on the development plan and the seven, four-story buildings on the property for 280 units with 440 parking spaces for the residents. Additionally, Mr. Crum noted the updated development plan retained three additional Bur Oaks and shifted the parking after hearing comments from the Zoning and Subdivision Committees.

Mr. Crum concluded his presentation by stating that Staff is recommending approval and could answer any questions from the Planning Commission.

Development Plan Presentation – Mr. Tom Martin oriented the Planning Commission to the location and characteristics of the subject property. Mr. Martin reiterated the retention of three smaller Bur Oak trees and the reconfiguration of the parking area. Mr. Martin read comments from the Urban Forester that expressed his support for the applicant's efforts in retaining the trees and commented that the applicant is working to accommodate many different aspects including parking, sewers, and the trees. Additionally, Mr. Martin indicated that the Planning Commission could emphasize tree retention at the time of the final development plan.

Mr. Martin concluded his presentation by stating that Staff is recommending approval and could answer any questions from the Planning Commission.

Commission Questions – Ms. Worth asked if the note on tree retention be added on this current development plan and Mr. Martin indicated that it would be more appropriate at the time of the final development plan.

Applicant Presentation – Lexy Holland, attorney for the applicant, stated that Staff addressed a lot of what she wanted to cover, but she did intend to highlight a few points. Ms. Holland gave a brief history of Denton Floyd, and showcased the existing zoning on the subject property, as well as the various businesses in the area. Ms. Holland noted the preservation of the three additional trees and discussed finding the balance between maintaining the trees and optimizing the site. Ms. Holland showcased the various amenities of the site including the interconnected trail, the pool, clubhouse, event space, and the open space. Ms. Holland stated that she thought they are doing their best to maintain the character of the area.

Ms. Holland continued stating that the application meets the goals and objectives of the Comprehensive Plan, provides higher density, and maintains the natural resources of the area.

Commission Questions – Mr. Wilson stated that he appreciated the applicant's willingness to work with Staff and asked how they plan to address the public input portion. Ms. Holland stated that they had a meeting with the Citation Point neighborhood, and that they would address the neighborhood's lighting concerns.

Mr. Michler asked why they did not include all the trees in a tree protection area and Ms. Holland stated that it would be something that they talk more through at the final development plan process.

Tony Barrett, landscape architect for the applicant, stated there was a lot that needed to be accommodated on the site, and that has led to where we are today. There have been a lot of compromises and there will continue to be a dialogue throughout the final development plan stage.

Mr. Michler also asked for clarification about the intent of the tree protection area and Mr. Barrett indicated it was their intent to save the three additional Bur Oaks, but there will be clearing of some trees to allow for the parking lot. Mr. Barrett emphasized that current development plan came from listening to comments about preserving more trees.

Mr. Zach Davis stated that this was a case of an applicant listening to comments from committees and having a constructive dialogue. Additionally, Mr. Davis voiced his support for a note on the final development plan to not allow for heavy machinery to clear the area around the protected trees.

Ms. Worth thanked the Zoning Committee members for their advocacy during the process.

Applicant Comment – Ms. Holland commented that she thought that having the fence line as it currently exists without some clearing would be a substantial barrier for residents to be able to appreciate the preserved trees. She stated that having a park space around these protected trees would allow residents to appreciate the trees.

Commission Comment – Mr. Michler stated that he was happy about the reconfiguration around the trees, but he thought that preserving more trees and the natural resources will be a real amenity for the residents. He ended by stating that he hopes to see more dialogue through the next phase.

Action – A motion was made by Mr. Zach Davis seconded by Mr. Nicol and carried 8-0 (Owens, Pohl, and J. Davis absent) to approve PLN-MAR-24-00006: DENTON FLOYD REAL ESTATE GROUP for reasons provided by Staff.

Action – A motion was made by Mr. Z. Davis seconded by Mr. Nicol and carried 8-0 (Owens, Pohl, and J. Davis absent) to approve PLN-MJDP-24-00018: COVENTRY (BELMONT FARM) LOT 6 with the revised conditions provided by Staff.

- C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMEMENDMENTS**
- VI. COMMISSION ITEMS** - The Chair will announce that any item a Commission member would like to present will be heard at this time.
- A. CANCELLATION OF UPCOMING MEETING** – Staff requested that the Planning Commission consider cancelling their May 16, 2024 work session.
- Action – A motion was made by Mr. Wilson seconded by Ms. Worth and carried 7-0 (Z. Davis, Owens, Pohl, and J. Davis absent) to cancel the May 16, 2024 work session.
- VII. STAFF ITEMS** – Ms. Wade reminded the Planning Commission about the upcoming May Subdivision and Zoning committee meetings.
- VIII. AUDIENCE ITEMS** – Citizens may bring a planning related matter before the Commission at this time for general discussion or future action. Items that will NOT be heard are those requiring the Commission’s formal action, such as zoning items for early rehearing, map or text amendments; subdivision or development plans, etc. These last mentioned items must be filed in advance of this meeting in conformance with the adopted filing schedule.
- IX. MEETING DATES FOR April 2024**
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| Subdivision Committee, Thursday, 8:30 a.m., in 3 rd Floor Conf Room, Phoenix Building | May 2, 2024 |
| Zoning Committee, Thursday, 1:30 p.m., in 3 rd Floor Conf Room, Phoenix Building..... | May 2, 2024 |
| Subdivision Items Public Hearing , Thursday, 1:30 p.m. in Council Chambers, 2 nd Floor, Gov’t Center..... | May 9, 2024 |
| Zoning Items Public Hearing , Thursday, 1:30 p.m., in Council Chambers, 2nd Floor, Gov’t Center..... | May 23, 2024 |
| Technical Committee, Wednesday, 8:30 a.m., in Council Chambers | May 29, 2024 |
| Work Session, Thursday, 1:30 p.m., in 3rd Floor Conf Room, Phoenix Building | May 30, 2024 |

Larry Forester, Chair

Janice Meyer, Secretary

TW/DC/RS

