

**AGENDA  
URBAN COUNTY PLANNING COMMISSION  
SUBDIVISION ITEMS**

**December 10, 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** – Prior Planning Commission meeting minutes of October 8, 2009 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, December 3, 2009, at 8:30 a.m. The meeting was attended by Commission members: Derek Paulsen, Mike Owens, Mike Cravens, Marie Copeland 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: Chris Taylor, Tom Martin, Denice Bullock, Cheryl Gallt and Jimmy Emmons, as well as 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. FINAL SUBDIVISION PLANS**

- a. **PLAN 2009-132F: BEAUMONT FARM, UNIT 1, SECTION 5, LOT 1 (2/11/10)\*** - located at 940 Midnight Pass.  
(Council District 10) **(EA Partners)**

Note: The purpose of this amendment is to subdivide one lot into two lots and create an access easement.

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 tree protection area(s).
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 owner's certification.
9. Correct engineer's and surveyor's certifications.
10. Correct private access easement note.
11. Denote: Required zone-to-zone screening shall be denoted on final development plan.
12. Denote: No access shall be allowed to Beaumont Centre Circle from Lot 1A.

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

- b. PLAN 2009-133F: PRALLTOWN (OKESON PROPERTY) (2/11/10)\* - located at 174-176 Prall Street.  
(Council District 3) **(2020 Land Surveying)**

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. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
6. Addition of alley cross-section (pavement width).
7. Addition of developer or builder information.
8. Addition of graphic scale.
9. Addition of private utilities listing per Article 5-4(e) of the Land Subdivision Regulations.
10. Correct plan title.
11. Document compliance with maximum parking limitations (I/R).
12. Correct Urban County Engineer's certification.
13. Addition of 10' building line along alley.
14. Denote: Only one single family dwelling unit per lot shall be allowed.

- c. PLAN 2005-277F: GESS PROPERTY, UNIT 4-G (2/21/10)\* - located on portions of 4040 and 4044 Todds Road (off of Jouett Creek Drive). (Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on October 13, 2005, and then reapproved this plan on February 8, 2007 and March 13, 2008, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
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. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
5. Approval of street addresses by e911 staff.
6. Urban Forester's approval of tree preservation plan.
7. Greenspace Planner's approval of the treatment of greenways/bike trails.
8. Addition of exaction information.
9. Show 30' access easement as per PC "L," SLD "361".
10. Denote: No dwelling units are to be located on the property.

Note: The applicant now requests reapproval of this plan.

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

- d. PLAN 2005-283F: GESS PROPERTY, UNIT 5-F (2/21/10)\* - located on portions of 4040 and 4044 Todds Road (off of Jouett Creek Drive). **(EA Partners)**

Note: The Planning Commission originally approved this plan on October 13, 2005; and reapproved this plan on February 8, 2007 and May 8, 2008, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
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. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
5. Approval of street addresses by e911 staff.
6. Urban Forester's approval of tree preservation plan.
7. Greenspace Planner's approval of the treatment of greenways/bike trails.
8. Addition of exaction information.
9. Correct street cross-sections.
10. Correct adjacent property information.
11. Show 30' access easement as per PC "L," SLD "361".
12. Demonstrate compliance with Article 23A-2(f) of the Zoning Ordinance.
13. Applicant shall document either evidence of a Section 404 Water Quality Permit and relief from the Corps. of Engineers' "Cease and Desist" Order for this Unit or sufficient evidence that this Unit does not require a Section 404 Water Quality Permit prior to certification.
14. The applicant shall document either evidence of a State Section 401 Permit or sufficient evidence that this Unit does not require a Section 401 Permit prior to certification.

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Note: The applicant now requests reapproval of this plan.

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

- e. PLAN 2009-73F: LEXINGTON HOUSING AUTHORITY (3/1/10)\* - located at 898 Georgetown Road.  
(Council District 1) **(Sherman/Carter/Barnhart)**

Note: The Planning Commission originally approved this plan on August 13, 2009, 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 preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Denote: Mailbox location(s) shall be subject to the approval of the United States Postal Service.
8. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
9. Addition of private utilities listing per Article 5-4(e) of the Land Subdivision Regulations.
10. Addition of tree planting easement on cross-section.
11. Denote: Street trees are to be planted within a year of recordation of this plat.
12. Denote: Home builders are responsible for the planting of street trees.

Note: The applicant now requests a waiver to Article 4-7(d)(9) of the Land Subdivision Regulations.

The Staff will report at the meeting.

## 2. DEVELOPMENT PLANS

- a. 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 postponed this plan at their November 12, 2009, meeting. 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.

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- b. DP 2009-84: HOMESTEAD NURSING HOME PROPERTY (2/11/10)\* - located at 1612 Versailles Road.  
(Council District 11) **(Roberts Group)**

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 protection plan.
6. Division of Fire's approval of emergency access and fire hydrant locations.
7. Division of Waste Management's approval of refuse collection.

- c. DP 2009-72: CHEVY CHASE SUBDIVISION, UNIT 19, LOT 7 (2/22/10)\* - located at 310 Romany Road.  
(Council District 5) **(EA Partners)**

Note: The Planning Commission originally approved this plan on November 12, 2009, 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 preservation plan.
6. Addition of dimensions for buildings and open space.
7. Addition of building heights.
8. Addition of storm drainage and detention information.
9. Addition of easement information.
10. Revise side yard labeling and lines (8' adjacent to R-1C zone) per Article 15-2(b)(6) of the Zoning Ordinance.
11. Denote: Courtyard areas/building connections as breezeways for sewer easements.

Note: The applicant now wishes to add basements to some of the six townhouses approved for this site. As a result, Commission authorization of the increased floor area is required.

The Subdivision Committee Recommended: Approval, subject to the original conditions, and adding two additional conditions:

12. Clarify site statistics to indicate additional floor area.
13. Label townhouse units containing basements.

- d. DP 2009-88: NEWPAST (AMD) (2/22/10)\* - located at 620-628 West Main Street.  
(Council District 3) **(Barrett Partners)**

Note: The purpose of this amendment is to change the use of two buildings and to include commercial uses.

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

1. Building Inspection's approval of landscaping and landscape buffers.
2. Addressing Office's approval of street names and addresses.
3. Division of Fire's approval of emergency access and fire hydrant locations.
4. Division of Waste Management's approval of refuse collection.
5. Remove reference to temporary parking space.

- 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.

- 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 2009-4: AMENDMENT TO ARTICLE 1-5 OF THE LAND SUBDIVISION REGULATIONS** – a petition to add definitions for “low impact development” and “green infrastructure;” and to permit alternative designs for development using low impact development and/or green infrastructure techniques.

REQUESTED BY: Urban County Council

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

**1-5 (d) ALTERNATE DESIGNS FOR ENVIRONMENTAL WATER QUALITY CONSIDERATIONS** - The Commission may approve alternative development designs and/or development infrastructure intended to minimize or offset the

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environmental water quality impacts of land development through green infrastructure and low impact development techniques where such designs are consistent with the basic intent of these Regulations. For any such approval request, the applicant shall provide a written report to the Commission outlining the environmental benefits to be obtained through the alternate design being proposed and the consistency of the alternate designs with low impact development guidance endorsed by the United States Environmental Protection Agency, including an analysis and justification of the merits of the proposal. The report shall be prepared by an engineer licensed to practice in the Commonwealth of Kentucky. For any such request, the Planning Commission shall seek input from the Department of Environmental Quality in its review of the proposal prior to taking action.

(ADD THE FOLLOWING DEFINITIONS TO ARTICLE 1-14):

GREEN INFRASTRUCTURE - infrastructure and stormwater control design approaches and technologies that mimic the natural hydrologic cycle processes of rainfall infiltration, evapotranspiration, and reuse.

LOW IMPACT DEVELOPMENT - a stormwater management design approach for commercial and residential developments that has a goal of achieving a hydrologically functioning development that approaches pre-development natural site conditions using green infrastructure and other design features in lieu of large scale stormwater collection and conveyance structures.

The Subdivision Committee made no recommendations.

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 encouraging community-wide efforts to improve water quality.
2. The level of review required in the proposed language will ensure that these alternatives are consistent with the intent of the Subdivision Regulations in requiring adequate stormwater infrastructure and stormwater management.

**B. APPOINTMENT OF NOMINATING COMMITTEE FOR COMMISSION OFFICERS** – Following requests for subdivision plans, development plans, and zoning changes, the Chair will appoint three members to a nominating committee to consider officers for the Planning Commission. This is a by-law requirement for the first official meeting in December each year. Election of Officers is required at the first meeting in January each year.

**C. T.I.F APPLICATION – RED MILE MIXED-USE DEVELOPMENT** – a review of a Tax Increment Financing application for property located at 780, 790 and a portion of 1200 Red Mile Road.

The staff will report at the meeting.

**D. AMENDING THE ADOPTED OFFICIAL MEETING & FILING SCHEDULE FOR 2010** – The staff suggest one alteration recommended “Official Meeting and Filing Schedule for 2010.” The staff will request that the Commission consider amending the already adopted filing deadline for the Commission’s May meetings, delaying the filing deadline for those meetings by one week.

**E. COMMUNICATION FROM THE DEPARTMENT OF LAW** – Edward Gardner, Department of Law, will request that the Planning Commission enter into a closed session in order to receive information on a matter of pending litigation between the Lexington-Fayette Urban County Government versus John Barlow.

**F. WORK SESSION** – At the conclusion of the regularly scheduled Planning Commission meeting, the staff will request that the Commission conduct a Work Session. A copy of the Work Session agenda will be distributed at the meeting.

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

**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 -**

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|---------------------------------------------------------------------------------------------------------------------|-------------------------|
| Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) .....                        | December 16, 2009       |
| <b>Zoning Items Public Hearing</b> , Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers .....              | December 17, 2009       |
| Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) .....                       | January 7, 2009         |
| Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building) .....                            | January 7, 2009         |
| <b>Subdivision Items Public Meeting</b> , Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers .....         | <b>January 14, 2010</b> |
| Work Session, Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers .....                                     | January 21, 2010        |
| Planning Committee/Planning Commission Joint meeting, Tuesday, 9:00 a.m., Lexington Public Library.....             | January 26, 2010        |
| <b>Zoning Items Public Hearing/Work Session</b> , Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers ..... | <b>January 28, 2010</b> |

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IX. ADJOURNMENT

CT/CG/TM/WLS/SDB

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