

- Hearing closed and Commission votes on zone change petition and related plan(s)

Note: Ms. Roche-Phillips and Mr. Wilson arrived at this time.

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the hearing. The Chair will announce its decision at the outset of the hearing.

1. **AU ASSOCIATES, INC., ZONING MAP AMENDMENT & GARDENSIDE CABANA CLUB – PHASES 2 & 3 (PARKSIDE DEVELOPMENT) ZONING DEVELOPMENT PLAN**

- a. MAR 2013-6: AU ASSOCIATES, INC. (5/5/13)\* - petition for a zone map amendment from a Professional Office (P-1) zone to a Planned Neighborhood Residential (R-3) zone, for 4.09 net and gross acres, for property located at 1060 Cross Keys Road (a portion of).

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan recommends Semi-Public Facilities (SP) future land use for the subject property, recognizing its former use as the Cross Keys YWCA. The petitioner has requested a Planned Neighborhood Residential (R-3) zone in order to provide residential housing consistent with the density of the remainder of the subject property, as well as surrounding properties.

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

The Staff Recommends: Approval, for the following reasons:

1. The requested Planned Neighborhood Residential (R-3) zoning is appropriate and the Professional Office (P-1) is now inappropriate for the rear portion of 1060 Cross Keys Road, for the following reasons:
    - a. Since dwelling units are a permitted use in the P-1 zone for the second floor and above (if professional office uses are proposed on the first floor), some level of residential use would be allowed under the current zoning. However, such a mixed-use project would not be feasible at this location, given the property's limited access and visibility.
    - b. The existing P-1 zone is not appropriate for the subject property because of the limited access to the property. Existing access to the property is from the first phase of the development. With no direct access to a public street, the site does not have adequate access to foster successful professional office uses.
    - c. The proposed R-3 zone and multi-family residential development are very compatible with the surrounding area. The largest non-residential land uses in the immediate area are James Lane Allen Elementary School and the Gardenside Shopping Center, both of which are highly compatible with the residential development proposed at this location.
    - d. The Plan recommends High Density Residential land use to the north and east of the subject property, defined at 10 to 25 dwelling units per net acre. In comparison, this development proposes 17.6 dwelling units per net acre.
  2. The 2012 Comprehensive Plan's Themes, Goals and Objectives are supportive of the proposed zone change request. The Plan's mission statement seeks to "provide flexible planning guidance;" and the proposed change is supported by Theme A.1.b., which encourages housing near employment and commercial areas, as well as Theme A.2.a., which encourages identifying opportunities for appropriate infill that respects the area's context and design features.
  3. This recommendation is made subject to the approval and certification of ZDP 2013-23: Gardenside Cabana Club (Parkside Development), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. ZDP 2013-23: GARDENSIDE CABANA CLUB (PARKSIDE DEVELOPMENT) (5/5/13)\* - located at 1060 Cross Keys Road. **(Kleingers & Associates)**

The Subdivision Committee Recommended: Approval, subject to the following 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 parking, circulation, access and street cross-sections.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Delete notes #11, #16, & #17.
7. Revise note #14 to include Article 6-10 of the Land Subdivision Regulations.
8. Correct Maywick View Lane cross-section and denote location on plan.
9. Add Cross Keys Road cross-section.
10. Clarify area proposed for ingress and egress easement (to eliminate actual parking spaces).

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

11. Denote number of bedrooms proposed and related off-street parking requirements.
12. Clarify existing tree canopy information (existing tree species).
13. Denote the number of stories proposed (3).
14. Addition of typical parking space and drive aisle dimensions.
15. Clarify vicinity map.
16. Document ability to meet Article 21-14(e) of the Zoning Ordinance.
17. Resolve proposed lotting at the time of a Final Development Plan.
18. Resolve proposed lack of on-site storm water detention at the time of a Final Development Plan.

Zoning Presentation: Mr. Taylor presented the staff's zoning report, briefly orienting the Commission to the location of the subject property east of Alexandria Drive along Maywick View Lane and just to the south of Cross keys Road. He noted that there is an easement area, containing a small utility structure, which is fully enclosed by the subject property. That easement area is not proposed for rezoning. In the vicinity of the subject property are Phase I of the original development, which is adjacent to the subject property, and Gardenside Shopping Center, which is zoned B-1, to the south and west of the property. To the north and east are properties zoned R-3, which are developed with multi-family housing.

Mr. Taylor stated that the proposed rezoning represents the second and third phases of the development that began on the adjacent P-1 property, which has frontage along Cross Keys Road. Using an aerial photograph, Mr. Taylor noted the location of the existing parking lot on that parcel, through which access is proposed to serve the subject property. There is no access proposed to Maywick View Lane, due to a grade change on the subject property and that roadway's status as a private access easement at this location. Following the presentation of the staff report at the Zoning Committee meeting, the petitioner revised their development plan; they are now proposing to construct 72 dwelling units, with 143 bedrooms and 123 off-street parking spaces, on the subject property.

Mr. Taylor stated that the 2007 Comprehensive Plan recommended Semi-Public Facilities land use for the subject property, in recognition of the long-standing YWCA facility on the site. Thus, the proposed R-3 zoning could not be found to be in agreement with the Land Use Element of the 2007 Plan. The 72 dwelling units proposed would result in a residential density of 17.6 dwelling units per acre, which would fall within the Comprehensive Plan's High Density Residential land use category. Mr. Taylor explained that residential units are permitted in the P-1 zone, provided that the Professional Office uses are located on the first floor of the building, and residential uses on the second floor and above. Some residential development would therefore be allowed on the subject property under the existing P-1 zoning. However, the petitioner contends that, given the limited access and visibility of the subject portion of the site, a mixed-use project would not be viable at this location. The staff agreed with that contention, and believes that the proposed residential development would be highly compatible with the largest surrounding land uses in the area, including the Gardenside Shopping Center and James Lane Allen Elementary School. The staff and the Zoning Committee recommended approval of this request, for the reasons as listed in the staff report and on the agenda.

Commission Questions: Mr. Penn asked if the access easement will be the only means of ingress/egress for the subject property. Mr. Taylor answered that it is proposed to be the sole access to the property, and added that it was included as part of the development plan for the first phase of this development. Mr. Penn asked if the final development plan for the property would include details about traffic circulation on the property. Mr. Taylor responded affirmatively.

Development Plan Presentation: Mr. Martin presented the corollary zoning development plan, noting that revised conditions for approval had been distributed to the Commission members prior to the start of the hearing. He stated that Maywick View Lane, which is located adjacent to the subject property, is public near the Wendy's restaurant and Alexandria Drive, but is private at the location of the subject property.

The Staff Recommends: Approval, subject to the following 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 parking, circulation, access and street cross-sections.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree inventory map.
- ~~6. Delete notes #11, #16, & #17.~~
- ~~7. Revise note #14 to include Article 6-10 of the Land Subdivision Regulations.~~
- ~~8. Correct Maywick View Lane cross section and denote location on plan.~~
- ~~9. Add Cross Keys Road cross section.~~
- ~~10. Clarify area proposed for ingress and egress easement (to eliminate actual parking spaces).~~
- ~~11. Denote number of bedrooms proposed and related off-street parking requirements.~~
6. 12. Clarify existing tree canopy information (existing tree species).
- ~~13. Denote the number of stories proposed (3).~~

14. ~~Addition of typical parking space and drive aisle dimensions.~~  
 15. ~~Clarify vicinity map.~~  
 7. 16. Document ability to meet Article 21-14(e) of the Zoning Ordinance.  
 8. 17. ~~Resolve Denote that~~ proposed lotting will be addressed at the time of a Final Development Plan.  
 9. 18. ~~Resolve proposed lack of Denote that~~ on-site storm water detention will be addressed at the time of a Final Development Plan.

Mr. Martin stated that the petitioner is proposing to construct three apartment buildings each in Phases 2 and 3 of the proposed development, for just over 42,000 square feet of building area in each phase. Referring to the rendered development plan, he noted the location of the proposed 123 off-street parking space, which would exactly meet the parking requirements for the property, after allowable reductions are taken for the provision of bicycle racks. Mr. Martin said that the development plan also includes provisions for greenspace, with Tree Protection Areas designated along the perimeter of the property.

Mr. Martin said that this current version of the development plan was the result of a revision following the Subdivision Committee meeting, which prompted the drafting of the revised conditions. He noted that the revised plan addressed several of the original "clean-up" conditions; the remaining conditions include some other typical items that need to be addressed prior to certification of the plan. New condition #7 refers to the need for the plan to meet the requirements of Article 21-14(e) of the Zoning Ordinance, which relates to provision of an account for the necessary reproducibles for the plan. Condition #8 relates to the need for the petitioner to file a preliminary subdivision plan in order to subdivide the property, which could be done at the time of a Final Development Plan. Mr. Martin said that condition #9 would require documentation of the need for stormwater detention at the time of the Final Development Plan. A previous plan for the property did include onsite detention, but the current plan does not, and the staff has been informed that the petitioner intends to seek relief from that requirement under the provisions of the Stormwater Manual. The petitioner has already met with staff of the Division of Engineering, and has submitted preliminary calculations for their review.

Petitioner Representation: Darren Eyre, Kleingers Associates, was present representing the petitioner. He stated that the petitioner was in agreement with the staff's recommendations, and that he was available to answer questions from the Commission.

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

Citizen Objection: Robert Ely, 1814 Parkers Mill Road, stated that the rendered map to which the staff referred during their presentation was incorrect, in that two of the parcels were noted as being included in the Gardenside Shopping Center when they actually are not part of that development. He said that his property, which contains an office building with several tenants, is the closest parcel to the subject property. Mr. Ely stated that his primary concern about the proposed rezoning is the use of Maywick View Lane, which is part of his property, as a "playground." He said that he believes that, should the Commission choose to rezone the property to R-3, they should require some type of buffering between the professional offices on his property and the proposed residential development. In addition, Mr. Ely believed that, although he is not opposed to the proposed residential development, the existing P-1 zoning might result in the location of more offices uses on the first floor, which could provide a higher standard of maintenance for the property and its tenancy. He also asked that, should the Commission choose to rezone the property to R-3, they require that the number of dwelling units be limited to 73, as currently proposed. Mr. Ely added that he did not believe that the proposed residential development should be allowed to have a negative impact on his office building such that it causes the loss of tenants.

Mr. Ely stated that he is also concerned about the possibility of additional traffic at the Cross Keys Road/Alexandria Drive intersection, which was recently identified as one of the most dangerous intersections in the city. He said that, if the proposed traffic circulation for the subject property includes any route that he believes might result in additional cut-through traffic on his property, he will install concrete traffic barriers.

Mr. Owens asked about the exact location of his property. Mr. Ely identified it, and reiterated that Maywick View Lane is not an access easement or any type of roadway; rather, it is part of the parking lot for his office building.

Mr. Ely asked if it would be possible, as part of this rezoning request, to require some type of separation between the proposed residential development and the business uses along Maywick View Lane. Mr. Owens noted that it appeared that vehicular traffic would be required to access Cross Keys Road, rather than Maywick View Lane. Mr. Ely responded that he was concerned about pedestrian as well as vehicular traffic on his property.

Staff Rebuttal: Mr. Sallee stated that it was the staff's understanding that Maywick View Lane was an access easement, based on plans from the 1960s or 1970s. He added that the Commission could consider imposing fencing or landscaping requirements as part of their approval of the development plan, or even conditional zoning restrictions, for the subject property.

Discussion: Mr. Owens asked if the petitioner would be required to come back before the Planning Commission in order to make any changes to the development plan. Mr. Sallee answered that, in order to develop any use in Phase 2 or 3, a new final development plan would need to be brought before the Planning Commission. In the absence of conditional zoning restrictions to limit the number of dwelling units on the property, any such development plan could propose more units, but it would require the approval of the Planning Commission.

Ms. Beatty asked Mr. Sallee to point out the location of Mr. Ely's property line, and the Maywick View Lane access easement. Mr. Sallee used the rendered zoning map to note those locations, adding that Mr. Ely was correct that Maywick View Lane is a public street from Alexandria Drive up to the Wendy's restaurant, at which point it becomes a private access easement.

Mr. Penn asked if Mr. Ely's concerns would be best addressed at this time, or at the Final Development Plan stage. Mr. Sallee responded that it seemed that Mr. Ely had concerns related to two issues. Mr. Penn asked Mr. Sallee to help the Commission understand which concerns should be addressed at this time, and which would be best deferred to the Final Development Plan. Mr. Sallee answered that fencing and landscaping are typically development plan issues, but concerns about the proposed density on the property could be addressed during consideration of the zone change. Mr. Penn asked when the concerns about the access easement could best be addressed. Mr. Sallee responded that no changes are currently proposed to the access easement, noting that the subject property is proposed to access only Cross Keys Road, and not Maywick View Lane.

Applicant Rebuttal: Holly Wiedemann, owner and developer of the subject property, stated that the first phase of this development is a source of pride and is an asset to the neighborhood, so she did not understand Mr. Ely's concerns. She said that Maywick View Lane is a publicly-accessed, private road, which Mr. Ely does not own, and which has existed in its current configuration for decades. She added that, if Mr. Ely would like install a fence on his property, he had the right to do that, but she did not believe that it would be necessary, since adequate parking is included in their proposed development.

Commission Questions: Ms. Mundy asked, since the petitioner is proposing a landscape buffer around some portions of the perimeter of the property, if that buffer could be extended to the area between the subject property and Mr. Ely's property. Ms. Wiedemann answered that, during the construction of Phase 1 of the project, the petitioner planted more than 120 trees and removed a great deal of underbrush, since the property had been condemned and in disrepair for sometime before it was sold. She said that, due to the large amount of pedestrian traffic in the area, the proposed development was designed to allow pedestrians to pass through freely. The Phase 1 building provides office space on the first floor for some community agencies, and Ms. Wiedemann believes that it is important to allow residents free access to those offices, as well as to the stores and bus stops along Alexandria Drive. She added that it was her understanding that the Maywick View Lane access easement was owned by the neighborhood association, rather than Mr. Ely, and she had no way to control whether or not residents of the proposed development parked there. Ms. Wiedemann also opined that the installation of a fence along the boundary with Mr. Ely's property "would disrupt the entire neighborhood."

Mr. Penn stated that he was still trying to determine whether the issues raised needed to be addressed as part of this rezoning request, but he believed that it would be more appropriate to treat these concerns as development plan issues. Mr. Owens agreed.

Citizen Rebuttal: Mr. Ely stated that, two years ago, he parked a truck trailer on Maywick View Lane; the police and his Council member told him to remove it, but then were informed that the trailer could remain because that roadway was his private property. He said that the only easement depicted on the plat for 1750 Alexandria Drive is a utility easement that does not include the area known as Maywick View Lane. Mr. Ely maintains that the portion of Maywick View Lane adjacent to the subject property is his private property, since he paid for it and holds the deed to it.

Mr. Ely stated that, although he is not opposed to the proposed development itself, he does not believe it is not fair to suggest that pedestrian traffic from the proposed development should be able to freely access his parking lot as a cut-through. He asked that, if the Planning Commission chooses to approve the proposed rezoning, they recognize the use of his property for professional offices, and take measures to prevent the use of his property by the residents of the proposed development.

Commission Comments: Mr. Owens stated that he believed that most of Mr. Ely's concerns could be addressed on the Final Development Plan for the subject property.

Mr. Ely asked if the proposed rezoning could be approved dependent upon a requirement to provide some type of barrier between the two properties. He said that, if the project makes it to the Final Development Plan stage without

such a requirement, "it would be too late." Mr. Owens reiterated that Mr. Ely's concerns could be addressed on the Final Development Plan.

Mr. Berkley asked if there were any zone-to-zone screening requirements for the subject property. Mr. Sallee answered that there are zone-to-zone screening requirements between residential, office, and business zones, but there is an exception granted for property frontages. He explained that, since the subject property has a frontage along Maywick View Lane, even though it does not have access to that roadway, it might be exempt from the zone-to-zone screening requirements, even though Maywick View Lane is private. Mr. Sallee added that the Commission could require screening as a condition to the development plan or via conditional zoning restrictions, if they so chose.

Mr. Brewer said that conflicting information had been presented with regard to the status and ownership of Maywick View Lane, and asked for clarification. Mr. Sallee responded that Maywick View Lane is only public from its intersection with Alexandria Drive to a point at the corner of the subject nearest the Wendy's restaurant. From that point north, it is a private access easement, used to provide access to the properties to the north of the Wendy's. Mr. Brewer asked if the staff could provide documentation of the ownership of the easement, since it seemed to be questionable. Mr. Sallee answered that the staff was currently researching that question in the planning office, since it pertained to off-site property, and they hoped to have an answer shortly before the conclusion of this hearing.

Mr. Penn asked if it would be more appropriate and effective to require some type of barrier as part of the rezoning request, or at the Final Development Plan stage. Mr. Sallee answered that some issues, like the continuation of a sidewalk, are best considered on the Final Development Plan, since, at this point in the process, the configuration depicted on the preliminary plan could change. He said that, since the property boundary is known and not likely to change, a fence or landscape barrier could be required as part of the rezoning, but it could also be deferred to the Final Development Plan as well. Mr. Penn asked if the Commission had the ability to require zone-to-zone screening. Mr. Sallee answered that the Commission did have that ability.

Ms. Mundy stated that she was concerned that, if pedestrians continue to be allowed to cross Mr. Ely's property, it could become a prescriptive right-of-way that would have to be left open for that use. Mr. Sallee replied that the staff's understanding is that, currently, the area in question is an access easement, and has been for some time. Ms. Mundy said that she was not referring to Maywick View Lane, but rather to Mr. Ely's property, on which his professional office building is located. She added that she believed the project would be attractive and beneficial to the neighborhood, but surrounding property owners also needed to be protected.

Ms. Roche-Phillips stated that she believed that, if the concern was the creation of a prescriptive easement, it should be incumbent upon Mr. Ely to install a barrier to prevent pedestrians from crossing his property. She said that construction of such a barrier on Mr. Ely's property would constitute an off-site improvement, and she did not believe that it was within the Commission's purview to require such. However, the Commission could require landscaping or buffering on the subject property to help mitigate noise or similar nuisances, which Ms. Roche-Phillips believed would be appropriate in this case.

Mr. Cravens stated that Mr. Ely's property is already developed, and his business has been in operation there for some time, while the proposed development is not yet constructed. Mr. Cravens believed that the petitioner should be required to manage their property in order to prevent access to Mr. Ely's property. He added that long-term use of Mr. Ely's property could constitute "implied consent" of that use. Mr. Cravens opined that it would be best to require a fence at this point in the proposed development, rather than at the time of a Final Development Plan.

Mr. Owens asked, with regard to the small area on the subject property that is not proposed for rezoning, if it was some type of easement. Mr. Sallee answered that there is a small utility building in that area, along with a small paved area for vehicle parking. Mr. Owens asked if that area was fenced. Mr. Sallee responded that it was not fenced from Maywick View Lane, but he could not recall from his site visit whether it was fenced to the rear. Mr. Owens asked whether, if a fence is required, it would have to go around that area as well, even though it is not part of this rezoning request. Mr. Sallee answered that, in order to unencumber the utility's property, the fence would need to include that area as well.

Staff Exhibit: At this time, Mr. Martin explained that the staff had located the most recent plat for the Maywick View Lane access easement, which was prepared by Endris Engineering and signed and recorded on October 31, 2008. He said that that plat makes reference to Maywick View Lane as "a right-of-way and utility easement, 37' wide, set forth in Deed Book 791, page 568; and Deed Book 2698, page 686."

Mr. Sallee added that, in some similar situations where there was still uncertainty about development plan issues at the time of rezoning, a note was added to the development plan requiring that the concerned parties be contacted at the time of the filing of a Final Development Plan for the property. He said that such a note could provide an op-

portunity for Mr. Ely to be able to review the sidewalk, landscaping and fencing proposed at the time of filing of a final plan.

Applicant's Closing Remarks: Shantelle Noble, City Studios Architecture, stated that the proposed Phase 2 and 3 buildings would sit at a lower elevation than Maywick View Lane, and require the construction of a retaining wall, so the elevation change could provide some a natural buffer to help mitigate Mr. Ely's concerns.

Discussion: With regard to the staff's revised conditions for approval of the zoning development plan, Ms. Beatty asked if stormwater detention and traffic circulation needed to be resolved as part of the rezoning, or if they could be addressed at the time of the Final Development Plan. Mr. Martin answered that they could be resolved at the Final Development Plan stage, and added that the staff could research accident data for the Cross Keys Road/Alexandria Drive intersection, and present it at that time as well.

Mr. Penn asked how a condition should be worded in order to require a barrier or impediment to foot traffic onto the adjoining property at the Final Development Plan stage. Mr. Martin answered that a condition could be added to denote that that issue be resolved at the time of the Final Development Plan.

Zoning Motion: A motion was made by Ms. Beatty and seconded by Ms. Mundy to approve MAR 2013-6, for the reasons provided by staff.

Discussion of Motion: Ms. Roche-Phillips asked Ms. Beatty if she had intended to include a conditional zoning restriction to limit the density on the property to the number of units proposed. Ms. Beatty responded that she had intended to include a conditional zoning restriction limiting the number of dwelling units on the subject property to 72.

Mr. Owens asked Ms. Beatty to restate her motion.

Ms. Beatty stated that her motion was for approval of the proposed zone change, for the reasons provided by staff, including a conditional zoning restriction to limit the number of dwelling units to 72, because there is a need to buffer the nearby professional office. Ms. Mundy concurred

Zoning Action: Ms. Beatty's motion carried, 11-0.

Development Plan Action: A motion was made by Ms. Beatty and seconded by Mr. Wilson to approve ZDP 2013-23, with the nine revised conditions as recommended by staff, including a new #10 to read: "Resolve pedestrian traffic patterns as related to adjacent properties."

Legal Comment: Ms. Jones recommended adding "at the time of the Final Development Plan" to the new condition #10. Ms. Beatty and Mr. Wilson agreed to that addition to the motion.

Applicant Comment: Ms. Wiedemann stated that anyone could walk or drive down Maywick View Lane, and she did not understand what the Commission hoped to accomplish with the addition of condition #10.

Commission Question: Mr. Cravens asked if Mr. Sallee could clarify his comment with regard to the possible addition of a note requiring that Mr. Ely be notified of the filing of a Final Development Plan. Mr. Sallee stated that notes have been added in similar situations where there was a high level of citizen interest in a particular development. He said that the Commission had the ability to add such a condition to this plan. Mr. Cravens stated that he would like to add such a condition in the form of an amendment to Ms. Beatty's motion.

Mr. Wilson, Parliamentarian, stated that Mr. Cravens could make such an amendment to Ms. Beatty's motion; he explained that the Commission would need to vote on the amendment, and then the motion.

Mr. Penn asked if it would be appropriate to name Mr. Ely in that condition, or refer to the "adjoining property owner." Mr. Cravens stated that he would agree to that change in the amendment to the motion.

Amendment of Motion: A motion was made by Mr. Cravens and seconded by Ms. Mundy to add a note to the development plan to notify the adjoining property owner to the west upon the filing of a Final Development Plan for the subject property.

Discussion of Amendment: Mr. Brewer asked why Mr. Cravens did not want to notify all of the adjoining property owners, rather than just the one to the west. Mr. Cravens responded that Mr. Ely had attended the meeting and voiced his concern, so he believed that he deserved to be notified of future development on the subject property.

Ms. Beatty stated that the addition of condition #10 was not intended to be advantageous or disadvantageous to either the petitioner or the adjoining property owner; rather, to ensure that the pedestrian connectivity in the area is resolved at the time of the Final Development Plan. She said that, the way the condition is worded, all of those

property owners should be involved upon the filing of that plan, and the openness and walkability of the area can be maintained.

Amendment of Motion Action: Mr. Cravens' motion carried, 8-3 (Beatty, Brewer, and Roche-Phillips opposed).

Summary of Development Plan Motion: Mr. Owens stated that the Commission would now vote on the original motion for approval of ZDP 2013-23, with the nine conditions as recommended by staff; adding a new condition #10 as previously read by Ms. Beatty; and adding a new condition #11 to require the notification of Mr. Ely upon the filing of any plan or amendment for the subject property.

Discussion of Motion: Ms. Roche-Phillips stated that she did not believe it was appropriate for the Planning Commission to regulate how pedestrians move between pieces of property. She said that the Commission was charged with reviewing the development plan and ensuring pedestrian and vehicular connectivity to and from the site, but any off-site issues should not be their concern.

Development Plan Action: Ms. Beatty's motion carried, 9-2 (Brewer and Roche-Phillips opposed.)