

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

October 8, 2009

- I. **CALL TO ORDER** - The meeting will be called to order at 1:30 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.
- II. **APPROVAL OF MINUTES** – None will be considered at this time.
- III. **POSTPONEMENTS OR WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.
- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, October 1, 2009, at 8:30 a.m. The meeting was attended by Commission members: Marie Copeland, Derek Paulsen and Carolyn Richardson. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Chris Taylor, Tom Martin, Denise Bullock, Barbara Rackers and Cheryl Galt, as well as Rochelle Boland, Department of Law; Captain Charles Bowen and Firefighter Allen Case, Division of Fire & Emergency Services; Paul Hockensmith, Addressing Office; and Bob Carpenter, Division of Building Inspection. The Committee made recommendations on plans as noted.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.

1. *All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
2. *All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*

- A. **NO DISCUSSION ITEMS** – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

Criteria:

- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda, and
- (2) the Petitioner is in agreement with the Subdivision Committee recommendation and the conditions listed on the agenda, and
- (3) no discussion of the item is desired by the Commission, and
- (4) no person present at this meeting objects to the Commission acting on the matter without discussion, and
- (5) The matter does not involve a waiver of the Land Subdivision Regulations.

- B. **DISCUSSION ITEMS** – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for consideration of these remaining plans is as follows:

- Staff Report(s)
- Petitioner's Report(s)
- Citizen Comments – (a) in support of the request, and (b) in opposition to the request
- Rebuttal – (a) petitioner's comments, (b) citizen comments, and (c) staff comments
- Commission discusses and/or votes on the plan

1. **PRELIMINARY SUBDIVISION PLANS** – (Tentatively scheduled for the October 8, 2009 Planning Commission Meeting.)

- a. **PLAN 2009-106P: MAHAN PROPERTY (A PORTION OF) (AMD) (12/10/09)*** - located at 4127 Victoria Way (a portion of). (Council District 9) **(EA Partners)**

Note: The purpose of this amendment is to increase the single family lots and amend the street system.

The Subdivision Committee Recommended: Postponement. There were questions regarding the timing of the road completion.

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

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Denote construction access.
8. Addition of purpose of amendment note.
9. Addition of adjoining property information.
10. Discuss the timing of construction for Victoria Way.
11. Discuss the timing of the other street connections.

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

2. Final Subdivision Plans

- a. PLAN 2009-74F: HAROLD R. BLACK PROPERTY (AMD) (10/8/09)* - located at 3521 & 3589 Combs Ferry Road.
(Council District 12) **(Wes Witt)**

Note: The Planning Commission postponed this plan at its August 13, 2009 and September 10, 2009, meetings. The purpose of this amendment is to subdivide 2 lots into 3 lots and to remove non-building restrictions. This plan requires the posting of a sign and an affidavit of such.

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of required street tree information.
 4. Addressing Office's approval of street names and addresses.
 5. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
 6. Delete consolidation information and correct plan title.
 7. Addition of name and address of property owner.
 8. Addition of north arrow.
 9. Addition of buildable and/or non-buildable areas.
 10. Addition of private utilities listing per Article 5-4(e) of the Land Subdivision Regulations.
 11. Provided the Planning Commission grants a waiver to Article 6-8(b) of the Land Subdivision Regulations.
 12. Kentucky Department of Transportation approval of access to Combs Ferry Road prior to certification.
 13. Denote the Board of Health's approval of the use of septic tanks on the plan face.
- b. PLAN 2009-107F: BEAUMONT FARM, UNIT 1, SECTION 5, LOTS 4-10 (AMD) (12/10/09)* - located at 3194 Beaumont Centre Circle (a portion of). (Council District 10) **(EA Partners)**

Note: The purpose of this amendment is to dedicate Monarch Street and easements, and to create seven lots.

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and required street tree information.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of any tree protection areas.
 6. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
 7. Denote: This property shall be developed in accordance with the approved final development plan.
 8. Correct plan title.
 9. Verify required separation of the sewer line from KU electric line on lots 5, 6 and 7.
- c. PLAN 2009-108F: SIKURA-JUSTICE PROPERTY, UNITS 2B & 4 (AMD) (GLENEAGLES) (A PORTION OF) (12/10/09)* - located at Polo Club Boulevard. (Council District 12) **(EA Partners)**

Note: The purpose of this amendment is to amend the street cross-sections.

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Greenspace Planner's approval of the treatment of greenways and greenspace.
 4. Clarify purpose of amendment note.
 5. Correct plan title.
- d. PLAN 2009-109F: RAMSEY/SULLIVAN PROPERTY, UNIT 1B, LOTS 8 – 12 (AMD) (12/10/09)* - located at 2756, 2760, 2764, 2768 & 2772 Sullivans Trace. (Council District 12) **(Foster - Roland)**

Note: The purpose of this amendment is to subdivide one lot into two lots.

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of any tree protection areas.
6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.

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

7. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
 8. Addition of private utilities listing per Article 5-4(e) of the Land Subdivision Regulations.
 9. Correct Engineering's certification per Article 5-4(h)(2) of the Land Subdivision Regulations.
- e. PLAN 2008-130F: PATCHEN WILKES, UNIT 1-D (12/14/08)* - located at 1811 Winchester Road (a portion of).
(Council District 6) **(EA Partners)**

Note: The Planning Commission originally approved this plan on October 9, 2008, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection areas.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
8. This plan cannot be certified until the required Letter of Map Revision (LOMR) for the floodplain is official.
9. Resolve cross-section "D-D."

Note: The applicant now requests a one-year extension.

The Subdivision Committee Recommended: Approval of a one-year extension, subject to the previous conditions.

- f. PLAN 2008-86F: LAKEVIEW ACRES, UNIT 3, TRACT 10, LOT 12 (AMD) (11/13/08)* - located at 1545 Lakeview Drive. (Council District 5) **(Endris Engineering)**

Note: The Planning Commission originally approved this plan on July 10, 2008, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Approval of street names and/or addresses per the street addressing office.
5. Urban Forester's approval of tree preservation areas.
6. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
7. Document private street responsibility and add certification.
8. Clarify purpose of amendment note.
9. Remove amended building line from plan (along Lakewood Drive).
10. Resolve access to private street.

Note: The applicant now requests reapproval.

The Subdivision Committee Recommended: Reapproval, subject to the previous conditions.

2. Development Plans

- a. DP 2009-60: MILLER BIRD COMMERCIAL PARK SUBDIVISION, BLOCK A, UNIT 1, LOTS 1-6 (CURRY SHOES) (AMD) (11/12/09)* - located at 2555 Nicholasville Road. (Council District 10) **(The Roberts Group)**

Note: The Planning Commission postponed this plan at its September 10, 2009, meeting. The purpose of this amendment is to add a patio area and correct the street address.

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Urban Forester's approval of tree preservation plan.
5. Division of Fire's approval of emergency access and fire hydrant locations.
6. Division of Solid Waste's approval of refuse collection.
7. Addressing Office's approval of street names and addresses.
8. Correct spelling in note #11.
9. Remove extraneous information from plan face (construction info & former buildings).
10. Denote: The patio seating shall be limited to 24 seats.
11. Denote: No parking along Nicholasville Road Service Road.

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

- b. DP 2009-27: RAMSEY/SULLIVAN PROPERTY (AMD) (12/20/09)* - located at 2663 and 2671 Kearney Ridge Boulevard.
(Council District 12) **(Barrett Partners)**

Note: The Planning Commission indefinitely postponed this plan at its August 13, 2009 meetings. The applicant has revised their submission, and now requests that this item be reconsidered. The purpose of this amendment is to add 198 apartment units to the northwest corner of the property.

The Subdivision Committee Recommended: Postponement. There were questions regarding the timing of Spurr Road improvements, given the proposed density increase; the need for noise abatement; and the existing conditional zoning restrictions.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Urban Forester's approval of tree preservation plan.
5. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Division of Fire's approval of emergency access and fire hydrant locations.
8. Division of Solid Waste's approval of refuse collection.
9. Addressing Office's approval of street names and addresses.
10. Addition of conditional zoning restrictions.
11. Addition of notes # 2, 4, 5 and 9 through 25 from prior preliminary subdivision plan.
12. Addition of all graphic information from prior preliminary subdivision plan.
13. Addition of typical building information and parking dimensions.
14. Correct building coverage, floor area, and floor area ratio statistics.
15. Denote construction access location(s).
16. Discuss the need for noise abatement.
17. Discuss the conditional zoning restrictions related to the required park area.
18. Discuss the improvements proposed in proximity to the existing cemetery.
19. Discuss single family lots being proposed.
20. Discuss the balconies and building line conflict.
21. Discuss the geometrics of street extensions/stream crossing proposed.
22. Discuss the plan status.

- c. DP 2009-63: ENTERPRISE BUSINESS CENTER (12/2/09)* - located at 817 Winchester Road.
(Council District 1) **(Elizabeth Senn)**

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Resolve easement information relative to the 8" sanitary sewer line.
7. Document required parking compliance.

- d. DP 2009-64: HOWARD & HEAFEY PROPERTY (AMD #2) (12/10/09)* - located at 1124 Winchester Road.
(Council District 1) **(Barrett Partners)**

Note: The purpose of this amendment is to increase the buildable area on lot 2 and correct the parking statistics.

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Addition of adjacent property information.
7. Correct purpose of amendment note to include correct parking statistics.

- e. DP 2009-65: MAHAN PROPERTY APARTMENTS (AMD) (12/10/09)* - located at 4057 Mooncoin Way.
(Council District 9) **(EA Partners)**

Note: The purpose of this amendment is to add 5.6 acres and four additional buildings that will comprise 96 units.

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

The Subdivision Committee Recommended: Postponement. There were questions regarding the timing of the completion of the streets and the proposed increase in density.

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

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Urban Forester's approval of tree preservation plan.
5. Division of Fire's approval of emergency access and fire hydrant locations.
6. Division of Solid Waste's approval of refuse collection.
7. Addressing Office's approval of street names and addresses.
8. Clarify number of units per building.
9. Discuss the extent of development and the relation to single family lots being proposed and adjoining property.
10. Discuss the proposed density increase.

- f. DP 2009-66: WOLF RUN INDUSTRIAL PARK, LOTS 1, 2 & 3 (AMD) (12/10/09)* - located at 2262, 2270, and 2278 Frankfort Court. (Council District 12) **(Barrett Partners)**

Note: The purpose of this amendment is to increase the buildable area.

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Improve plan legibility by removing extraneous information from plan face and clarify plan features.
8. Denote floodplain and 25' setback.
9. Clarify area of storm and sewer easement to be relocated.
10. Correct plan title.
11. Addition of purpose of amendment note.
12. Kentucky Department of Transportation's approval of improvements and access to Old Frankfort Pike.
13. Resolve possible fill in identified floodplains.

- g. DP 2009-67: 10-FOOT CEILING (636 MAIN STREET, LLC) (12/22/09)* - located at 636 West Main Street. (Council District 2) **(Banks Engineering)**

The Subdivision Committee: Postponement. The original development plan submission is devoid of many items required by Article 21-6(a) of the Zoning Ordinance.

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

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Addition of tree preservation plan or tree canopy requirements.
7. Addition of the developer's name and address.
8. Addition of dimensions for the entrance and off-street parking areas.
9. Addition of any existing or proposed easements.
10. Improve the vicinity map.
11. Remove note numbers 6 and 11.
12. Revise note number 10.
13. Addition of pedestrian walkways.
14. Addition of off-street parking spaces.
15. Denote ability to utilize shared driveway (to the east).
16. Addition of building coverage, floor area, open space and off-street parking information to site statistics.
17. Denote location of proposed usable open space (minimum 10%).
18. Denote detention areas or nearby storm sewer.
19. Correct zoning information to add Historic District Overlay (H-1) zone.
20. Discuss landscaping to the adjacent Light Industrial (I-1) zone.
21. Approval by Technical Committee prior to plan certification.

C. PERFORMANCE BONDS AND LETTERS OF CREDIT – Any bonds or letters of credit requiring Commission action will be considered at this time. The Division of Engineering will report at the meeting.

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

- V. **COMMISSION ITEMS** - The Chairman will announce that any item a Commission member would like to present will be heard at this time.

A. **LAND SUBDIVISION REGULATION AMENDMENT**

1. **SRA 2009-2: AMENDMENT TO ARTICLE 6-5(A) TO REQUIRE UNDERGROUND UTILITIES** (11/12/09)* – a petition to amend the utility standards to require new utility lines to be installed below ground, with the exception of major facilities, and to provide standards for such installation.

REQUESTED BY: Urban County Council

PROPOSED TEXT: (Text underlined indicates an addition to the existing Land Subdivision Regulations.)

6-5 UTILITY STANDARDS - The following shall be the minimum standards for utilities such as telephone supply, electric supply, gas supply, water supply or other utilities:

6-5 (a) TELEPHONE, NATURAL GAS, AND ELECTRIC SUPPLY - Every subdivision shall be provided with a proper telephone and electric system. Natural gas supply systems shall be provided at the option of the developer, dependent upon the ability of the local gas supplier to meet the demands of new development. All distribution lines or cables for utilities shall be installed below ground within the subdivision. Major facilities such as high-voltage electric transmission lines, distribution feeder circuits of 200 amps or greater or major cables/facilities to provide utilities such as telephone, and cable television to the area as a whole may be located above ground. The installation of these utilities shall conform to commonly accepted construction standards and the requirements of the Kentucky Public Service Commission, and utility companies shall work cooperatively with the Division of Engineering during construction. Underground utilities shall be separated from sanitary sewer and/or storm sewer facilities by a minimum of six (6) feet and shall not conflict with designated tree preservation areas, areas where future multipurpose trails are planned, areas designated for future right-of-way, or construction easements.

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

The Staff Recommended: Approval, for the following reasons:

1. The proposed change will protect and enhance public health and safety in conformance with the intent of the Subdivision Regulations, by reducing the impacts of severe weather upon future residents.
2. This will not result in a tremendous change to the current practice, as most developers now provide underground utilities to new subdivisions, with the concurrence of local utility providers.

- B. **T.I.F APPLICATION – SHOWPROP LEXINGTON, LLC** – a review of a Tax Increment Financing application for property on both sides of Angliana Avenue, between South Broadway and Versailles Road (Council District 2).

The staff will report at the meeting.

- VI. **STAFF ITEMS** – Staff items, if any, will be considered at this time.

- A. **CANCELLATION OF COMMISSION WORK SESSION ON OCTOBER 29** - The staff will request the Commission take action to formally amend the 2009 Meeting & Filing Schedule to cancel their previously scheduled work session for October 29, 2009. There will be a Work Session held in the Council Chambers on October 15th at 1:30 PM.

- B. **PLAN 2009-52F: HI-ACRES SHOPPING CENTER (AMD)** - located at 1784, 1816 and 1820 Bryan Station Road.
(Council District 6) **(Wheat and Ladenburger)**

Note: The purpose of this amendment is to revise the building lines.

This plan was approved by the Planning Commission on June 11, 2009, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
7. Clarify easement information.
8. Addition of building line information from previous plats.
9. Provided the Planning Commission grants a waiver to Article 5-4(h)(2) of the Land Subdivision Regulations.
10. Denote reciprocal parking and access.

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

This plan is nearing certification, but a condition associated with the Commission's approval conflicts with the presentation made at the Commission meeting (according to the minutes), and with the original intent of the applicant. As such, the staff has referred this plan to the Commission for further consideration, and now recommends deleting condition #8 associated with the original approval.

The Staff Recommended: Approval, subject to the previous requirements, deleting condition #8.

- VII. AUDIENCE ITEMS** – Citizens may bring a planning related matter before the Commission at this time for general discussion or future action. Items that will NOT be heard are those requiring the Commission's formal action, such as zoning items for early rehearing, map or text amendments; subdivision or development plans, etc. These last mentioned items must be filed in advance of this meeting in conformance with the adopted filing schedule.

VIII. NEXT MEETING DATES -

Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers	October 15, 2009
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	October 28, 2009
Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers	October 29, 2009
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	November 5, 2009
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	November 5, 2009
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	November 12, 2009
Planning Committee/Planning Commission Joint meeting, Tuesday, 9:00 a.m., Lexington Public Library.....	January 26, 2010

X. ADJOURNMENT

CT/CG/TM/WLS/SDB