

V. **ZONING ITEMS** - The Zoning Committee met on Thursday, August 4, 2016, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Mike Cravens, David Drake, and Carolyn Richardson. The Committee reviewed applications, and made recommendations on zoning items as noted.

A. **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.

Note: The Planning Commission continued their public hearing on this matter at their August 11, 2016, meeting.

1. **ATLAS I, LLC, ZONING MAP AMENDMENT & SPRINGHURST SUBDIVISION, UNIT 2, ZONING DEVELOPMENT PLAN**

- a. MAR 2016-10: ATLAS I, LLC (AMD) (9/8/16)* – an amended petition for a zone map amendment from a Single Family Residential (R-1C) zone to a Neighborhood Business (B-1) zone for 1.0 net (1.14 gross) acre, and from a Planned Neighborhood Residential (R-3) zone to a Neighborhood Business (B-1) zone, for 0.62 net (0.92 gross) acre, for property located at 2090, 2094, and 2098 Harrodsburg Road.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that 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 proposes rezoning the subject properties in order to build a series of commercial retail, restaurant, and other uses, and their associated off-street parking lots.

The Zoning Committee Recommended: Referral to the full Commission.

The Staff Recommends: Disapproval, for the following reasons:

1. The requested rezoning to a Neighborhood Business (B-1) zone is not in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. Theme A of the Plan: "Growing Successful Neighborhoods" emphasizes the infill, redevelopment and adaptive reuse of the urban area that respects the area's context and design features (Goal #2a.), and encourages striving for positive and safe social interactions in neighborhoods (Goal #3b.). In addition, the Goals and Objectives suggest that the community should "enable infill and redevelopment that creates jobs where people live" (Theme C, Goal #1d.); attract and retain high-paying jobs (Theme C, Goal #2c.); and to uphold the Urban Service Area concept by encouraging "compact, contiguous, and/or mixed-use sustainable development within the Urban Service Area, as guided by market demand, to accommodate future growth needs" (Theme E, Goal #1b.).
 - b. The Plan encourages the consideration of how proposals relate to existing development in the immediate vicinity, as well as protecting neighborhoods and residential areas from incompatible land uses. Policy statements in the Plan focus on the need for the development of land in the most appropriate relationships, and compatibility of land uses. The proposed development is not compatible with these specific recommendations, which are overarching ideas of the Plan.
 - c. While promoting business expansion, improving quality of life and providing services to the community are generally important priorities, they must be balanced with the community's need for this type of highway-oriented development and its impact on nearby residential areas. In this case, the petitioner is requesting several auto-centric business uses at the entrance to a well-established neighborhood.
 - d. There is not a demonstrated need for additional retail zoning in this vicinity, as there are over 70 acres of contiguous B-1, B-3 & B-6P zones that can provide for the commercial needs of the surrounding properties. The Turfland Mall site, in particular, is a 44-acre B-6P site approved with over 500,000 square feet of retail zoning, much of which is approved but not yet developed.

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

2. As proposed, uses with an auto-centric commercial design may significantly impact the nearby neighborhoods within the area, especially those properties on Springhurst Drive and those immediately adjoining the subject properties, therefore making this B-1 zone inappropriate.
 3. The existing Single Family Residential (R-1C) and Planned Neighborhood Residential (R-3) zones remain appropriate for the subject properties because together they can more fully support the adopted 2013 Comprehensive Plan goals and policies.
 4. There have been no unanticipated changes of a physical, social or economic nature within the immediate area since the Comprehensive Plan was adopted in 2013 that would support the proposed development or requested B-1 zoning for the subject properties.
- b. ZDP 2016-49: SPRINGHURST SUBDIVISION, UNIT 2 (8/11/16)* - located at 2090, 2094, and 2098 Harrodsburg Road. **(Abacus Engineering)**

The Subdivision Committee Recommended: Postponement. There has still been no information submitted to the staff about the site's tree inventory.

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

1. Provided the Urban County Council rezones the property B-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Denote building coverage, floor area ratio and building heights on plan, per Article 21-6 of the Zoning Ordinance.
6. Addition of tree inventory information.
7. Discuss possible required improvements to Harrodsburg Road.
8. Discuss compliance with B-1 setback requirements and need for a dimensional variance, per Article 8-16 of the Zoning Ordinance.
9. Discuss compliance with Article 8-16 of the Zoning Ordinance and the need for a variance.
10. Discuss right-in/right-out access proposed to Harrodsburg Road.

Note: Mr. Drake indicated that he would be abstaining from consideration of this case due to not being present at the August 11, 2016, meeting.

Zone Change Presentation – Mr. Sallee directed the Commission's attention to the agenda for a zone map amendment from a Planned Neighborhood Residential (R-3) zone to a Neighborhood Business (B-1) zone, for 0.62 net (0.92 gross) acre; and from a Single Family Residential (R-1C) zone to a Neighborhood Business (B-1) zone, for 1.00 net (1.14 gross) acres, for property located at 2090, 2094 and 2098 Harrodsburg Road.

Mr. Sallee said that the Planning Commission continued their public hearing on this matter at their August 11, 2016, meeting. He briefly explained that the staff had previously distributed two staff reports – one from the August 11th meeting and the updated development plan staff recommendations; the draft minutes from the August 11th meeting and the written record that was submitted for this case.

Mr. Sallee said that the Commission had previously heard testimony on the rezoning of this property and the staff believes that at this point, it would be best to present the development plan information on this property.

Development Plan Presentation – Mr. Martin directed the Commission's attention to the original rendering of the development plan and briefly explained that the staff had concerns with the following items:

- the build to line for the B-1 zone was not being met;
- the building layout of proposed buildings on the property;
- the traffic circulation throughout the site;
- the right-in and right-out access on Harrodsburg Road and access from Springhurst Drive;
- the protection of the 69" caliper Red oak at the center and other significant trees at the rear of the property.

Mr. Martin directed the Commission's attention to the revised development plan and briefly explained that access off Springhurst Drive and Harrodsburg Road were still being maintained, but the drive-through has been removed and parking, as well as cross-access between the two buildings has been added. He said that the building layouts have been adjusted closer to Harrodsburg Road in order to comply with the B-1 build to line requirements, and the proposed building on 2090 Harrodsburg Road has been reconfigured around the Red oak tree in an effort to protect it. However, Article 26 of the Zoning Ordinance notes that the protection area around a tree in the B-1 zone extends to over 100' in all directions, which is significant when reviewing the site.

Mr. Martin said that the Harrodsburg Road right-in and right-out access is still being proposed on the revised development plan, as well as a possible future connection to the Springs Property. He then said that not only are there spacing issues related to the right-in and right-out, but there is also a deceleration lane that begins at the corner of the subject property towards Lane Allen Road. He added that without any type of median control along Harrodsburg Road, the staff believes that there would be tremendous abuse by people who are trying to exit the site turning outbound onto Harrodsburg Rd.

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Mr. Martin said that the staff is recommending disapproval, for the following reasons:

1. The development plan does not comply with Article 6-8(q)(3)(b) of the Land Subdivision Regulations governing land use access to an arterial street.
2. The redesign does not appear to adequately mitigate site improvement conflicts with the significant trees previously identified on the property.

Mr. Martin then said that should the Planning Commission approve this request, 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. Building Inspection's approval of landscaping.
4. Urban Forester's approval of tree inventory map.
5. ~~Denote building coverage, floor area ratio and building heights on plan, per Article 21-6 of the Zoning Ordinance.~~
6. ~~Addition of tree inventory information.~~
7. ~~Discuss possible required improvements to Harrodsburg Road.~~
8. ~~Discuss compliance with B-1 setback requirements and need for a dimensional variance, per Article 8-16 of the Zoning Ordinance.~~
9. ~~Discuss compliance with Article 8-16 of the Zoning Ordinance and the need for a variance.~~
10. ~~Discuss Removal of the right-in/right-out access proposed to Harrodsburg Road.~~
11. Denote that the mitigation of the site conflicts with the significant trees identified on the property will be determined at the time of the final development plan utilizing a report and recommendations from an accredited urban forester.
12. Denote that access to the adjoining development shall be determined at the time of Final Development Plan.

Commission Questions – Mr. Owens asked for clarification with the right-in and right-out issues. Mr. Martin replied it's the location, the close proximity to the Harrodsburg Road deceleration lane and the distance to the next full intersection, and the lack of median control.

Mr. Owens then asked if any grading or excavation of the site be done prior to Final Development Plan. Mr. Martin replied that no development can be done on a preliminary development plan, and since plans can be dictated by the outcome of what the Arborist says, the applicant would need to speak to them first.

Representation – Jacob Walbourn, attorney, was present representing his client. He said that with this being a continued discussion from the August meeting, if it is the Commission's preference, he could address the issues that were mentioned by the staff then immediately move into his rebuttal to move forward with deliberation. He then said that rebuttal is the only item remaining for this case. The Chair said that the only thing that is preventing the rebuttal is the new development plan being submitted. He then said that, as far as the zone change was concerned, that portion of the hearing is complete, and the current discussion should be on the merits of the revised development plan. He indicated that the rebuttal for the zone change could begin.

Mr. Walbourn indicated that there are two significant issues with the development plan. One being compliance with Article 6-8(q)(3)(b) of the Land Subdivision Regulations, and suggested closing the access to Harrodsburg Road. Then at the time of the Final Development Plan, they would have a full discussion about use, layout and access. He said that this is a conceptual plan that will evolve once the final users are identified, just as every other preliminary plan that the Commission reviews.

Mr. Walbourn then said that, with regard to the trees on the site, through additional conversations with the Urban Forester, the 69' Red oak tree may not be in the best health and may not be saved. They agree to work with an arborist to determine what trees are healthy and worth saving, which would then determine the layout of the property.

Mr. Walbourn said that, in terms of the two issues pointed out by the staff, they are agreeable with the Harrodsburg Road access being closed and they would work with an arborist. He then said that the trees along the property line will remain on site and they are making every effort to keep those trees. He added that the Commission would see which trees are going to be saved at the Final Development Plan stage.

Rebuttal – Mr. Walbourn reserved the right to rebut any new information that is present on this case. He said that, as far as traffic on Springhurst Drive, there is no reason for traffic to drive by the entrance of this site. It is a dead-end street with an existing sign already in place. He then said that signage can be installed to inform a person that making a left out of the site is going nowhere. He understood the concerns with traffic coming onto Springhurst Drive, but there will not be a lot of traffic heading down Springhurst Drive. Mr. Walbourn said that these properties have been functioning as a commercial site for years. He said that they have spoken with Mr. Queary and they are agreeable to employ an arborist to save the trees that are worth saving.

Mr. Walbourn said that zoning is really about use and what is an appropriate use for this site. This property is along a significant arterial road with more than 30,000 cars, and even with the right-in and right-out on Harrodsburg Road, if the use were to ever cease as a daycare, the property must go back to single family residential. He said that, for at least two of these properties, if they were to remain single family residential there would be two driveway accesses on Harrodsburg

Road versus one that is shown on the development plan. He then said that single family residential on Harrodsburg Road simply does not make sense. The Commission has the opportunity to make a decision today that sends a message of support for small infill lot that are within the Urban Services boundary, or the Commission can maintain the status quo with R-1 being the least efficient land use that could be had within the Urban Services boundary that isn't A-U. He said that an R-1 zone, along a significant arterial road, next to an unrestricted B-3, this proposal is an appropriate use for the site. He then said that we should encourage retail and higher intense uses along our significant arterial road, preserving the neighborhoods where single family residential is appropriate.

Mr. Walbourn said that there was a lot of testimony about the availability of other retail sites in the area, such as the Turfland Mall property. Most of the out lots on that property have been filled, and as an example, he asked at Rupp Area would you rather have a seat in the front row or the back row. He said that the reason commercial uses are not coming to the back of the mall is because the back of the mall are not visible sites from the road. He added that R-1 with visibility on a significant arterial road is needed. This proposal makes sense from a land use perspective and the Commission will have the opportunity to work out any issues when the Final Development Plan is submitted. The use is appropriate and Harrodsburg Road is not an appropriate corridor for single family residential. He requested that the Commission approve the zoning application.

Commission Comment – Mr. Brewer indicated that he would be abstaining from this case due to being out of the country during the August 11th meeting.

Audience members - Tee Bergman, 640 Mitchell Avenue, was present on behalf of the Mitchell Neighborhood Association. She indicated that the Commission received over 140 signatures on the petition that was previously submitted at the August meeting in opposition. She said that no one in the neighborhood has spoken in favor of this zone change application.

Ms. Bergman said that staff clearly listed the reasons as to why this application is not in compliance with the Comprehensive Plan. She then said that, even though this area is not listed with a Neighborhood Design Character Overlay, Article 29 states that the individual nature and character of the county cannot be properly maintained or enhanced unless it is distinctive neighborhoods and non-residential commercial areas are protected, conserved and preserved. She then said that most everyone is familiar with this area, and there is a ton of opportunity for commercial development close by or within the immediate area. It is very difficult for anyone to make a case that more commercial uses are needed in this area. She said that there are three commercial sections that impact this immediate area. The first is the Turfland Mall property. This property has had a difficult time with redeveloping this site and getting it moving again. Now the UK Health Center is located on the property and it is a very viable business for the site. She said that the applicants contend that the smaller shops will not have much visibility but once those shops are on the site then people will explore as it has been done on other sites. Not everything can be built on a main road; otherwise, Lexington would have more main roads. She said that the Turfland Mall property was planned out, brought to the Commission, its not be built willy-nilly. The developers of the Turfland Mall thought about what is best for this area.

Ms. Bergman said that there is an older commercial strip mall across from the Shell station on Harrodsburg Road that is not doing very well. She then said that there is no real good access into that site, it lacks in creative zing, and everyone can see why this strip mall is not healthy. She added that this strip mall should not be thrown out to bring in new competing commercial sites. She said that it is very easy to remove the residential lots and replace it with a couple of buildings. The applicant believes that some type of commercial uses should go on this site, but those uses are undetermined. She said that bring something new into the mix will not do a thing for the strip mall. She then said that if the neighborhoods and commercial areas do not work together we all suffer.

Ms. Bergman said that Southland Drive area has become a vitalized area because the residents and the owners to it upon themselves to reinvent the area. She then said that the area looked to the city for grant money and new ideas are being brought in to keep this area alive. The Southland Drive area is a historical part of Lexington and this is why area needs to be preserved. She said that the Mitchell Neighborhood wants this area to succeed and bring more competitive businesses will not help this situation.

Ms. Bergman said that the neighborhood was not asked if they wanted these new businesses. She then said that when the plan was first presented to the neighborhood they were asked what type of shops they wanted to see on the plan. At that time they were still absorbing the idea of commercial properties coming that close to the neighborhood, so they did not respond. Since that first meeting the neighborhood determined that the businesses would not enhance, protect or preserve the area. It does not for the neighborhood, but it would benefit the developers. The proposed businesses along a busy state highway are dependent on auto traffic for their profit. She said that foot traffic from the neighborhood will be secondary and low volume and it will not keep the business afloat. She then said that adding businesses will not increase walkability in this area and there is nothing pleasurable about walk Harrodsburg Road.

Ms. Bergman said that, if this zone change was approved, the businesses are built; it would result in a major loss in the tree canopy for this neighborhood. She then said that the 2012 Lexington Tree Canopy list shows Council District 11 with a C+ on the report card. She indicated that at the August meeting a picture was presented showing the tree on the subject site, and asked what would be the justification for bulldozing down these trees, and replacing this economic, environmental and social benefit with asphalt and buildings. According to the tree inventory, the existing tree canopy is

26,500 sq. ft., which is a lot for three lots. If the proposed development is allowed, 18,136 sq. ft. of tree canopy would be removed, which is 68 percent of mature tree growth on this site, and replaced with what is required, which is 5,751 sq. ft. She said that she spoken with Dr. Tom Kimmerer, author of Venerable Trees, and he said that big trees are more important than little trees and planting a large number of little trees that grow quickly to most likely die within 10 years is not a good investment. These trees cannot begin to reduce the air pollution, sequester carbon, control erosion, shelter us from heat and wind, keep us healthy and add beauty to our lives. She said that we need the trees and the trees need us to care for them properly. She asked the developers how this project would sustain the environment that we live in, especially in this neighborhood. She asked in the next couple of days take a look around Lexington at the commercial developments to see how many healthy trees have lasted in the last 10 years. She then asked are those trees healthy enough to take on the same work load as the larger trees in the community. There needs to be a balance between conservation and development, especially on a development with little greenspace area, such as this site.

Ms. Bergman said that the proposed businesses will depend on auto traffic rather than pedestrian traffic. She then said that the residents on Springhurst Drive have only one way in and out of the cul-de-sac. Adding these businesses the traffic will still need to exit from Springhurst Drive. The hours of operation are unknown, but it is likely that at least one of the businesses will be reaching out to incoming and outgoing commuters during the busiest time of the day. The developer contends that the strip of residential properties between Baptist Health and Long View is dangerous because the residents must back out of their driveways. In the three blocks between Baptist Health and Long View there are 14 lots. Only 4 lots back out of their driveway, while remaining lots are corner lots and use a side street. She said that the 4 driveways that back out on to Harrodsburg Road are owner occupied lots, and not one of these property owners has had an accident backing out of their driveway. She said that the 3 properties that are under consideration do not and have not backed out onto Harrodsburg Road for many years. She asked what safety issue is being mitigated. If the properties are zoned commercial there will be more vehicles entering and exiting this site, which could create more accidents. There were 32 accidents in the past year between Long View and Lane Allen Road. When reviewing those accidents, 8 of those occurred at the intersection of Lane Allen Road and Harrodsburg Road, 12 of those accidents were rear-end collisions, 1 accident was side collision and one involve a vehicle going the wrong way and so forth. There were 10 injuries with one fatality. Ms. Bergman said that between 2011 and 2014 another traffic study was conducted for the development of the fast food restaurants on the Springs property. That study determined there were 58 accidents with 12 injuries for different reason, such as speeds or not paying attention to the road.

Note: Mr. Brewer left the meeting at this time.

Ms. Bergman said that she hoped that the Commission has a fuller understanding of the overall area and what could happen if more commercial uses were to be allowed in this area.

Justin Jones, 682 Springhurst Drive, said that even with the right-in and right-out being closed there are no outlet signs behind the proposed entrance. He then said that there is only one no outlet sign and that is right on Harrodsburg Road. He is concerned that as traffic exits the site the people would making a left turn toward the cul-de-sac would drive faster back out of the area toward Harrodsburg Road. The families in this area already have a problem with people speeding up and down the road and this proposal would increase that concern.

Applicant's Rebuttal Comments – Mr. Walbourn briefly stated that Southland Drive is a fantastic example of what is not on Southland Drive, which are single family residential houses. He then said that the development of Southland Drive clustered retail development along Southland Drive and left the neighborhoods behind those retail uses flourish. This is exactly what they are proposing for this site.

Mr. Walbourn said that, as for the site's tree canopy, some of the trees are not healthy and they have agreed to work with an arborist to determine which trees can be saved. He then said that the Ordinance provides a mechanism to restore trees that are removed from development sites. That is part of the law and they will have to follow the law by restoring an adequate amount of tree canopy and save the significant trees that are worth saving. He said that they have already agreed to plant twice as many trees the Ordinance requires for the landscape buffer.

Mr. Walbourn said that there may have been some confusion about his prior remarks concerning backing out into traffic. He then said that he understands that there is questionable traffic on Harrodsburg Road, but he was talking about car having direct access to Harrodsburg Road. He added that it is truly remarkable there has not been an accident at the site location given the 36,000 cars traveling this area each day. However, to use this as evidence is not a good planning tool. He then said that there were only two accidents that were from entering or exiting an intersection.

Mr. Walbourn said that they understand the neighbors' concerns with people turning left toward in to the cul-de-sac, but signage can be deployed on the site to make sure that people are aware that turning left will not take them anywhere. He then said that they are not solely dependent on city signage and he would guess the city would add another sign on Springhurst Drive. He said that they are more than happy to provide signage on the subject property to encourage people to turn right toward Harrodsburg Road. He then said that there is no reason why they would want their customers to get frustrated and not return to the property.

Mr. Walbourn indicated that they are not trying to hide anything about the user; they just do not know who the user will be at this time. He said that it is impossible to identify the user before the zoning is approved. He added that they are

proposing B-1 with conditional zoning restrictions and it is designed to be compatible with neighborhood. This subject property is on a significant arterial road, it is a specifically designed zone to accommodate the neighborhoods, it is an appropriate proposal, and requested the Commission support.

Objector's Rebuttal - Ms. Bergman asked how this proposed development is compatible with neighborhood. She then said that she learned from Mr. Kimmerer that just because the tree canopy looks bad does not mean that tree is dying, so don't count the Red oak tree out.

Ms. Bergman said that it was stated that these two properties have been function as commercial, but only one property has been functioning as a daycare. She then said that the discussions have been what the neighborhood needs. They need a daycare at this location. She added that it was stated that it was not appropriate to have single family residential zone along an arterial road, and asked if the people living on Nicholasville Road and Richmond Road are being told this.

Mr. Walbourn said that their information came from Mr. Queary. The Chair replied that this would be duly noted.

Staff Rebuttal - Mr. Sallee said that the staff believes that R-1C is not preposterous here, as it was noted at the August meeting. He then said that there are areas along Harrodsburg Road that are zoned R-1C that include single family homes, churches and a variety of uses, so its location on an arterial road alone does not make it inappropriate from the staffs view. He explained that there are three road ways in Lexington that are very similar to this area. These include Idle Hour Center on Richmond Road, most of Tates Creek Road and Georgetown Road. He said that the relationship alone does not make it inappropriate, and there are commercial developments across from residential zoning.

Mr. Sallee said that the staff report indicated that R-1C and R-3 are appropriate and those zones remain appropriate because together those zones can fully support the adopted Comprehensive Plan and the goals and policies. He indicated that the staff did not revise the staff report for this zone change request and it is what the Commission reviewed in August.

Planning Commission Discussion - Ms. Plumlee indicated that she was absent at the August meeting, and that she had reviewed the video a couple of times, as well as reviewed all of the submitted documents previously that were pertaining to this case.

Ms. Plumlee indicated that it troubles her that there is a plan being presented the Commission with a suggestion that everything will be addressed later down the road. She then said that addressing everything through waivers is like a Band-Aid and waivers are being used too often. She added that developers need to stay out of the first aid box and come up with better plans. She said that this neighborhood is very successful as described in the Comprehensive Plan.

Mr. Owens said that he agrees with Ms. Plumlee comments, but he also agrees with the staff comments and reasons for their disapproval recommendation. He then said that before a zone change takes place it must be in agreement with the Comprehensive Plan, which this request is not. He added that he does not believe that the proposed zone change is appropriate for the area. He does not believe a single family home is appropriate on Harrodsburg Road, but there are plenty of other uses in the R-1C zone that remain appropriate. Lastly, he said that there has been no unanticipated change in this area; therefore, he cannot support this zone change request.

Mr. Cravens indicated that he was not happy with the proposed design, but understands that this is a preliminary development plan and the land will be developed. The land is too valuable to have an R-1C house at that location. He said that if this site were to be developed as residential use it could hold up to 50 townhouses or a three story apartment building on these lots. He said that residential uses stay on site all day long whereas businesses are only there during the day.

Action - A motion was made by Ms. Plumlee, seconded by Mr. Owens and carried 6-2 (Berkley and Cravens opposed; Drake abstained, Brewer, Smith and Wilson absent) to disapprove MAR 2016-10: ATLAS I, LLC (AMD), for the reasons provided by the staff.

Action - A motion was made by Mr. Berkley, seconded by Ms. Richardson and carried 8-0 (Brewer, Smith and Wilson absent) to indefinitely postpone ZDP 2016-49: SPRINGHURST SUBDIVISION, UNIT 2.