

2. **RK HOLDINGS, LLC, ZONING MAP AMENDMENT & WOODWARD COURT SUBDIVISION PRELIMINARY SUBDIVISION PLAN**

- a. MAR 2013-18: RK HOLDINGS, LLC (2/2/14)\* - petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 9.77 net (10.29 gross) acres; and from a Single Family Residential (R-1B) zone to a Planned Neighborhood Residential (R-3) zone, for 0.0 net (0.26 gross) acre, for property located at 690 Woodward Lane.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 8) recommends a mixture of Low Density (LD) and Medium Density (MD) Residential future land use for the property. The petitioner proposes developing 48 single-family residential units on the subject property, at an average density of 4.9 dwelling units per acre.

The Zoning Committee Recommended: **Approval**, for the reasons provided by staff.

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

1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2007 Comprehensive Plan for the following reasons:
  - a. The Land Use Element of the Plan recommends Medium Density Residential (MD) future land use, defined as 5-10 dwelling units per net acre, for 6.84 acres of the subject property closest to Woodward Lane (front); and Low Density Residential (LD) future land use, defined as 0-5 dwelling units per net acre, for 2.93 acres of the subject property closest to the adjacent railroad (rear).
  - b. The Plan suggests a density range of between 34 and 83 dwelling units, in total, for the subject property.
  - c. The petitioner proposes to construct 48 single-family dwelling units on the site, with a residential density of 4.9 dwelling units per net acre, in agreement with the Plan's recommendation.
2. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restriction is appropriate for the property via conditional zoning:
  - a. The property is to be developed with no more than 83 single-family residential units.

This use restriction is necessary and appropriate in order to maintain a character consistent with surrounding residential properties and the 2007 Comprehensive Plan Land Use Element.

- b. PLAN 2013-129P: WOODWARD COURT SUBDIVISION (2/2/14)\* - located at 690 Woodward Lane.  
(Council District 6) **(Vision Engineering)**

The Subdivision Committee Recommended: **Postponement**. There were some questions regarding the access, the street pattern proposed, and potential easement conflicts.

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

1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Building Inspection's approval of landscaping.
5. Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of tree protection area(s) and required street tree information.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Denote acreage in proposed right-of-way.
10. Denote construction access.
11. Clearly delineate all easements.
12. Delete development plan notes from general notes.
13. Revise right-of-way connection to Wilderness Road right-of-way.
14. Discuss easement conflict with proposed right-of-way, detention and lots.
15. Discuss buildable area for Lots 19, 22 and 43.
16. Discuss access and possible connections to Woodward Lane and Wilderness Road.
17. Discuss gas transmission note on final record plat for adjacent property.
18. Discuss landscape buffer requirements per final record plat on adjacent property.

Zoning Presentation: Ms. Wade presented the staff report, briefly orienting the Commission to the location of the subject property at the terminus of Woodward Lane. She said that Woodward Lane is a rural roadway located to the west of Liberty Road, outside of New Circle Road. The subject property is approximately 9.75 acres in size. It wraps around three parcels that are zoned A-U and currently have single family residential uses. The parcel that is re-

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quested for rezoning from R-1B to R-3 is located wholly in the right-of-way, so that the portion of this request that is zoned A-U is the only developable acreage. Ms. Wade said that the property is bordered by mostly residential zoning and uses, with the exception of the warehouse uses along Palumbo Drive, which are located to the rear of the property. The Wilderness Road area is located to the northeast of the property, and the Danby Corners subdivision is located to the southeast. There are individual lots along Liberty Road in the vicinity of the property that remain in the A-U zone. All of the other properties with frontage along Woodward Lane are zoned R-1B.

Ms. Wade stated that the petitioner is proposing to rezone the property in order to develop 47 single family residential units. Access for 30 of those units is proposed to be located off Checkerberry Drive, to the southeast; the remaining 17 units are proposed to have access to Woodward Lane. All of the lots are proposed to be able to access Liberty Road. The subject property is currently mostly vacant, but it has existing Columbia Gas and cellular tower uses, which are proposed to remain. The subject property is also encumbered by numerous easements.

Ms. Wade displayed the following photographs of the subject property and surrounding area: 1) the intersection of the subject property and Woodward Lane, at the property's closest point to Liberty Road, noting the location of an area proposed for detention; 2) the adjacent property; 3) the terminus of Woodward Lane, next to the three existing A-U lots, which is currently fenced; 4) a view of the subject property from Checkerberry Drive, to the southeast corner, noting that it appeared that the petitioner had done some grading of the property; 5) a view from Checkerberry Drive toward Wilderness Road.

Ms. Wade stated that the 2007 Comprehensive Plan recommends a mixture of residential land uses for the subject property. Closest to the railroad tracks at the rear of the property, 2.93 acres are recommended for Low Density Residential use; the remaining 2/3 of the property is recommended for Medium Density Residential land use. The average of those two recommendations is 8.5 units per acre. Ms. Wade said that the petitioner is proposing a density of 4.81 units per net acre, after reducing the number of units proposed by one since the Zoning Committee meeting two weeks ago. She stated that the staff is recommending approval of this request, for the reasons as listed in the staff report and on the agenda.

Ms. Wade explained that the staff believes that, although the petitioner is proposing a density and development pattern similar to the adjoining neighborhood, conditional zoning restrictions are appropriate at this location, because the requested R-3 zone permits multi-family residential units and other building types that could be out of character with the surrounding area. The staff is suggesting a conditional zoning restriction that would limit the subject property to no more than 83 single family residential units, since that number would result in the maximum density recommended by the Comprehensive Plan. Ms. Wade stated that the Zoning Committee also recommended approval of this request, for the reasons provided by staff.

Commission Question: Mr. Penn asked, with regard to condition #9 as listed on the agenda, when the fence would need to be installed. Ms. Wade answered that Mr. Martin would address that question during his presentation.

Mr. Sallee stated that the staff had received one communication on this request, which he distributed to the Commission members for their review.

Plan Presentation: Mr. Martin presented the preliminary subdivision plan, explaining that preliminary development plans are typically submitted in conjunction with rezoning requests. However, preliminary subdivision plans can be submitted instead, in cases of proposed single family residential developments, such as the petitioner is proposing.

Mr. Martin stated that the petitioner is proposing access to the subject property via Woodward Lane, with a stub street into an adjoining vacant parcel. He noted the location of the large Columbia Gas transmission site on the property, which exists in a joint easement between the local and national gas companies. The transmission easement has a required 15-foot buffer area. The petitioner is also proposing to construct a detention basin near the Woodward Lane side of the property.

With regard to Mr. Penn's earlier question, Mr. Martin said that Woodward Lane is an old rural road, and there was considerable concern at the Subdivision Committee meeting about its ability to handle the increased traffic that would be generated by the proposed development. He explained that Checkerberry Drive is part of a subdivision that has only one access point to Liberty Road, which caused a great deal of concern for the staff of the Division of Fire and Emergency Services. To address those concerns, the staff discussed an additional potential connection through the site, but it was decided that that option would cause more problems. Mr. Martin stated that, as part of an effort to address those concerns, the petitioner has agreed to construct two gated emergency accesses to the property. Those accesses would allow the Division of Fire and Emergency Services to reach the subject property if access to Liberty Road was blocked in the Checkerberry Drive area. The fence to which condition #9 refers is related to those necessary improvements to the property, which can be done based on this preliminary subdivision plan.

Mr. Martin stated that the staff is also concerned about improvements to Woodward Lane, as well as the ability of the Division of Solid Waste to serve the proposed development. The staff is working with the petitioner to ensure that a turn-



around is provided, so that solid waste trucks will not have to back up in order to access the property.

Mr. Martin said that this revised plan has addressed the staff's initial concerns about buildable areas on the property, since it is encumbered by a large number of easements. He said that, on the original plan, the easements adversely impacted several lots. The easements that are located in areas that will become public right-of-way will go away upon the dedication of the street, and will become part of the franchise agreements that govern the utilities. The detention basin is also proposed to be located in an area that contains easements, which is why the easement will need to be resolved at the time of the Final Record Plat for the property. Mr. Martin stated that a great deal of work has gone into this revised version of the plan, and the staff is pleased with the results. He said that the staff is now recommending approval of this plan, subject to the following revised conditions:

1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Building Inspection's approval of landscaping.
5. Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of tree protection area(s) and required street tree information.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. ~~Denote acreage in proposed right-of-way~~ Denote timing of proposed improvements to Woodward Lane, including fence relocation.
10. ~~Denote construction access.~~
11. ~~Clearly delineate all easements.~~
12. ~~Delete development plan notes from general notes.~~
13. ~~Revise right-of-way connection to Wilderness Road right-of-way.~~
- 10.14. Discuss Denote that existing easement conflicts with proposed right-of-way, detention and lots will be resolved at time of Final Record Plat.
15. ~~Discuss buildable area for Lots 19, 22 and 43.~~
16. ~~Discuss access and possible connections to Woodward Lane and Wilderness Road.~~
17. ~~Discuss gas transmission note on final record plat for adjacent property.~~
18. ~~Discuss landscape buffer requirements per final record plat on adjacent property.~~

Commission Questions: Mr. Owens asked, with regard to the photographs Ms. Wade had displayed, if any grading had already taken place on the property. Mr. Martin responded that the staff was not aware of any grading permits that had been obtained, but noted that the work on the site could possibly be associated with the utility easements.

Ms. Plumlee asked how wide the Woodward Lane right-of-way is at this time. Mr. Martin responded that its width is approximately 16 feet of pavement; it is listed in deeds for the area as a private road. Ms. Plumlee asked if any improvements have been made to the right-of-way, to which Mr. Martin responded in the negative. Ms. Plumlee asked when those improvements would be made. Mr. Martin answered that he was not sure when those improvements would be made, but they would likely be the responsibility of the Urban County Government. He added that there would be some improvements along the frontage of the subject property in order to improve the access for emergency vehicles and sanitation trucks, but the staff did not anticipate that those improvements would include curbs, gutters, and sidewalks.

Ms. Beatty asked if sidewalk improvements were expected with the proposed development. Mr. Martin responded that the staff was not requiring any improvements of that nature outside of the subject site. He added that the new streets would be built to current standards, with curbs, gutters and sidewalks. Ms. Beatty asked if the petitioner could aid in the completion of those improvements, to which Mr. Martin responded affirmatively. He explained that that was the reason for the staff's recommendation of condition #9. The staff anticipates that those improvements would be made at the time of the construction of the public infrastructure on the property.

Mr. Penn asked how traffic is proposed to flow from the subject property to Liberty Road. Using the rendered development plan, Mr. Martin explained that the only connection to the Checkerberry Drive portion of the proposed development would be via Checkerberry Drive and Graftons Mill Road to Liberty Road; the Woodward Court portion would have access directly to Woodward Lane. He said that there is a chance that, at some point in the future, an adjacent vacant parcel could develop and provide additional access to Graftons Mill Road.

Mr. Owens asked if the petitioner would be responsible for making any of the necessary improvements to Woodward Lane. Mr. Martin responded that the petitioner would be responsible for making pavement improvements and moving the fence along their frontage. If major improvements are ever made to Woodward Lane, the staff anticipates that it will be a public responsibility. Mr. Owens asked if the staff was recommending the construction of sidewalks on the

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subject property. Mr. Martin answered that the staff does not believe that curb, gutter, and sidewalks would be appropriate in the vicinity of the subject property, since it is an old rural cross-section. The staff is primarily concerned with providing for good vehicular and emergency access to the property at this time.

Petitioner Representation: Matt Carter, Vision Engineering, was present representing the petitioner. He stated that the proposed development is in agreement with the recommendations of the 2007 Comprehensive Plan. Mr. Carter added that the petitioner is in agreement with the staff's recommendations, including the proposed conditional zoning restriction limiting the number of units on the subject property, as well as the conditions proposed for the Preliminary Subdivision Plan.

Commission Questions: Mr. Owens asked, with regard to one of the photographs displayed by Ms. Wade, whether the petitioner had begun grading on the subject property. Mr. Carter answered that the petitioner owns a construction business, and often stores equipment on his property. He said that the petitioner has installed a construction entrance and cleared some brush in anticipation of the approval of this request, but no grading has taken place on the property.

Mr. Owens asked if a grading permit was necessary for the work that Mr. Carter described. Mr. Newman answered that any land disturbance in excess of 5,000 square feet would require a Land Disturbance Permit. Mr. Owens asked if it was known how much land had been disturbed on the subject property, to which Mr. Newman responded that he did not know. Mr. Owens asked if the petitioner had obtained any type of permit for the subject property. Mr. Newman answered that, to the best of his knowledge, no such permits had been issued to the petitioner. He added that the petitioner had made an inquiry about a Land Disturbance Permit, and had been informed that no permit could be issued until either a Final Development Plan or Preliminary Subdivision Plan was certified for the property. Mr. Carter reiterated that the petitioner had not done any grading or construction on the subject property. He confirmed that the petitioner had met with the Division of Engineering and found that a certified plan was required prior to obtaining a Land Disturbance Permit.

Citizen Support: There were no citizens present in support of this request.

Citizen Opposition: David Royse, 687 and 691 Woodward Lane, stated that his father built houses on those two properties in 1951, and he has lived in the area off and on ever since then. He said that, when he was a child, there was a mercury spill on the subject property, and 12 children from the neighborhood had since died of leukemia.

Mr. Royse stated that Woodward Lane is a private road, according to the deed for each of the properties on the street. He submitted the original plat for the property to the Commission members for their review.

Mr. Royse said that he is concerned about the existing traffic on Liberty Road in the vicinity of Woodward Lane. He added that he does not believe that any portion of the proposed development should have access to Woodward Lane.

Katie McCormick, 695 Woodward Lane, stated that she was also speaking on behalf of her mother, who has resided at 737 Woodward Lane for 56 years. She said that Woodward Lane is rural in character, and no wider than a typical single-car driveway. She added that trying to exit from Woodward Lane onto Liberty Road is "a total nightmare," given the amount of traffic from the Fayette County Public Schools bus garage, as well as vehicles traveling between the Hamburg area, Man O' War Boulevard, and New Circle Road.

Ms. McCormick said that she is concerned that the proposed 47 residences will be out of character with the existing homes on Woodward Lane and Wilderness Road, since most of those residences are on lots of at least 1/3 of an acre in size.

Ms. McCormick stated that several of the residents of Woodward Lane had filed complaints about the petitioner, whose company, Leak Eliminators, did some of the sewer work in the area. She said that the petitioner created a great deal of truck traffic while using the subject property to store fill dirt during that project, and area residents were concerned about the safety of children playing in the street.

Ms. McCormick said that she is also concerned about additional stormwater runoff from the proposed development. She explained that the developer of another adjoining neighborhood assured the residents of Woodward Lane that his development would not exacerbate existing flooding issues on Woodward Lane, but the residents believe that it now floods worse than ever. An underground spring runs under the portion of the property proposed for the construction of 17 houses, and residents are concerned that any attempt to divert that spring will increase runoff on the existing Woodward Lane properties.

Ms. McCormick stated that Woodward Lane residents love the uniqueness of the neighborhood; many of her neighbors have resided there for more than 50 years. She said that the area is not transitional, and it needs to be protected. She asked that the Commission members disapprove this request, in order to protect that existing charac-



ter and address the residents' concerns. Ms. McCormick concluded that it would not be appropriate to approve any development on the subject property until Woodward Lane is widened and improved.

Charles Logan, 2416 Liberty Road, stated that he, too, was concerned about the impact of increased traffic from the proposed development. He said that traffic in the area is a "quagmire," and that the intersection of Liberty Road and Woodward Lane is located in a particularly bad spot, at the bottom of a hill. Mr. Logan has also had to remove trees from his property, at his own expense, as they interfered with the sight distance at the intersection.

Mr. Logan stated that he was also concerned about stormwater runoff in the vicinity of the subject property. He said all of the runoff from the detention basin in the adjoining Graftons Mill development ended up on his property, which resulted in damage to his back door and mud and mold in the basement. He received a settlement from the developer of the subdivision, but it did not cover his expenses for draining and waterproofing his basement, and properly grading his property to prevent future damage. Mr. Logan added that he was also concerned that he might lose part of his property if Woodward Lane is widened to accommodate the proposed development.

James Hawkins, 671 Woodward Lane, stated that he believes that the petitioner has installed approximately two to three feet of fill on the subject property. He said that, from the limited amount of work done on the property up to this point, he has had to clean out a ditch on his property due to excess runoff.

Mr. Hawkins said that he has lived on his property for 13 years, and, like Mr. Logan, has had to have work done to protect his basement from additional runoff. He opined that each new development in the area adds to the drainage issues on Woodward Lane, increasing the expenses for the residents living there.

With regard to Mr. Martin's comments about emergency vehicle access to Woodward Lane, Mr. Hawkins stated that it was nearly impossible to reach the roadway at all during evening rush hour. He said that, without extensive improvements to the Wilderness Road/Liberty Road intersection, it would also be impossible for emergency vehicles to reach the homes in the proposed development.

Mr. Hawkins submitted to the Commission members a petition in opposition to this request, including the signatures of all of the resident property owners on Wilderness Road and Woodward Lane. He asked that the Planning Commission consider doing more research on the possible impacts of the proposed development prior to making a recommendation on this request.

Jim Eades, 703 Wilderness Road, stated that sewers had only recently been installed on Wilderness Road and Woodward Lane in the past two or three years. He said that the petitioner's company, which installed the sewers, did not have a sufficient budget to install the sewers correctly, which resulted in damage to several basements. LFUCG then offered a program to assist homeowners with installing sump pumps in homes that had suffered previous water damage. Mr. Eades stated that he does not believe that the existing sewage system in the area has sufficient capacity to handle the proposed 47 homes on the subject property, in addition to the existing residences.

Mr. Eades also echoed other residents' concerns about the width of Woodward Lane and Wilderness Road, and the existing traffic situation on Woodward Lane.

Bryan Morris, 692 Woodward Lane, stated that he is a tenant on that property, which is located nearest the existing gate to the subject property. He said that stormwater runoff from the Columbia Gas property is so severe that it has moved the large railroad ties that line his driveway.

Mr. Morris said that "pulling off on Woodward Lane is like pulling out of Lexington." He stated that he lives there because he appreciates the rural character of the area, and he asked the Planning Commission members to recommend disapproval of this request, in order to protect that character.

Mr. Royse stated that, historically, there was no address for the property at 690 Woodward Lane; the Columbia Gas property was listed on Wilderness Road. He said that, until five years ago, there were houses only on the right side of Woodward Lane. At that time, the petitioner purchased several properties from Habitat for Humanity, one of which eventually became 690 Woodward Lane.

Steven Shaw, 683 Woodward Lane, stated that he is concerned about the site of the proposed access from the subject property, which is very near his property. He said that there is a 12" steel, 800 psi gas transmission line that runs in that vicinity, and he does not believe it would be safe to allow construction activity near there.

Mr. Shaw reiterated the other residents' concerns about stormwater runoff and the narrow width of Woodward Lane.

Hart Graves, 1306 Fincastle Road, stated that she is the president of the Liberty Area Neighborhood Association. She said that she is concerned about the residents of Woodward Lane and Wilderness Road, particularly with re-



gard to the existing difficult traffic situation on Liberty Road. She noted that the Wilderness Road/Liberty Road/New Circle Road area is one of the most dangerous areas in Lexington, and she does not believe that any additional residences should be constructed there without a great deal of research into the options for improving traffic.

Ms. Graves added that she also shares the residents' concerns about the past mercury spill on the subject property, and the existing gas transmission lines.

J.W. Bailey, 713 Woodward Lane, stated that after the sewer system was installed on Woodward Lane, he was informed by the LFUCG Division of Engineering that the base of Woodward Lane is not up to standard, so it could not be repaved. He said that any upgrade of Woodward Lane to accommodate the additional traffic from the proposed development would require that the existing base be completely removed and replaced, which would be extremely costly to the citizens of Lexington-Fayette County.

William Riggs, 732 and 740 Wilderness Road, stated that he has resided there for 43 years. He said that he agreed with many of his neighbors' concerns about traffic in the area. He is also concerned that the petitioner has been installing fill on the subject property, as dump trucks have been accessing the property since last summer.

Ron Crim, 679 Woodward Lane, said that he was unsure of the exact location of his property line. He said that, according to his deed, he owns the portion of the roadway adjoining his property, and he would like to be compensated for the use of it by others.

Mr. Royle stated that LFUCG paved Woodward Lane in order to add the three newer houses to the sewer system. He said that, at that time, the government agreed to maintain the road forever.

Mr. Logan said that, in addition to the other traffic issues in the area, the FCPS blocks traffic on Liberty Road in order to let the busses out for their afternoon runs.

Petitioner Rebuttal: Mr. Carter reiterated that this rezoning request is in agreement with both the 2007 and 2013 Comprehensive Plans' Goals & Objectives. He said that the Comprehensive Plan recommends between 34 and 83 lots for the subject property; the petitioner is proposing 47, which is considerably less than the maximum recommendation.

Mr. Carter said that the 2013 Goals & Objectives state that, "underutilized property should be developed to its maximum extent possible" in order to protect the Urban Service Area boundary. The subject property is listed on the underutilized property map. In addition, the proposed development is comparable in density and character with the existing newer neighborhoods in the area.

Commission Question: Ms. Mundy asked if any soil studies have been done on the subject property with regard to the comments about mercury spills or chemical contamination. Mr. Carter said that he was not aware of any such studies. He added that the petitioner is not proposing to construct any residences in the area that residents indicated was the location of the mercury spill.

Staff Rebuttal: The staff had no rebuttal comments.

Commission Questions: Ms. Plumlee thanked the neighborhood residents for voicing their concerns; she reminded them that neighborhoods change, and they need to be willing to adapt to that change. She said that, at this point, she questions the appropriateness of this proposed development going forward, because she believes that it needs a better timetable. She agreed that this proposal complies with the Comprehensive Plan, but opined that, "that does not give us permission to be sloppy in our development."

Ms. Mundy also thanked the residents for attending this meeting and voicing their opinions. She said, with regard to residents' concerns about the proposed development exacerbating existing stormwater runoff issues, that the construction of curbs, gutters and sidewalks on the subject property could actually improve that situation. Ms. Mundy added that she believes that some additional research might be necessary, and acknowledged that the traffic situation on Liberty Road can be difficult; but "that is part of progress." She said that the Commission has been tasked with approving infill projects, and the subject property has been identified as underutilized.

Mr. Owens also thanked the residents for their input. He said that he believes that the proposed development will go forward at some point; but he is not comfortable with it doing so at this point, given the concerns that were raised at this hearing.

Ms. Beatty echoed Mr. Owens' comments, agreeing that she did not believe that either the proposed rezoning or development plan was ready to move forward at this point. She proposed that the Commission postpone this request in order to work with the staff, petitioner, and community to resolve some of the issues that were raised.



Motion: A motion was made by Ms. Mundy and seconded by Mr. Wilson to postpone MAR 2013-18 for one month.

Discussion of Motion: Mr. Cravens asked if it would be more appropriate to continue this request, rather than postpone it. Ms. Jones answered that it would be more appropriate to continue this request, and that the Commission must act on it by January 30<sup>th</sup> in order to meet their 90-day deadline.

Withdrawal and restatement of motion: Ms. Mundy withdrew her motion, to which Mr. Wilson concurred. A motion was made by Ms. Plumlee and seconded by Mr. Wilson to continue MAR 2013-18 to the January 30, 2014, Planning Commission meeting.

Commission Comment: Mr. Penn stated that there were a large number of issues that needed to be resolved with regard to this request, and in a short timeframe. He encouraged the petitioner to work hard on the concerns, and be productive in addressing them.

Action: Ms. Plumlee's motion carried, 9-0 (Brewer and Drake absent).