

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

February 11, 2010

- 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 January 14, 2010, 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, February 4, 2010, at 8:30 a.m. The meeting was attended by Commission members: Mike Cravens, Mike Owens, Carolyn Richardson, Derek Paulsen and Marie Copeland. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Bill Saltee, Tom Martin, Chris Taylor, Cheryl Gallt, Jimmy Emmons, Traci Wade, Denice Bullock, Barbara Rackers and Cindy Deitz, as well as Captain Charles Bowen and Firefighter Allen Case, Division of Fire & Emergency Services; Bob Carpenter, Division of Building Inspection; Robert Poage, Addressing Office and Anita Cook, E911. 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 agrees with the Subdivision Committee recommendation and 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 PLANS

- a. **PLAN 2010-8P: MAHAN PROPERTY (A PORTION OF) (AMD) (4/22/10)*** - located at 4127 Victoria Way and 4053 Elora Lane. (Council District 9) **(EA Partners)**

Note: The purpose of this amendment is to revise the street and lotting pattern, creating three new cul-de-sacs.

The Subdivision Committee Recommended: Postponement. There were questions as to whether this plan meets the requirements of the Land Subdivision Regulations regarding street connectivity.

2. DEVELOPMENT PLANS

- a. **DP 2010-2: TURFLAND MALL (AMD #23) (4/4/10)*** - located at 2195 Harrodsburg Road. **(Sherman/Carter/Barnhart)**
(Council District 10)

Note: The purpose of this amendment is to redevelop a portion of the original enclosed mall.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and soils 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 inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Identify conceptual storm drainage controls and storm water retention.

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

8. Denote all existing and proposed utility easements.
 9. Denote the need for a traffic operations analysis at the time of the Final Development Plan.
 10. Resolve the need for residential open space at the time of the Final Development Plan.
 11. Resolve the need for pedestrian improvements along Harrodsburg Road at the time of the Final Development Plan.
- b. **DP 2010-6: BIG BROTHERS/BIG SISTERS PROPERTY (4/22/10)*** - located at 1122 Oak Hill Drive.
(Council District 1) **(Barrett Partners)**

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 landscaping 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.
 8. Addition of the 20' building line.
 9. Remove 15' landscape buffer conflict with parking space.
 10. Clarify the location of the interior landscaping areas.
 11. Clarify tree protection areas and tree canopy to remain.
 12. Addition of the dimensions for the courtyard area.
 13. Addition of the dimensions for the sidewalks.
 14. Resolve the proposed exterior lighting.
 15. Review by the Technical Committee prior to certification.
- c. **DP 2009-65: MAHAN PROPERTY APARTMENTS (AMD) (4/22/10)*** - 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. The Planning Commission originally approved this item at their November 12, 2009, meeting 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 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. Resolve the proposed building envelope to the west of Building Type A to match the proposed building location for the building, per the exhibit at the Planning Commission meeting.

Note: The applicant has requested a continued discussion regarding a proposed change in the street alignment on the southernmost portion of the subject property.

The Subdivision Committee Recommended: Postponement. The corollary Preliminary Subdivision Plan proposed for the adjacent property does not appear to meet the Land Subdivision Regulations.

- 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.

D. SUBDIVISION REGULATION AMENDMENTS

- A. **SRA 2009-3 CEMETERY PROTECTIONS** – an amendment to alter Article 5 of the Land Subdivision Regulations to provide for protection of cemeteries.

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT:

**ARTICLE 5: CONTENT AND FORMAT REQUIREMENTS FOR
MAJOR SUBDIVISION PLANS**

(Note: Text underlined is an addition, while text ~~dashed through~~ is a deletion to the current Land Subdivision Regulations.)

5-2 PRELIMINARY SUBDIVISION PLAN REQUIREMENTS - The following information and requirements shall be applicable to any submission for Commission consideration of a preliminary subdivision plan:

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

5-2(d)(7) PUBLIC AND NON-PUBLIC SITES - The name, acreage, and use of any parcels to be conveyed or held for public use, or for joint use of property owners; and an explanation of the provisions of reservation and arrangement for maintenance and the name, location, acreage and use of any non-public uses (other than single-family dwellings) such as multi-family dwellings, shopping centers, churches, existing burial grounds (including private family cemeteries), etc.

5-4 FINAL SUBDIVISION PLAN REQUIREMENTS - The following information and requirements shall be applicable to any submission for Commission consideration of a final subdivision plan.

5-4(d) LOTTING SCHEME - The lotting scheme shall be drawn at a scale of one hundred (100) feet or less to the inch, north oriented to top of the sheet, and shall show the following:

5-4(d)(1) FOR ADJACENT LAND - Show the exact location of adjoining streets with dashed lines; show the bearings and distances to nearest established street bounds, established survey lines, ~~or~~ other official monuments or burial grounds (including private family cemeteries); and for adjacent property, show the boundaries with dashed lines and the record name of the subdivision or owner's name.

5-4(d)(6) OTHER INFORMATION ON LOTTING SCHEME - Show lots numbered in numerical order, blocks lettered in alphabetical order, and street address numbers for each lot; show the accurate location, description and material of all permanent control monuments, set as required in Article 6; show the accurate location of burial grounds and private family cemeteries, their easements for burial grounds, their accessibility and maintenance; show all property intended for public use or dedication and for common use of property owners; show front yard setback as required by the Zoning Ordinance or, if more restrictive, as desired by developer.

5-4(g) MAINTENANCE NOTE - A note shall be included on the plat which notifies potential lot purchasers of their responsibilities for maintaining drainage and other easement areas. If a private family cemetery is located within the area to be subdivided, a note shall be included on the plat that denotes responsibility for maintaining the cemetery, landscaping and access easement.

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

The Staff Recommended: Approval, for the following reasons:

1. These text changes are in agreement with Goal 5 of the 2007 Comprehensive Plan, which states that the community should "protect and preserve Fayette County's significant historic and cultural heritage;" and more specifically "encourage the retention, protection, compatible adaptive re-use of historic resources, sites, and structures" (Objective E), and "encourage inter-governmental cooperation among the various units of the Urban County Government in dealing with the protection and maintenance of both private and public sites and structures" (Objective H).
2. The existing private family cemeteries are currently being threatened by local development, and are not being protected via the local subdivision regulations. This text amendment outlines appropriate measures for the preservation of these important community resources.

- B. **SRA 2010-1: AMENDMENT TO ARTICLE 6-4(I) STREET ADDRESSES** – an amendment to delete Article 6-4(i) of the Land Subdivision Regulations.

REQUESTED BY: Urban County Planning Commission

PROPOSED TEXT: **6-4 (i) STREET ADDRESSES** – Street address numbers shall be assigned to each lot ~~by the Commission~~ in order to provide a separate and distinct address for each lot.

(Text ~~dashed through~~ indicates a deletion to the existing Land Subdivision Regulations.)

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

The Staff Recommended: Approval, for the following reasons:

1. The removal of the conflict in the ordinances clarifies the authority and process in assigning street addresses and continues the long standing practices and standards developed by the addressing committee as accepted by the Planning Commission.
2. The proposed change will maintain public health and safety, in conformance with the overall intent of the Land Subdivision Regulations, under the authority of the Department of Public Safety.

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

- A. **COMMISSION CONSIDERATION OF A RESOLUTION REGARDING THE WORLD EQUESTRIAN GAMES** – The Commission will consider a proposed Council resolution recognizing the need for temporary land uses during the World Equestrian Games that may not be permitted by current zoning regulations; creating a temporary use designation as an “Official Temporary World Equestrian Games Related Use;” and establishing procedures and requirements for the establishment of such uses. This resolution was distributed to Commission members at their January work session.
- B. **NPE 2010-1: AMENDMENT TO NEWTOWN PIKE ACCESS ORDINANCE** – for property located at the Southwest quadrant of Main and Cox Street.

Request by: LFUCG Division of Engineering

Ordinance: Council Ordinance No. 105-2009, Sections 3 & 8

Location: Southwest quadrant of Main and Cox Street intersection
(Formerly Commonwealth of Kentucky property)

COUNCIL ORDINANCE 105-2009 controls traffic movement, safety, access, and design aspects of the Newtown Pike and Scott Street Extensions. Section 11 of this ordinance states: “that prior to the adoption of any amended ordinance, the Urban County Council shall receive a report from the Planning Commission outlining any concerns and/or recommendations.”

Section 3 currently states: “that no permits be shall issued, ...”
proposed: “that no permits shall be issued....”

Section 8 currently states: “ that two additional right turn-in/turn-out access points shall be included in the project.”
proposed: “that three additional right turn-in/right turn-out access points....”
“The third shall be a minimum of 200 feet from the intersection of Newtown Pike Extension and West Main Street (southbound), for the purpose of accessing the parcel located on the southwestern corner at the intersection of Main Street and Newtown Pike (currently owned by RJ Corman Railroad Company).”

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

The Staff Recommends: Approval of the requested changes, for the following reasons:

1. The proposed access point is directly opposite an approved right-in/right-out access point, and traffic will be separated on the Newtown Pike Extension by a median at this location.
2. The property in question did not originally have access to the new boulevard, as it was considered excess right-of-way by the Commonwealth of Kentucky. Now that it is in private ownership, access to the property can safely be accommodated via the proposed right-in/right-out access point.
3. This property has been considered a “gateway” property by several LFUCG plans and studies. The proposed access point will allow reasonable access to the new boulevard, which is currently under construction.

- C. **T.I.F APPLICATION – TURFLAND TOWN CENTER** – a review of a Tax Increment Financing application for property located at 2195 Harrodsburg Road.

The staff will report 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** -

Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers	February 18, 2010
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	February 24, 2010
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	February 25, 2010
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	May 6, 2010
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building).....	May 6, 2010
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	March 11, 2010

IX. **ADJOURNMENT**