

MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS
February 12, 2026

- I. **CALL TO ORDER** – Vice Chair Barksdale called the meeting to order at 1:34 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.
- II. **ATTENDANCE** – Planning Commission members present were Ivy Barksdale, Bruce Nicol, Larry Forester, William Wilson, Mike Owens, Johnathon Davis, Judy Worth, and Molly Davis. Planning staff members present were Jim Duncan, Traci Wade, Daniel Crum, Chris Chaney, Cheryl Gallt, Ryelle Browning, and Paula Owens. Other staff present were Tracy Jones and Brittany Smith, Department of Law; David Filiatreau, Division of Traffic Engineering; Vaughan Adkins, Division of Engineering; and Firefighter Embry Beatty, Division of Fire and Emergency Services.
- III. **APPROVAL OF MINUTES** – Mr. Wilson made a motion, seconded by Mr. J. Davis, and carried 8-0 (Z. Davis, Michler, and Penn absent), to approve the January 15, 2026 minutes.
- IV. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – Mr. Forester made a motion, seconded by Ms. Worth, and carried 8-0 (Z. Davis, Michler, and Penn absent), to approve the performance bonds and letters of credit as presented.
- V. **POSTPONEMENTS AND WITHDRAWALS** - None at this time.
- VI. **LAND SUBDIVISION ITEMS** – The Subdivision Committee met on Thursday, February 5, 2026 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, Cheryl Gallt, Ryelle Browning, Paula Owens; Firefighter Embry Beatty, 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)

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- 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 Subdivision Plans** - None at this time.

2. **Preliminary Subdivision Plans**

- a. PLN-MJSUB-25-00005: SUBURBAN POINT SUBDIVISION EXPANSION (2/22/26)* – located at 421 PRICE ROAD, LEXINGTON, KY
Council District: 2
Project Contact: Viox & Viox, Inc.

Note: The purpose of the plan is to create 55 single-family lots, two open space parcels, one detention basin/common area, and streets.

Requirements Not Met:

1. Proposed street cross-section must have restricted parking on one side of street (hydrant side). (Fire)
2. Denote tree canopy and street tree requirements, and provide tree mitigation proposal. (ZO Art. 26-4(c)) (Urban Forester)
3. Denote all adjacent property owner information. (LSR Art. 5-2(d)(11)) (Planning)
4. Correct zoning notation in site statistics. (LSR 5-2(f)) (Planning)

Waiver(s) Necessary: None at this time.

Design Considerations:

1. See all Accela comments provided by the Division of Engineering.
2. Proposed street cross-section must have restricted parking on one side of street (hydrant side). (Fire)
3. Design does not protect/preserve greatest number of trees reasonably/practically. Evaluate preserving healthy/significant trees on property. (ZO Art. 26-4(d)) (Urban Forester)
4. Describe how detention areas in the development are useable and accessible for common space.

Plan Questions or Concerns:

1. Discuss accessibility for residential service trucks on proposed streets. (Waste)
2. Discuss improvements for Price Road frontage. (Engineering)
3. Discuss impact to spring point near Lot 39. (Engineering)
4. Discuss need for additional stormwater or drainage easements. (Engineering)
5. Discuss detention area outfall and if this detention is sufficient for the development. (Engineering)
6. Discuss stormwater management proposal. (LSR-Art. 6-7) (Engineering)
7. Discuss encroachment of structures from adjacent property. (Planning)

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. 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 & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Open Space Planner's approval of open space areas.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.

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10. Correct all noted deficiencies listed as "requirements not met" herein.

Staff Presentation - Mr. Chaney oriented the Planning Commission to the preliminary subdivision plan that would create 55 single-family lots. He displayed aerial photographs and pointed out where the road connections would be made to the adjoining subdivisions. While discussing the Staff report, he informed the Commission that the Division of Fire & Emergency Services had indicated that #1 in "requirements not met" and #2 in "design considerations" could be removed. He also mentioned that the applicant had already submitted a minor plat to address the encroachment of structures from the adjacent property (#7 in plan questions or concerns).

Commission Questions - Ms. M. Davis asked Mr. Chaney to clarify the location of the spring. He pointed it out on the development plan and mentioned that it was actually near Lot 38 since the applicant had re-numbered the lots.

Mr. Owens asked if there was restricted parking. Mr. Chaney clarified that there had been restricted parking, but the applicant had revised their cross-section, so that it would allow for parking on both sides of the street.

Applicant Presentation - Attorney Nick Nicholson was present to represent the applicant. He stated that the plan was in compliance with all the zoning requirements. He informed the Commission that, while he was willing to discuss closing the road connections with the neighbors, he felt that he had no justification for a waiver request to close the roads at this time.

Ms. M. Davis asked Mr. Nicholson if the applicant would be willing to look at the tree preservation plan again to try to save more significant trees. Mr. Nicholson said that they would be happy to look at it, and make any changes that the Urban Forester would suggest. He added that there had been difficulty with the road alignment and the areas of tree protection.

Ms. Davis asked Mr. Nicholson if the applicant had considered saving the trees on Price Road. He replied that they were required to depict half-section road improvements, and that there was no way to save the trees in question, if the road improvements were made.

Ms. Barksdale questioned if the Division of Fire would approve of the streets if the connections were not made. Mr. Nicholson responded that they would still meet all fire code.

Neighborhood Representation - Attorney Bruce Simpson was present to represent the St. Martin's Village Neighborhood Association. He stated they were pleased to see that the development was single-family housing. He distributed a letter that included a report from Ed Holmes, which described the impact of the development to St. Martin's Village. He asked the Planning Commission to either postpone the plan until Mr. Holmes was able to speak about his report, or that they recommend that the streets in question not connect to the adjoining development. He stated that there were too many deficiencies in the plan for it to move forward at this time, and approving it would punt the decision to "line staff" that were outside of the scope of a public hearing. He stated that the neighborhood's goal was to keep the three stub streets closed to connections.

Citizen Comments - John Conner said that his mother still lived in the area, and asked for the streets to remain closed to preserve the character of the neighborhood. He described some history of the St. Martin's Village.

Artie Greene stated that he was glad to hear the applicant was willing to keep the streets closed because his concern had always been about traffic.

Tammy Bright, 960 De Porres Avenue, and Michell Davis, 940 De Porres Avenue, read the report that was written by Ed Holmes and submitted by Mr. Simpson.

Austin Zinkle explained some history of the neighborhood. He was in opposition to the street connections.

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Shaunetta Thomas stated her concern about a tree near Price Road that would be removed if the required street improvements were completed. She shared photos and memories of the tree that her family used to memorialize her husband, Michael Thomas.

Duvall Headley passed a handout to the Commission and asked for a postponement to allow for better planning. He asked the Planning Commission to think about the long-term negative effects of this development.

Applicant Rebuttal - Mr. Nicholson stated that the plan met all the rules of the Land Subdivision Regulations. He stated that the stub streets had existed for a long time, and the regulations required the street connection. He noted that the Urban County Council could take action and close the stub streets, but they could not depict the streets as closed.

Mr. Nicol asked Mr. Nicholson to clarify the three streets that were being discussed, and asked if all the requirements could be met without the connections. Mr. Nicholson pointed out Tibbs Lane, Dominican Drive, and St. Martin's Avenue on the overhead map, and added that all the fire code requirements could be met without the street connections, but not the Land Subdivision Regulations.

Mr. Nicol asked for an explanation of the process to close a public right-of-way. Mr. Nicholson replied that the Council has the ability to permanently close or barricade a public-right-of-way. He explained that it is a process that starts with the Department of Public Works. Mr. Nicol stated that it seemed that the decision to close the road was not in their purview.

Ms. Worth recalled the former application at this site and that the Planning Commission had voted to keep the road closed, but were overruled by Council. She asked why it seemed like they could make a decision at that time, but they could not with this application. Mr. Nicholson replied that this application was different because it was not connecting to the existing mobile home park like the previous plan. He suggested that the added traffic would be significantly less with single-family homes.

Opposition Rebuttal - Mr. Simpson said that Ms. Worth was correct, and they could make the decision to close the streets. He asked the Commission to make the decision now and reminded them that the applicant did not have a problem with keeping the streets closed.

Staff Rebuttal - Ms. Wade told the Planning Commission that, despite the claim of Mr. Simpson, there were only 3 outstanding "requirements not met".

Ms. Wade also addressed the termination of the streets. She stated that the applicant decided to connect the roads, but could have chosen to design the plan with cul-de-sacs. She said both plans would have meet the Land Subdivision Regulations, but the Planning Commission could not grant a waiver that had not been requested. She added that there was no evidence presented that the street connectivity was actually harmful.

Commission Questions - Mr. Wilson asked why this plan was before the Planning Commission and what authority did they have in this instance. Ms. Jones stated that they were hearing it because it was a preliminary subdivision plan. In order for the Planning Commission to act on the closing of the streets, there would have had to be a waiver request submitted. She cautioned the Planning Commission about making the connectivity decision without the waiver request. She also reiterated that closing of streets was ultimately a Council decision.

Mr. J. Davis asked if the plan had included cul-de-sacs, would that have addressed the connectivity issue properly and help the neighbors. Ms. Wade replied in the affirmative.

Mr. Wilson shared some comments about the history of traffic concerns in the neighborhood.

Mr. Owens asked Ms. Jones to clarify the process of street closure. She replied that most requests are made to the Department of Public Works directly or through a Council member, moves through the process, and ends with the Council making the final decision.

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Ms. M. Davis asked if the applicant could create cul-de-sacs instead of connections if the Planning Commission approved the plan as presented. Ms. Wade replied they could not, and the roads would be built and connected. She reiterated that once a street has been dedicated, the decision would have to be made by Council, including the addition of barricades.

Ms. Davis asked why the existing stub streets were not terminated as cul-de-sacs at the time they were built. Ms. Wade replied that since they were not terminated at the point of dedication, the indication was to continue the streets at such a time as the next property was developed.

Ms. Worth asked when the Council would hear a request for road termination. Ms. Jones replied that they would do so at the time of a request, and the process would move forward with the Department of Public Works. Ms. Jones also emphasized that the Subdivision Regulations were adopted by the Planning Commission as well as the Council.

Action - Mr. Owens made a motion, seconded by Mr. Nicol, and carried 8-0 (Z. Davis, Michler, and Penn absent) to approve PLN-MJSUB-25-00005: SUBURBAN POINT SUBDIVISION EXPANSION, as presented by the staff.

Ms. M. Davis asked what the recourse was for anyone who opposed this plan. Ms. Jones replies that someone could go to their Council member to ask about closing the roads, but could also appeal the application under KRS 100.

3. Development Plans

- a. PLN-MJDP-25-00067: MARGARET C. CAMIC PROPERTY (W.E. SAVAGE PROPERTY) (2/1/26)* – located at 4630 OLD SCHOOLHOUSE LANE, LEXINGTON, KY
Council District: 9
Project Contact: Prime AE

Note: The purpose of the plan is to propose a senior living facility, ten single family residential lots, and one HOA lot on a portion of the site.

Requirements Not Met:

1. 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. (Z.O. Art. 21(b)(1)) (Building Inspection)
2. Denote: Structures built in areas of alluvial soils will have a foundation and footer detail prepared by a licensed professional engineer prior to issuance of a building permit. (LSR Art. 6-11(a)(2)) (Environmental)
3. Denote: No buildings or structures shall be located on any land with a slope greater than 30%. For areas with slopes between 15% and 30%, the provisions of Article 6-11 of the Land Subdivision Regulations shall be applicable. (Environmental)
4. Denote: The location of the fire hydrants, fire department or fire service features, if required, shall be approved by the Division of Fire, Water Control Office. (ZO Art. 21-6(a)(3)) (Planning)
5. Denote: No land disturbance, construction, clearing of native vegetation, or mowing shall occur in the vegetative buffer zone. Invasive species may be removed by hand-held equipment or a forestry grinder. (SWM 1.4.4) (Engineering)
6. Denote: All pavement markings, aside from standard parking stalls, shall be thermoplastic. (Traffic)
7. Provide dumpster enclosure and pad specifications. (DSG p.8 & 11) (Waste)
8. Correct address of Parcel 12 to 4734 Rhema Way. (Addressing)
9. Provide open space exhibit and include open space requirements in the site statistics as a percentage. (ZO Art. 20-3) (Open Space)
10. Provide record plat designation. (ZO Art. 21-6(a)) (Planning)
11. Include north arrow on vicinity map. (ZO Art. 21-6(a)(3)) (Planning)
12. Remove gap/match line in detail drawing. (ZO Art. 21-6) (Planning)

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13. Remove the 500-year floodplain, and differentiate line types for floodplain and vegetative buffer. (ZO Art. 21-6(a)(9)) (Planning)
14. Denote all existing and proposed easements. (LSR 5-4(d)(4)) (Engineering)
15. Denote timing and maintenance responsibility for 7.5' sidewalk. (Engineering)
16. Provide Tree Inventory Map and Tree Preservation Plan that comply with ZO Art. 26-4(b)&(c). (Urban Forester)
17. Depict sidewalk rather than a sidewalk easement. (Traffic)
18. Install either choker islands/bulb outs or propose a location for a couple of speed tables. (Traffic)

Waiver(s) Necessary: None at this time.

Design Considerations:

1. Review all Accela comments provided by the Division of Engineering.

Plan Questions or Concerns:

1. Discuss Vehicular Use Area (VUA) in front of senior living facility. (Planning)
2. Discuss whether assisted living or nursing services will be provided. (Planning)
3. Discuss opening of Agape Drive/removal of permanent barricade at northern terminus point. (Council Resolution 610-2014) (Engineering & Planning)
4. Discuss density change and land use change. (Planning)
5. Discuss ownership and maintenance of stormwater management areas. (Engineering)

The Subdivision Committee Recommended: **Postponement.** There are questions regarding significant changes to the plan from the original preliminary subdivision plan.

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. Open Space Planner's approval of open space areas.
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 all noted deficiencies listed as "requirements not met" herein.

Staff Presentation - Mr. Chaney oriented the Planning Commission to the development plan that proposed senior living multi-family units. He also stated that a revised staff report had been distributed. He pointed out the features of the property including the four streets that stub into it. The plan also pointed out single-family lots to the rear of the senior living project. He stated that the senior living units were an allowed principal use in the zone. He discussed some traffic numbers, and noted that it was significantly less for this type of use than single-family homes. Mr. Chaney said that staff was recommending approval based on the following revised conditions:

Requirements Not Met:

1. Denote all existing and proposed easements. (LSR 5-4(d)(4)) (Engineering)
2. Provide Tree Inventory Map and Tree Preservation Plan that comply with ZO Art. 26-4(b)&(c). (Urban Forester)

Plan Questions or Concerns:

1. Discuss opening of Agape Drive/removal of permanent barricade at northern terminus point. (Council Resolution 610-2014) (Engineering & Planning)
2. Discuss density change and land use change. (Planning)

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3. Discuss ownership and maintenance of stormwater management areas. (Engineering)

The Staff Recommends: **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. Open Space Planner's approval of open space areas.
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 all noted deficiencies listed as "requirements not met" herein.

Commission Questions - Ms. M. Davis asked Mr. Chaney to point out where Agape Drive was located. Mr. Chaney pointed to it on the overhead map and explained that it was the existing Agape Drive that would continue through the site. Ms. Davis asked where it would change names, and Mr. Chaney replied that it would have to be at an intersection, but which intersection had not been determined yet.

Ms. M. Davis asked if the plan included any of the front portion of the property. Mr. Chaney replied that it was only including the senior living facility and single family lots near the creek.

Mr. Owens asked for the definition of a senior living facility. After some research, Ms. Wade replied that there was no definition in the Zoning Ordinance. Mr. Chaney clarified that this was senior living, not assisted living.

Mr. Owens asked for further explanation regarding the traffic counts and the senior living facility. Mr. Chaney described the traffic counts for senior multi-family as fewer than regular multi-family.

Mr. Owens asked about a shaded piece of the development and its purpose. Mr. Chaney referred to the applicant.

Applicant Presentation - Johan Graham, AU Associates, and Steve Garland, Prime AE, were present to represent the applicant. Mr. Graham defined the project as affordable senior living. He indicated that they were not affiliated with the previous development plan, but a third party buyer. He said that there had been significant communication with the neighborhood, and they had changed several aspects of their plan to be good neighbors, including lowering the building height, changing the orientation of the building, and re-locating parking and the dumpster. He reiterated the point that three of the senior units would generate about the same amount of traffic as one single-family home.

Mr. Garland addressed the issues of stormwater and the tree preservation plan. He indicated that there were no trees on the three acres that they were purchasing, and described the stormwater management plan that had been presented to the Division of Engineering.

Mr. Graham said that this was an allowable use and good location for much needed affordable senior housing.

Commission Questions - Ms. M. Davis asked about the location of the open space, and the accessibility to bus transportation. She also asked for clarification about 60% of median income. Mr. Graham stated that 60% of median income for a family of one was currently \$44,000. He indicated that the nearest bus stop

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was unfortunately a considerable distance from the property, and clarified the open space location. Ms. Wade also helped clarify the open space location and note.

Mr. Owens asked if these units would be rental and how many one and two bedroom units would be included. Mr. Graham replied that the units would be rentals, and there would be 33 one-bedroom, and 12 two-bedroom units.

Opposition Representation - Attorney Bruce Simpson was present to represent the Dogwood Trace Neighborhood Association. He passed out a hand-out to the Planning Commission. He stated the neighborhood and Planning Commission were promised that there would only be single-family homes built on this property at the time of the zone change. He also opined that there were still too many unanswered questions on the staff report that should be answered in the public meeting rather than to "subordinate line staff".

Citizen Comments - Bennett Clark, 2441 Lacross Court, passed out photographs of trees on the property. He asked that only single-family homes be built on the property, as originally promised. He played several clips of the Planning Commission meeting and the Council meeting in which the zone change was heard, that only depicted single-family homes and addressed the tree protection areas and fence.

Chris Coldiron, 2429 La Cross Court, passed out a handout. He asked the Planning Commission to uphold their decision at the time of the zone change for single family homes only. He was concerned that this would open the rest of the property for more multi-family.

At this time, a member of the audience submitted a letter written by Ken Verba, who was in opposition to the plan.

Morgan Clark, 2411 La Cross Court, was opposed to the plan and asked for only single-family homes. She stated that there was a shortage of affordable single-family homes. She was also concerned about trees on the property that could fall on her house.

Karen Springate, 4160 Dogwood Trace Boulevard, also distributed a handout. She was concerned about the change to multi-family residential land use after they were promised only single-family residential.

Reecie Stagnolia, 2436 Magnolia Court, was concerned about the increase in traffic that would come with development after the senior living was built. He asked the Planning Commission to deny the proposal.

Michelle Shane stated that the Commission should uphold the original approval of single-family homes. She stated that multi-family units did not belong so far out.

Mike Sok, 4752 Agape Drive, asked the Commission to uphold the original single-family plan. He stated that single-family homes were desperately needed in Lexington.

Larry Springate, 4160 Dogwood Trace Boulevard, shared his concern about traffic and asked if there was traffic calming measures on Rhema Way. He was concerned about opening Rhema Way. Ms. Wade replied that traffic calming had been added to Agape Drive, but not Rhema Way.

Applicant Rebuttal - Mr. Graham reiterated that they were a third party buyer, not related to the original applicant. He said that the plan met all requirements of the R-3 zone. While he understood the neighbors, he could not think of anything else that he could do to alleviate their concerns. He asked for approval.

Opposition Rebuttal - Mr. Simpson asked the applicant to withdraw the plan and honor the promises made at the zone change hearing. He asked the Commission to reject the plan.

Commission Comments - Mr. Nicol stated that the dispute of the neighbors was with the land owners, not the current applicant. He said that this use was allowable in the zone, and it was unfair to blame the current applicant for the situation.

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Mr. Forester asked for clarification about this use in the current zone. Ms. Jones replied that multi-family was an allowable use in their R-3 zone, and there were no limitations put in place against multi-family at the time of the zone change. Mr. Forester asked Ms. Jones to confirm that the Planning Commission had approved the R-3 zone previously, which included multi-family. Ms. Jones agreed.

Mr. Forester asked Ms. Jones how they should approach the comments presented by the opposition council, specifically, the promise for single family homes and the current multi-family request. Ms. Jones replied that a preliminary development plan is not binding, unless there are conditional zoning restrictions placed on it. She added that there have been other instances of other final development plans that have come back different than the preliminary plan. Ms. Wade read a portion of the Zoning Ordinance, Art. 21-4(e), that lists the reasons why the Commission could disapprove a final development plan, and she stated that the Staff did not believe any of those conditions were met.

Ms. M. Davis asked Ms. Wade to speak to the condition of the trees on the property and photographs of trees on the property that had fallen into the yard and on a house. Ms. Wade replied that she had only had a brief discussion about the site with the Urban Forester, but it did appear that the owner had clear cut the property with the exception of the ten feet of required buffer. She opined that the removal of trees could have damaged the root systems of the remaining trees.

Ms. M. Davis asked for information about the zone change and why R-3 was chosen. Ms. Wade replied that it was formerly agricultural, and the R-3 zone was requested so they could create smaller lots. Ms. Davis further inquired if the owner could also change the use of the unused portion of the lot. Ms. Wade replied that they could make a different request, but that would be a significant concern of the neighbors. She added that the owner had proposed a plan that depicted the entire lot with multi-family, and the Staff recommended disapproval and it was ultimately withdrawn.

Mr. Nicol asked if there were any conditional zoning restrictions agreed upon at the time of the zone change. Ms. Wade replied that there were not. She also added that since 2013, staff no longer made specific recommendations based on density limits, but allowed the zone to set limits. Mr. Nicol stated that no one should assume that the Planning Commission agreed to the R-3 zone because of the promises made of single-family. Mr. Wilson added that if there had been conditional zoning placed on the property, the conversation would be different. Ms. Wade agreed. Ms. Jones also added that the Council could have added the restriction, but they did not.

Ms. M. Davis asked Ms. Jones about Mr. Simpson's claim that acting on this request would be illegal. Ms. Jones said she disagreed, and felt that the Planning Commission had to act.

Ms. Worth asked the Division of Traffic Engineering to speak to the ability of the road to withstand the traffic. Mr. Filiatreau stated that the roads met regulations and were consistent with other neighborhoods. He added that there were no regulations to address traffic capacity of roadways.

Mr. Owens said that he did not feel the current applicant was part of any bait-and-switch, but was concerned about the lack of single family homes.

Mr. Nicol stated that this request was approvable because of the R-3 zone, and there were no conditional zoning restrictions placed on the property by the Planning Commission or the Council.

Ms. Jones clarified that there was one conditional zoning restriction placed on the property that required an 8-foot fence along the property line.

Ms. Worth claimed that she was in favor of the project because it was affordable senior housing, but recognized the need for single-family homes.

Ms. M. Davis asked if they could restrict the height of the buildings to two stories. Ms. Jones responded that that could have only happened at the time of the zone change.

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Ms. Barksdale inquired who was responsible for the trees that had fallen down. There was some discussion about the location and responsibility of care of the trees.

Ms. Barksdale reminded the Commission that the senior living would have a smaller impact than traditional apartments would. She said it was obvious that the rest of the property would most likely be developed differently than the preliminary plan.

Mr. J. Davis told the neighbors that he understood their objections, but felt that the plan should be approved because it met all the requirements.

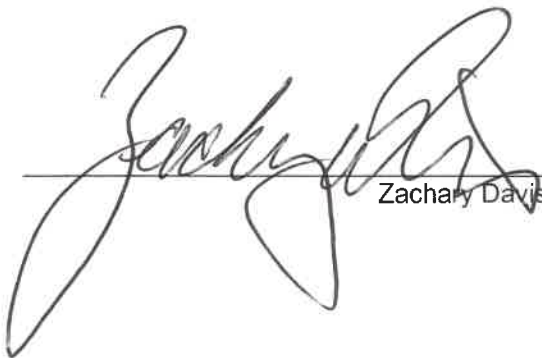
Mr. Nicol said that, at the time of the zone change, he was considering all of the potential uses of the R-3 zone.

Mr. J. Davis made a motion, seconded by Mr. J. Davis, and carried 6-2 (M. Davis and Owens opposed, Penn, Z. Davis, and Michler absent), to approve PLN-MJDP-25-00067: MARGARET C. CAMIC PROPERTY (W.E. SAVAGE PROPERTY) as presented by staff with the 13 conditions.

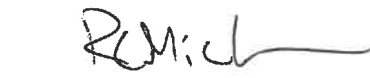
VII. COMMISSION ITEMS

Ms. Wade reminded the Planning Commission about the upcoming work session the following Thursday.

VIII. ADJOURNMENT – Vice Chair Barksdale adjourned the meeting at 4:29 p.m.



Zachary Davis, chair



Robin Michler, secretary

TW/DC/CC/CG/PO

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