

MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS
August 14, 2025

- I. **CALL TO ORDER** – Chair Zach Davis called the meeting to order at 1:30 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.
- II. **ATTENDANCE** – Planning Commission members present were Zach Davis, Ivy Barksdale, Mike Owens, Judy Worth, Larry Forester, Robin Michler, William Wilson, Johnathon Davis, and Molly Davis. Planning staff members present were Jim Duncan, Traci Wade, Daniel Crum, Chris Chaney, Jeremy Young, Cheryl Gallt, and Paula Schumacher. Other staff present were Tracy Jones, Department of Law; David Filiatreau, Division of Traffic Engineering; Vaughan Adkins, Division of Engineering; and Embry Beatty, Division of Fire and Emergency Services.
- III. **APPROVAL OF MINUTES** – Mr. Owens made a motion, seconded by Ms. Worth, and carried 9-0 (M. Davis abstained, Nicol and Penn absent) to approve the revised December 12, 2024 minutes as presented.
- IV. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – Mr. Wilson made a motion, seconded by Mr. Forester, and carried 9-0 (Nicol and Penn absent), to approve the performance bonds and letters of credit as presented.
- V. **POSTPONEMENTS AND WITHDRAWALS**

- A. **PLN-FRP-25-00014: BOONSEBORO MANOR (INTERSTATE PARK PROPERTY) (IVCP ATHENS SOUTH LLC) (AMD) (8/31/25)*** – located at 5354 ATHENS BOONSBORO ROAD, LEXINGTON, KY
Council District: 12
Project Contact: Spencer Surveying

Note: The purpose of this amendment is to create 15 lots and dedicate right-of-way for Hat Trick Way. Waivers of the Land Subdivision Regulations for the cross-section for Hat Trick Way and access to lots provided solely by an access easement have been requested.

Note: The Planning Commission postponed this item at the July 10, 2025 meeting.

The Subdivision Committee Recommended: **Postponement.** There are questions about converting an access easement into a public street.

Should this plan be approved, the following requirements 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. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace planner's approval of the treatment of greenways and greenspace.
9. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. United States Postal Service Office's approval of kiosk locations or easement.
12. Denote: This property shall be developed in accordance with the approved final development plan.
13. Provided the Planning Commission grants the requested waiver and access easement as sole frontage for a lot.
14. Discuss proposed dedication of Hat Trick Way.

Staff Comments - Ms. Gallt informed the Planning Commission that the applicant had reached out to the Staff and 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. Forester made a motion, seconded by Ms. Worth, and carried 9-0 (Nicol and Penn absent), to postpone PLN-FRP-25-00014: BOONESBORO MANOR (INTERSTATE PARK PROPERTY) (IVCP ATHENS SOUTH LLC) (AMD) to the September 11, 2025 meeting.

VI. LAND SUBDIVISION ITEMS – The Subdivision Committee met on Thursday, August 7, 2025 at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale, Mike Owens, and Judy Worth. Other Committee members present were Vaughan Adkins, Division of Engineering; and David Filiatreau, Division of Traffic Engineering. Staff members in attendance were Traci Wade, Daniel Crum, Chris Chaney, Jeremy Young, Cheryl Gallt, James Mills, Paula Schumacher; Embry Beatty, Division of Fire and Emergency Services; Tracy Jones and Brittany Smith, 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.

1. Preliminary Subdivision Plans - None at this time.

2. Development Plans

- a. PLN-MJDP-25-00033: JERRICO, INC., PROFESSIONAL OFFICE PROJECT (LOT 3) (AMD) (8/31/25)* – located at 251 YORKSHIRE BOULEVARD, LEXINGTON, KY
Council District: 7
Project Contact: Thoroughbred Engineering

Note: The purpose of this amendment is to add 40 parking spaces and required interior landscaping to Lot 3.

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

The Subdivision Committee Recommended: **Postponement.** There are questions regarding Vehicular Use Area (VUA) and compliance with Article 16-6 of the Zoning Ordinance.

Should this plan be approved, the following requirements 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. Urban Forester's approval of tree preservation plan.
5. Department of Environmental Quality's approval of environmentally sensitive areas.
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 Waste Management's approval of refuse collection locations.
9. United States Postal Service Office's approval of kiosk locations or easement.
10. Discuss location of proposed VUA in front yard and compliance with Article 16-6 of the Zoning Ordinance.

Staff Presentation - Mr. Chaney oriented the Planning Commission to the development plan that added parking spaces and landscaping. He said that the existing Vehicular Use Area (VUA) pre-dated the Zoning Ordinance change that prohibited VUA on corner lots to be in the front yard. This plan would add VUA to the existing parking area in the front of the building. He informed the Commission that the applicant had submitted a waiver request to allow for the VUA in the front yard, and briefly described their justification for the request. Mr. Chaney explained that the Staff recommended approval of the requested waiver of Article 16-6(a)(1), for the following reasons:

1. Granting the requested waiver does not adversely affect public health, welfare and safety in this location as the proposed Vehicular Use Area expansion will be located on a large parcel with adequate undeveloped land that serves only the employees and visitors to the existing office building.
2. Granting the waiver does not exceed the minimum relief necessary to accomplish the applicant's goals with the Vehicular Use Area expansion. A reduction in size or relocation would reduce the effectiveness of the expansion.
3. Granting the waiver is consistent with the intent of Article 21-9(d) of the Zoning Ordinance as the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

This recommendation is made subject to the following additional requirement(s):

- a. Landscape buffering of the new Vehicular Use Area must meet the requirements in Article 18-3(a)(2) of the Zoning Ordinance.

Applicant Representation - Daniel Rehner, Thoroughbred Engineering, was present to represent the applicant. He explained that they had removed some VUA from their original plan, but stated that, if they moved the parking lot behind the building, it could create undesirable run-off to the lake and additional paving. He stated that they were in agreement with Staff findings and asked for approval.

Commission Questions - Ms. M. Davis asked if there had been any safety concerns about an additional access that was close to the curve in the road. Mr. Rehner replied that both access points to the property were already existing, and the proposed parking lot would use the current access.

Action - Mr. Wilson made a motion, seconded by Ms. Worth, and carried 9-0 (Penn and Nicol absent) to approve PLN-MJDP-25-00033: JERRICO, INC., PROFESSIONAL OFFICE PROJECT (LOT 3) (AMD) as presented by staff.

Mr. Wilson made a motion, seconded by Ms. Worth, and carried 9-0 (Penn and Nicol absent) to approve the waiver request, for the reasons given by staff and subject to the one condition.

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

- b. PLN-MJDP-25-00041: VERNON & ROXIE HARRIS PROPERTY (AMD) (10/5/25)* – located at 363 PASADENA DRIVE, LEXINGTON, KY
Council District: 10
Project Contact: Vision Engineering

Note: The purpose of this amendment is to depict layout for 16 townhomes, denote HOA lots, and request a waiver of Article 6-8(f) and (m).

Requirements Not Met:

1. Addition of bearings & distance for all property lines (Z.O. Art. 21-6(a)(2)) (Planning)
2. Dimension typical lot layout for townhome and patio to match plan face. (Z.O. Art. 21-6(a)(8)) (Planning)
3. Clarify building square footage and lot coverage. (Z.O. Art. 21-6(a)(13)) (Planning)
4. Addition of proposed and existing easements. (Z.O. Art. 21-6(a)(10)) (Planning)
5. Addition of landscape berm from previous plan. (Planning)
6. Addition of length of street frontage and acreage of right-of-way and access easement to be constructed in site statistics. (LSR Art. 5-2(f)) (Planning)
7. See Accela comments provided by the Divisions of Engineering and Water Quality.
8. Correct zone information on plan face for project property and adjacent property to the west.

Waiver(s) Necessary:

1. LSR Art. 6-8(m) - Access Easement (finding).
2. LSR Art. 6-8(f) - Terminus of public/private street.

Design Considerations: None at this time.

Plan Questions or Concerns:

1. Identify location of roll cart service, Hill n' Dale Drive or Pasadena Drive. (Waste Management)
2. Submit a street name suggestion, or Addressing Office will assign name. (Addressing)
3. Design likely does not preserve/protect the greatest number of trees, though several of these are not great specimens. (Z.O. Art. 26-4(d)) (Urban Forester)
4. Consider the possibility of bulb outs at the new intersection to help address concerns of neighborhood. (Traffic Engineering)

The Staff recommended: **Approval**.

The Subdivision Committee recommended: **Referral** to the Planning Commission.

Should this plan be approved, the following requirements 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. 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. Provided the Planning Commission approves sole access to these lots by an access easement rather than a public or private street. (LSR Art. 6-8(m)) (Planning)
13. Provided the Planning Commission grants the requested waiver for terminus of a public street/access easement. (LSR Art. 6-8(f) and(m)) (Planning)
14. Correct all noted deficiencies listed as "requirements not met" herein.

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

Staff Presentation - Ms. Gallt oriented the Commission to the development plan for townhomes. She stated that the applicant was requesting that the access easement be the sole access to the proposed townhomes, and the Commission would need to make a finding of such. The applicant was also requesting a waiver for the termination of the access easement. She stated that the Staff recommended approval of the requested waiver to Article 6-8(f) for the elimination of the required termination and finding for the access easement for the following reasons:

1. Granting the requested waiver for the termination of a public street will not adversely affect public health, safety, and welfare in compliance with the intent of the Land Subdivision Regulations. The proposed turnaround area located mid-block will serve the needs on the site.
2. Granting the waiver is consistent with the intent of Article 1-5(a) of the Land Subdivision Regulations for Exceptional Hardship due to the size and shape of the site.
3. Allowing the use of an access easement as sole vehicular access to the 16 dwelling units will not negatively impact the public health, safety and welfare of the community. The standard right-of-way width and configuration for a cul-de-sac and local street would be considered excessive to serve the low-density project and the intent of the Land Subdivision Regulations is being met with the proposal.

Conditions of Approval:

- a. No parking signs shall be posted along the access easement and within the turnaround.
- b. The access easement pavement, curb and sidewalk shall be constructed to the minimum standards of the Roadway Manual.

Commission Questions - Mr. Owens asked if the Division of Fire was agreeable to the terminus as requested. Mr. Beaty, Division of Fire, replied that they were in agreement with the plan as long as the turn around area remains clear of vehicles and roll carts.

Mr. Michler asked why they could not connect to Pasadena Drive rather than terminate the access. He opined that terminating the access would create a longer loop to drive, rather than direct access to Pasadena Drive. Ms. Gallt replied that, at the time of the zone change, there was a safety concern with the access being too close to a blind spot over the railroad tracks on Pasadena Drive. She also said that there was a spacing issue to other accesses onto Pasadena Drive. Mr. Filiatreau, Traffic Engineering, agreed with Staff comments.

Ms. M. Davis asked if it was ever considered to connect this property to the north for better connectivity. Ms. Gallt said that it had been considered, but the applicant could better address why it was not connected.

Applicant Representation - Mark McCain and Mark McIntosh, Vision Engineering, were present to represent the applicant. Mr. McCain asked for approval.

Commission Question - Ms. M. Davis asked the applicant to speak to the tree preservation, and the possible connection to the development to the north. Mr. McCain replied that he had been communicating with the Urban Forester, and reiterated that the Urban Forester had stated that the trees on the property were not the best. Mr. McIntosh informed the Commission that they could not connect the two properties because the neighboring development had been built, and detention location was already determined. Mr. McIntosh also briefly described the temporary access easement on Sunseeker Court.

Staff Comments - Ms. Wade informed the Planning Commission that they would display the citizen comments that had been submitted, due to a computer issue that would not allow the Commissioners to read them. Ms. Wade also replied to the Commission question regarding the number of trees on the lot, saying that there were 54 identified trees and 18 of them would be preserved on the perimeter of the development.

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

Commission Questions - Ms. M. Davis stated that the particular citizen concerns were not in the jurisdiction of the Planning Commission, and hoped that the issues could be addressed by other means.

Action - Mr. Owens made a motion, seconded by Mr. J. Davis, and carried 9-0 (Penn and Nicol absent) to approve the waiver request for the reasons provided by the Staff.

There was some discussion among the Staff and Commission regarding the new format of the staff reports and the motions to be made since the passage of the new state legislation.

Mr. Owens made a motion, seconded by Ms. Worth, and carried 9-0 (Penn and Nicol absent), to approve PLN-MJDP-25-00041: VERNON & ROXIE HARRIS PROPERTY (AMD) as presented by staff.

VII. ZONING ITEMS - The Zoning Committee met on August 7, 2025, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Larry Forester, William Wilson, Johnathon Davis, and Molly Davis. Staff members present were Traci Wade, Daniel Crum, Chris Chaney, Jeremy Young, 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.

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. ANDERSON CAMPUS RENTAL PROPERTIES, LLC ZONING MAP AMENDMENT AND SOUTH BROADWAY PLACE AND LYNN GROVE ADDITION DEVELOPMENT PLAN

Note: The Planning Commission postponed this item at the July 24, 2025 meeting.

- a. **PLN-MAR-25-00007: ANDERSON CAMPUS RENTAL PROPERTIES, LLC** (8/14/25)* – a petition for a zone map amendment from a Single Family Residential (R-1D) zone and a Townhouse Residential (R-1T) zone to a Medium Residential (R-4) zone, for 0.431 net (0.498 gross) acres for properties located at 119 Burley Avenue, 122 Simpson Avenue, 1104 Fern Avenue, and a portion of 109 Simpson Avenue. The applicant is also requesting a variance to reduce the VUA perimeter buffer from 8' to 3' at the rear of 122 Simpson Avenue.

COMPREHENSIVE PLAN AND PROPOSED USE

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

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 applicant is seeking to rezone the subject properties in order to expand an existing multi-family development located at 201 Simpson Avenue. The expansion plan would add an additional 220 units, bringing the total to 507 units for a total residential density of 40.53 units per acre.

The Zoning Committee Recommended: **Approval.**

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

1. The zone change application for the subject property necessitates a Parking Demand Mitigation Study in accordance with Article 16-14 of the Zoning Ordinance.
 2. The zone change application for the subject property, as proposed, does not completely address the development criteria for a zone change within the Enhanced Neighborhood Place Type, and the Medium-Density Residential Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. D-PL7-1: Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
 - b. A-DS4-1: A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided.
 - c. D-CO4-2: Provide multiple route options (grid type structure) to alleviate congestion in lieu of additional lanes upon existing roadways.
 - d. B-PR2-1: Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.
 - e. B-SU9-1: Green Stormwater Infrastructure (GSI) should be implemented in new development.
- b. **VARIANCE** – As part of their application, the petitioner is also seeking a dimensional variance to reduce the required landscape buffer between 122 Simpson Avenue and 1106 Fern Avenue from eight (8) feet to three (3) feet.

The Zoning Committee Recommended: **Postponement.**

The Staff Recommends: **Disapproval** of the requested variance for the following reasons:

1. The applicant has not provided sufficient justification to meet the requirements of Article 7 of the Zoning Ordinance or KRS 100.243. There do not appear to be special circumstances that are unique to the subject property that do not generally apply to other property in the vicinity or in the same zone that justify the need for the variance. The property is a large redevelopment site that does not feature any environmental constraints.
 2. The applicant has not provided any information that demonstrates that meeting the 8-foot required landscape buffer would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant. It appears that the requirement could be met by relocating three parking spaces.
- c. **PLN-MJDP-25-00026: SOUTH BROADWAY PLACE AND LYNN GROVE ADDITION** (8/14/25)* – located at 103-119 BURLEY AVENUE (odd only), 1104 FERN AVENUE, 1100-1109 PROSPECT AVENUE (odd only) and 101-201 SIMPSON AVENUE (odd only), LEXINGTON, KY
Council District: 10
Project Contact: Barrett Partners

Note: The purpose of this plan is to depict area of development of 220 multi-family dwelling units in support of the requested zone change from a Single Family Residential (R-1D) zone and Townhouse Residential (R-1T) to a Medium Density Residential (R-4) zone.

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

The Subdivision Committee Recommends: **Postponement**.

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

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 inventory map.
5. Greenspace planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval if environmentally sensitive areas.
7. Remove gray shading.
8. Denote location of common open space per Article 20-6(a) of the Zoning Ordinance on Burley Avenue.
9. Addition of sidewalks to Burley Avenue.
10. Addition of exhibits to meet multi-family design standards.
11. Provided the Planning Commission approves a waiver for Articles 6-8(b) and 6-8(f) of the Land Subdivision Regulations.
12. Discuss removal of existing driveway for townhomes on Burley Avenue.
13. Discuss stormwater management plan, including proposed relocation of existing modified detention basin from previous plan.
14. Discuss Placebuilder criteria.

Staff Presentation - Mr. Young presented the zone change request to the Planning Commission. He described the features and zoning of the surrounding areas. He pointed out that there were only four addresses included in the zone change, but the corresponding development plan covered a larger area. He stated that the applicant was asking for an Enhanced Neighborhood Place-Type and Medium Density Development Type. Mr. Young stated that originally, the Staff had some concerns regarding traffic, connectivity, and stormwater, but he explained how the applicant had addressed the concerns, and their new design eliminated the need for a variance. He stated that the Staff was now recommending approval for the following reasons:

1. The proposed Medium Density Residential (R-4) zone is in agreement with the Imagine Lexington 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The request allows for more flexibility to create higher density housing (Theme A, Goal #1.b).
 - b. The proposal incorporates vacant and underutilized parcels (Theme A, Goal #2.a).
 - c. The request will provide residential units with accommodations for those with disabilities (Theme A, Goal #1.c).
2. The proposal is in agreement with the Policies of the 2045 Comprehensive Plan for the following reasons:
 - a. The request will provide development that is sensitive to the surrounding context (Theme A, Design Policy #4).
 - b. The proposed apartment uses will increase the variety of housing choice available in the area (Theme A, Design Policy #8).
 - c. The proposal is in agreement with the Multi-Family Design Standards (Theme A, Design Policy #3).
3. The justification and corollary development plan are in agreement with the Development Criteria of the 2045 Comprehensive Plan, for the following reasons:
 - a. The proposed rezoning meets the criteria for Land Use which states infill residential should aim to increase density (A-DN2-1).
 - b. The proposed rezoning meets the criteria for Transportation, Connectivity , and Walkability as the request provides accessible links to transit (A-DS1-2).
 - c. The request meets the criteria for Environmental Sustainability and Resiliency by improving tree canopy (B-RE5-1).
 - d. The proposed rezoning meets the criteria for Site Design by orienting parking to the interior or rear of the property for non-residential or multi-family developments (A-DS7-1) and providing active and engaging amenities within neighborhood focused open spaces (A-DS9-1).

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

- e. The request meets the criteria for Building Form by minimizing significant contrasts in scale, massing and design, particularly along the edges of historic areas and neighborhoods (A-DN2-2).
4. This recommendation is made subject to approval and certification of PLN-MJDP-25-00026: South Broadway Place and Lynn Grove Addition (amd) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

Staff Presentation - Ms. Gallt oriented the Commission to the development plan. She stated that the revision would add 220 dwelling units to what was already existing. She told the Commission that the applicant had originally removed an access point to Burley Avenue, but they had put it back in the revision, at the request of Staff, in the support of connectivity. Ms. Gallt listed and described the following revised conditions, and stated that the Staff 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 inventory map.
5. Greenspace planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Denote location of common open space per Article 20-6(a) of the Zoning Ordinance on Burley Avenue.
8. Provided the Planning Commission approves a waiver for Articles 6-8(b) and 6-8(f) of the Land Subdivision Regulations.
9. Discuss Placebuilder criteria.

Staff Presentation Continued - Ms. Gallt continued the Staff presentation, and described the waiver that had been requested by the applicant. She said that the applicant proposed an entrance into their development, rather than using a required terminus for a public street. She stated that the applicant planned to use a "mountable traffic island" that would act as a roundabout to allow vehicles to turn around, if necessary. Ms. Gallt stated that Staff was recommending approval of the waiver request for the following reasons:

4. Granting the requested waiver for termination of street standards will not adversely affect public health, welfare and safety in compliance with the intent of the Land Subdivision Regulations. A second access point exists to the north portion of the property through the property located at 1020 Export Street and keeping access to Burley Avenue will allow another access for the southern portion of the development to have direct access to a public street.
5. The granting of the waivers is consistent with the intent of Article 1-5(b) of the Land Subdivision Regulations for Design Innovation and Large-Scale Development as the street system and access points have been developed as part of an overall design for the entire residential development.
6. Granting the waiver is consistent with the intent of Article 1-5(c) of the Land Subdivision Regulations due to site constraint of an Infill and Redevelopment within an existing single family residential neighborhood.

Applicant Representation - Attorney Dick Murphy; Dennis Anderson, owner; Rory Kahly, EA Partners; Mike Craft, Anderson Communities; and Steve Garland, Prime Engineering were present on behalf of the application. He stated that applicant had made a number of changes to the original plan and appreciated the work that the Staff had done. He stated that they were withdrawing the variance request. He displayed a map of the development plan, and pointed out the small area of the actual zone change and the piece of the overall development plan that was not owned by the applicant. He also described the changes that had been made to entrance from Simpson Avenue and that the roundabout would allow for safe turn arounds. He requested approval, at this time.

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

Commission Questions - Ms. M. Davis asked Mr. Murphy to clarify the location of the three entrances. Mr. Murphy pointed them out on the development plan.

Ms. M. Davis asked about the stormwater concerns that had been mentioned in citizen letters. Ms. Wade replied that the letters had been received before the plan had been presented to the Technical Committee, and had been given to the applicant. She explained some of the technical issues regarding stormwater, but the engineering of the project would not be completed at this preliminary stage. She added that the applicant should have answers to the stormwater questions at either the final development stage or the improvement plan stage.

Mr. Michler asked about the small house of Fern Avenue. Mr. Murphy replied that it was beyond repair and had to be torn down.

Mr. Michler stated that the development plan referenced detention in the crawlspaces of the existing buildings, and wanted to ensure that this would not be the case moving forward. Mr. Murphy stated that it was the existing condition on the portion of the development that did not belong to this owner. Ms. Wade suggested that it was extremely unusual and that the stormwater manuals probably would not even allow for it. Mr. Murphy verified that this would not happen in the new portion of the plan.

Ms. M. Davis read a citizen comment about a church that was concerned about residents being disrespectful of their property. Mr. Murphy stated that Mr. Anderson used on-site management to prevent these issues.

Mr. Forester asked if they needed to make a formal vote to withdraw the variance request. Ms. Wade stated that the Planning Commission does typically do so. There were some off microphone discussion about this by the Planning Commission members, and Chair Davis declared that the variance had been withdrawn for the record.

Action - Mr. Forester made a motion, seconded by Mr. Wilson, 9-0 (Penn and Nicol absent) to approve **PLN-MAR-25-00007: ANDERSON CAMPUS RENTAL PROPERTIES, LLC**, as presented by staff.

Mr. Forester made a motion, seconded by Mr. Wilson, 9-0 (Penn and Nicol absent) to approve **PLN-MJDP-25-00026: SOUTH BROADWAY PLACE AND LYNN GROVE ADDITION**, with the revised conditions presented by staff, subject to the revised conditions.

Mr. Forester made a motion, seconded by Mr. Wilson, 9-0 (Penn and Nicol absent) to approve the waiver request with for the reasons presented by staff, subject to the conditions.

VIII. COMMISSION ITEMS

Mr. Duncan reminded the Commission about the upcoming Work Session on August 21st.

IX. ADJOURNMENT – Chair Davis adjourned the meeting at 2:57 p.m.



Zachary Davis, chair



Robin Michler, secretary

TW/DC/CC/JY/CG/PS

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