

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

May 13, 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** – 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, May 6, 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 Sallee, Tom Martin, Chris Taylor, Cheryl Galt, Traci Wade, Denice Bullock, Kenzie Gleason, and Barbara Rackers, as well as Firefighter Allen Case, Division of Fire & Emergency Services; Rochelle Boland, Law Department, Amelia Armstrong, Board of Architectural Review and Paul Hockensmith, Addressing Office. 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 SUBDIVISION PLANS**

- a. **PLAN 2010-13P: FAIRWAY LANDS, UNIT 11 (5/13/10)*** - located at 350 Henry Clay Boulevard.
(Council District 5) **(EA Partners)**

Note: The Planning Commission postponed this plan at its March 11, 2010 and April 8, 2010, meetings.

The Subdivision Committee Recommended: Postponement. There are questions regarding the proposed geometrics for a new cul-de-sac, the lack of Tree Protection information and potential vehicular access conflicts with an existing retaining wall.

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. Urban Forester's approval of tree protection plan.
5. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
6. Complete existing retaining wall information (required by Article 5-2(d)(11)) of the Land Subdivision Regulations and/or denote its removal.
7. Addition of cul-de-sac detail information.
8. Correct unit number in plan title.
9. Correct cross-section "A-A" to reflect on-street parking & existing sidewalk dimension.

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

10. Delete note #8.
11. Complete Tree Protection Plan information.
12. Denote existing utility locations.
13. Denote: The retaining wall height relative to driveway access and sight distance (lots 1-6) shall not exceed 3'-0".
14. Denote compliance of underground utilities as required by Article 6-5(a) of the Land Subdivision Regulations (lots 1-12).
15. Denote the detention basin on a free-standing lot.
16. Discuss "C-C" cross-section (16' median & 17' lane).
17. Discuss the reduction in sidewalk widths ("A-A" & "B-B" cross-sections).
18. Discuss the proposed cul-de-sac and the possible need for a waiver to the Subdivision Regulations.
19. Discuss the tree preservation area for the 30" Oak tree in the proposed right-of-way.
20. Discuss the detention basin conflict with the 40" Maple tree.
21. Discuss the tree preservation areas for significant trees on lot 15.
22. Discuss the possibility for pedestrian connections to Kingsway Drive.
23. Discuss the tree protection area and utility easement conflict (lots 12-18).

- b. PLAN 2010-32P: SUNNY SLOPE, UNIT 3-J & A PORTION OF UNIT 1 (AMD) (7/4/10)* - located on Waveland Museum Lane. (Council District 9) **(Hall-Harmon)**

Note: The purpose of this amendment is to revise the note governing timing of the construction of Waveland Museum Lane.

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

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. Approval of street addresses as per e911 staff.
5. Addition of Final Record Plat information for the property.
6. Denote construction access.
7. Denote source of contours.
8. Denote floodplain elevation.
9. Adjacent property record plat reference.
10. Denote all private utility providers.
11. Denote linear street right-of-way.
12. Denote average lot size.
13. Denote approved plan information for Area D.
14. Clarify note #25.
15. Clarify relocated access to cell tower site.
16. Resolve extent of Waveland Museum Lane construction and access to adjoining undeveloped property.

2. FINAL SUBDIVISION PLAN

- a. PLAN 2008-118F: SAND LAKE & ESTES PROPERTY (SECTION 2) (6/29/10)* - located at 3200 & 3294 Richmond Road. (Council District 7) **(EA Partners)**

Note: The Planning Commission postponed this plan at its April 8, 2010, meeting. The Planning Commission originally approved this plan on September 11, 2008, subject to the following conditions, provided the plan was found to be in compliance with the Richmond Road Traffic and Safety Ordinance (which later occurred):

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers (including grease trap 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. 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. Denote: This property shall be developed in accordance with the approved final development plan.
7. Correct conditional zoning restrictions.
8. Correct 20' building line along Man O' War Boulevard and adjacent to private access easement.
9. Correct cul-de-sac right-of-way detail unless Planning Commission grants a waiver to Article 6-8 of the Land Subdivision Regulations.
10. Label "pedestrian" access easement from Lake Wales Drive.
11. Include a notation of a public passageway easement adjacent to the right-of-way, detailing the primacy of the LFUCG over utility easements in this area.
12. Addition of drainage easement per note number 14 on the approved development plan.
13. Denote access allowed for fill per note number 14 on the approved development plan.
14. Addition of Private Access Easement note per the Land Subdivision Regulations.

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15. Provided the Planning Commission grants a waiver to Article 4-7(d)(1) of the Land Subdivision Regulations.
16. Resolve note number 10.
17. Resolve timing of pavement removal adjacent to Beale Street and Richmond Road.
18. Resolve Richmond Road Landscaping Ordinance planting areas.
19. Addition of the following four notes to the plan.
 - a. Developer shall provide a drainage easement from the retaining wall to the 3270 and 3292 Richmond Road properties. Access to the wall shall also be provided to permit the placement of fill material on 3270 and 3292 Richmond Road, to the acceptance of the Division of Engineering.
 - b. Developer shall provide a vehicular and pedestrian easement, if necessary, for the property at 3292 Richmond Road to have access to the portion of Sand Lake Drive (aka Beale Street), which adjoins the eastern boundary of 3292 Richmond Road.
 - c. The properties located at 3292 and 3270 Richmond Road are hereby granted easements over the private access easement shown herein for vehicular and pedestrian access; and for access to utilities; sanitary sewer and storm sewers, which easements shall run with the land for the benefit of the properties located at 3292 and 3270 Richmond Road.
 - d. There shall be no Certificate of Occupancy for any lot on the plat until Sand Lake Drive is completed to Richmond Road, except for the final surface course, sidewalks, and miscellaneous punch list items which are bondable pursuant to Section 4-7 of the Subdivision Regulations.

The Planning Commission approved the requested waiver(s) to Article 4-7(d)(1) of the Land Subdivision Regulations, for the following reasons:

1. Granting the waiver would avoid a severe hardship, and proceeding with the development of Beale Street (aka Sand Lake Drive) cannot be completed as required until the utilities are relocated in that area. The pavement in place is strictly temporary for construction purposes. This approval is subject to compliance with the Richmond Road Traffic and Safety Ordinance.

Note: Section 1 of the plat was recorded on November 17, 2008 and granted an extension on September 10, 2009, subject to the same conditions. The applicant is now requesting a waiver of Article 6-8(n) of the Land Subdivision Regulations, subject to the previous requirements.

The staff will report at the meeting.

- b. PLAN 2010-28F: HIGBEE MILL RESERVE, SECTION 2, LOT 3G (6/22/10)* - located at 4204 & 4172 Reserve Road.
(Council District 9) **(Banks Engineering)**

Note: The Planning Commission postponed this plan at its April 8, 2010, meeting. The purpose of this amendment is to subdivide one lot into two.

The Subdivision Committee Recommended: Postponement. One of the proposed lots will not have lot frontage on a recorded access easement or public street, as it is currently proposed.

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 preservation area(s).
 6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 7. Clarify note #10.
 8. Clarify that the conditional zoning restrictions apply to the entire property.
 9. Clarify the detention basin maintenance note.
 10. Denote the tree protection area dimensions.
 11. Provided the Planning Commission grants a finding according to Article 6-8(m) of the Land Subdivision Regulations.
 12. Correct spelling error in open space utility easement note.
 13. Denote as an amended plat in the title block, and add the purpose of amendment note.
 14. Review by the Technical Committee prior to certification.
 15. Discuss timing of the recordation of lot 3H, and the extension of the access easement on that plat.
- c. PLAN 2010-33F: MINNIFIELD LEESTOWN PROPERTY (7/4/10)* - located at 3364 Leestown Road.
(Council District 2) **(Eagle Engineering)**

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

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.

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3. Building Inspection's approval of landscaping and required street tree information.
 4. Approval of street addresses as per e911 staff.
 5. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 6. Denote adjoining lots with dashed lines.
 7. Denote source of FEMA information.
 8. Denote private utility providers.
 9. Denote street frontage in site statistics.
 10. Add cross-section directional tic mark.
 11. Remove buildings and solid lines internal to lots from plan face.
 12. Correct 20' building line along Leestown Road.
 13. Delete extraneous information beyond adjacent property.
- d. PLAN 2010-34F: TUSCANY, UNIT 4-A (SUMMERFIELD) (AMD) (7/4/10)* - located at 1970 Winchester Road (a portion of). (Council District 6) **(EA Partners)**

Note: The purpose of this amendment is to add 7 lots and reduce the building line to 20'.

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. Approval of street addresses as per e911 staff.
 5. Urban Forester's approval of tree protection area(s).
 6. Department of Environmental Quality's approval of environmentally sensitive areas (steep slopes).
 7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 8. Denote: No building permits will be issued on lots 109 and 13 until an easement minor plat is recorded or as released by the Urban County Council.
 9. Document that the additional sewer taps have been installed for all lots to the approval of the Division of Engineering.
- e. PLAN 2010-35F: TUSCANY, UNIT 4-B (SUMMERFIELD) (AMD) (7/4/10)* - located at 1970 Winchester Road (a portion of). (Council District 6) **(EA Partners)**

Note: The purpose of this amendment is to add 4 lots and reduce the building line to 20'.

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. Approval of street addresses as per e911 staff.
 5. Urban Forester's approval of tree protection area(s).
 6. Department of Environmental Quality's approval of environmentally sensitive areas (steep slopes).
 7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 8. Denote: No building permits will be issued on lot 47 until an easement minor plat is recorded or as released by the Urban County Council.
 9. Document that the additional sewer taps have been installed for all lots to the approval of the Division of Engineering.
- f. PLAN 2010-36F: TUSCANY, UNIT 4-C (SUMMERFIELD) (AMD) (7/4/10)* - located at 1970 Winchester Road (a portion of). (Council District 6) **(EA Partners)**

Note: The purpose of this amendment is to add 4 lots.

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

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. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree preservation area(s).
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Reference FEMA Letter of Map Revision on plan.

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9. Revise note #11.
 10. Addition of 25' floodplain setback on Lots 29 and 30.
 11. Denote: No building permits will be issued on lots 24, 29, 35 and 40 until an easement minor plat is recorded or as released by the Urban County Council.
 12. Document that the additional sewer taps have been installed for all lots to the approval of the Division of Engineering.
- g. PLAN 2010-37F: TUSCANY, UNIT 4-D (SUMMERFIELD) (AMD) (7/4/10)* - located at 1970 Winchester Road (a portion of). (Council District 6) **(EA Partners)**

Note: The purpose of this amendment is to add 5 lots.

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

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. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection area(s).
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 8. Denote: No building permits will be issued on lots 51, 55 and 60 until an easement minor plat is recorded or as released by the Urban County Council.
 9. Document that the additional sewer taps have been installed for all lots to the approval of the Division of Engineering.
- h. PLAN 2010-38F: TUSCANY, UNIT 4-F (SUMMERFIELD) (AMD) (7/4/10)* - located at 1970 Winchester Road (a portion of). (Council District 6) **(EA Partners)**

Note: The purpose of this amendment is to add 3 lots.

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

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. Approval of street addresses as per e911 staff.
 5. Urban Forester's approval of tree protection area(s).
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 8. Denote Flood Protection Elevation for lot 75.
 9. Denote: No building permits will be issued on lots 68 and 72 until an easement minor plat is recorded or as released by the Urban County Council.
 10. Document that the additional sewer taps have been installed for all lots to the approval of the Division of Engineering.
- i. PLAN 2010-39F: BRIGHTON EAST TOWNHOMES (7/4/10)* - located at 3393 Sanibel Drive. (Council District 6) **(EA 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 required street tree information.
4. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection area(s).
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Addition of street cross-section for Sanibel Drive.
8. Denote: Front-facing garages must be set back at least 20' behind the sidewalk.
9. Delete note #10.
10. Denote McFarland Lane as public right-of-way.

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

- j. PLAN 2010-40F: SHARKEY PROPERTY, UNIT 1 (A PORTION OF) (AMD) (7/4/10)* - located at 1700 Leestown Road (a portion of). (Council District 2) **(EA Partners)**

Note: The purpose of this amendment is to revise 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. Building Inspection's approval of landscaping and required street tree information.
4. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
5. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
6. Correct cross-section "G-G" (delete "varies").
7. Addition of conditional zoning restrictions.
8. Correct parent plat notation.
9. Add additional cross-sections to reflect as-built conditions.
10. Revise cross-section "E-E" to reflect minimum sidewalk width.

- k. PLAN 2010-41F: MARSHALL PROPERTY, UNIT 2-K (AMD) (7/4/10)* - located at 3000 Leestown Road (a portion of). (Council District 2) **(EA Partners)**

Note: The purpose of this amendment is to subdivide three lots into 41 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. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection area(s).
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Greenspace Planner's approval of the treatment of greenways and greenspace.
8. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
9. Provided the Planning Commission grants a waiver of Article 4-8 of the Land Subdivision Regulations.
10. Addition of pedestrian access easement.

- l. PLAN 2004-226F: HIGBEE MILL RESERVE (7/13/10)* - located at 4180-4290 Harrodsburg Road. (Council District 9) **(Eagle Engineering)**

Note: The Planning Commission originally approved this plan on September 9, 2004; reapproved this plan on October 13, 2005; granted a one-year extension on September 14, 2006 and September 13, 2007; and reapprovals were granted on October 9, 2008 and February 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. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
5. Addition of street addresses and names.
6. Urban Forester's approval of tree preservation plan.
7. Greenspace Planner's approval of greenspace, greenways, and bike/pedestrian facilities.
8. Environmental Planner's approval of treatment of environmentally sensitive areas.
9. Addition of reciprocal parking and access note.
10. Denote: This property will be developed in accordance with the approved final development plan.
11. Review by the Technical Committee prior to plan signature.

The applicant has requested reapproval of this plan.

The Subdivision Committee Recommended Reapproval, subject to the previous conditions; deleting conditions #6, 7, 8 and 11.

- m. PLAN 2005-196F: SHARKEY PROPERTY, UNIT 2-B (7/4/10)* - located at 1700 Leestown Road (a portion of). (Council District 2) **(EA Partners)**

Note: The Planning Commission originally approved this plan on August 11, 2005, and reapproved this plan at the August 10, 2006; November 8, 2007; and January 15, 2009 meetings, subject to the following conditions:

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
3. Building Inspection's approval of landscaping.
4. Urban Forester's approval of tree inventory map/tree preservation plan.
5. Approval of street addresses by e911 staff.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Provided that all appropriate rights-of-way are dedicated, either through the recordation of Unit 2-A, or by adding the streets to this plat.

Note: The Planning Commission deleted condition number 7 from the recommendation at their January 15, 2009, meeting. The applicant is now requesting reapproval and a continued discussion of this plan to add five single family lots and reduce the number of townhomes by one.

The Subdivision Committee Recommended: Postponement. There are questions regarding compliance with Article 6-4(c) and Article 6-4(g) of the Land Subdivision Regulations. In addition, the access easement proposed to provide the only access to Lots 52-60 has not yet been constructed. The applicant has also requested a waiver to Article 4-8 of the Land Subdivision Regulations.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
 3. Building Inspection's approval of landscaping.
 4. ~~Urban Forester's approval of tree inventory map/tree preservation plan.~~
 5. Approval of street addresses by e911 staff.
 6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 7. Denote: No building permit shall be issued for lots 50 and 54 until an easement minor plat is certified.
 8. Discuss the proposed driveway access to the single family homes.
 9. Discuss the proposed access and parking easement.
 10. Discuss the proposed waiver.
- n. PLAN 2009-25F: RESERVE AT WALNUT GROVE, UNIT 1-A (8/1/10)* - located at 3820 Hatfield Lane (a portion of).
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on May 14, 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. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
8. Denote: This property shall be developed in accordance with the approved final development plan.
9. Addition of exaction information.
10. Document compliance with minimum open space requirements.
11. Resolve access to lots from private streets, and the reduction of open space.

Note: The applicant now requests an extension.

The Staff Recommends: Approval of the extension, subject to the previous conditions.

- o. PLAN 2009-26F: RESERVE AT WALNUT GROVE, UNIT 1-B (8/1/10)* - located at 3820 Hatfield Lane (a portion of).
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on May 14, 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.

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7. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
8. Denote: This property shall be developed in accordance with the approved final development plan.
9. Addition of exaction information.
10. Document compliance with minimum open space requirements.
11. Resolve access to lots from private streets, and the reduction of open space.

Note: The applicant now requests an extension.

The Staff Recommends: Approval of the extension, subject to the previous conditions.

- p. PLAN 2009-27F: RESERVE AT WALNUT GROVE, UNIT 1-C (8/1/10)* -located at 3820 Hatfield Lane (a portion of).
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on June 11, 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. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
8. Denote: This property shall be developed in accordance with the approved final development plan.
9. Addition of exaction information.
10. Document compliance with minimum open space requirements.

Note: The applicant now requests an extension.

The Staff Recommends: Approval of the extension, subject to the previous conditions.

- q. PLAN 2009-28F: RESERVE AT WALNUT GROVE, UNIT 1-D (8/1/10)* -located at 3820 Hatfield Lane (a portion of).
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on May 14, 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. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
8. Denote: This property shall be developed in accordance with the approved final development plan.
9. Addition of exaction information.
10. Document compliance with minimum open space requirements.
11. Resolve access to lots from private streets, and the reduction of open space.

Note: The applicant now requests an extension.

The Staff Recommends: Approval of the extension, subject to the previous conditions.

- r. PLAN 2009-38F: THE DAVIS FAMILY CHILDREN'S IRREVOCABLE TRUST (RABBIT RUN) (AMD) (7/8/09)* –
located at 1950 Fort Harrods Drive and 3598 Rabbit's Foot Trail. (Council District 9) **(EA Partners)**

Note: The purpose of this amendment is to divide lot 3 into 2 lots, to provide an access easement from lot 4 to Rabbit's Forest Trail and to depict the release of the sanitary sewer easement.

Note: The Planning Commission originally approved this plan on May 14, 2009, 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. 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.

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7. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
8. Denote: This property shall be developed in accordance with the approved final development plan.
9. Revise note #12.
10. Reference the 25' floodplain setback.
11. Denote all private utilities per Article 5-4(e) of the Land Subdivision Regulations.
12. Complete private street/easement notations.
13. Addition of building line along Ft. Harrods Drive.

Note: The applicant now requests an extension.

The Staff Recommends: Approval of the extension, subject to the previous conditions.

- s. PLAN 2008-161F: JOHNSON PLAZA, UNIT 1, LOT 1 (AMD) (8/5/10)* - located at 1306 South Broadway.
(Council District 11) **(Midwest Engineers)**

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

Note: The Planning Commission originally approved this plan on December 11, 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. 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. Addition of cross-sections.

Note: The applicant now requests a reapproval.

The Staff Recommends: Reapproval, subject to the previous conditions.

3. DEVELOPMENT PLANS

- a. DP 2006-65: BLACKFORD PROPERTY, PHASES 1 & 2 (AMD.) (6/24/10)* – located at 6600 Man O' War Boulevard (a portion of). (Council District 12) **(EA Partners)**

Note: The Planning Commission postponed this plan at its April 8, 2010, meeting. This development plan requires the posting of a sign, and an affidavit of such. The Planning Commission originally approved this plan on June 8, 2006, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of access and street cross-sections.
3. Urban Forester's approval of tree preservation plan.
4. Environmental Planner's approval of environmentally sensitive areas.
5. Approval of street names by e911 staff.
6. Correct street cross-sections.
7. Depict the previously approved stub street to Meadow Oaks with solid lines rather than dashed.
8. Complete exaction information, including any action of the Exaction Appeals Committee, to the approval of the Division of Planning.

Note: The applicant has requested a reapproval and a continued discussion to delete a previously approved street, and to increase and revise the single family lotting layout on Phase 1, Unit 5, by 76 lots.

The Subdivision Committee Recommended: Postponement. There were questions regarding the proposed density in the EAR-1 zone and the extent of the previously identified sinkhole on the property.

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

1. Urban County Engineer's acceptance of drainage, storm & sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of access and street cross-sections.
3. Urban Forester's approval of tree preservation protection plan.
4. Environmental Planner's approval of environmentally sensitive areas.
5. Approval of street names by e911 staff.
- ~~6. Correct street cross-sections.~~
6. Building Inspection's approval of landscaping and landscape buffers.
- ~~7. Depict the previously approved stub street to Meadow Oaks with solid lines rather than dashed.~~

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

7. Division of Fire's approval of emergency access and fire hydrant locations.
 8. ~~Complete exaction information, including any action of the Exaction Appeals Committee, to the approval of the Division of Planning.~~
 8. Denote construction access location.
 9. Clarify proposed easements.
 10. Clarify EAR-1 density in Phase 1 (units/gross acre).
 11. Revise purpose of amendment note.
 12. Discuss effective date of the LOMR.
 13. Discuss extent of sinkhole on lots 123-127.
 14. Discuss the proposed removal of tree protection areas, including those in the required buffer area.
 15. Discuss the increase in density in relation to the required landscape buffer (conditional zoning).
- b. DP 2010-15: GESS PROPERTY, UNIT 8 (6/29/10)* - located at 840 Hays Boulevard and 4115 Sperling Drive (a portion of). (Council District 7)
(EA Partners)

Note: The Planning Commission postponed this plan at its April 8, 2010, meeting. This development plan requires the posting of a sign, and an affidavit of such.

The Subdivision Committee Recommended: Postponement, for the following reasons:

1. The plan does not comply with the provisions of Article 23A-2(u) of the Zoning Ordinance, regulating the boundaries of the Special Design Area and maintaining the total acreage of the Special Design Area on the Gess Property development.
 2. The plan does not comply with the Special Design Area requirements of 60% open space to be maintained in the SDA, per Article 23A-2(t) of the Zoning Ordinance.
 3. The plan, as proposed, does not comply with Article 16-8(b) of the Zoning Ordinance regulating the distance of fuel pumps from a residential zone.
 4. The plan does not comply with the Planning Commission approved EAMP Community Design Standards, (as per ZDP 99-83) that established development standards for landscaping and buffering; transitions between land uses; pedestrian and bike system; variable setbacks; Community Center setbacks; building and parking lot orientation; integration of the greenway and proposed development; open space; lighting and site organization.
 5. The proposed street system does not adequately address traffic movement, safety and connectivity.
 6. There are concerns that the timing of the proposed CLOMR (from FEMA) will affect the design of storm water and water quality infrastructure necessary for the appropriate development of the subject property.
- c. DP 2010-22: TACKETT PROPERTY (KROGER PLAZA) (AMD #11) (7/4/10)* - located at 1650 Bryan Station Road and New Circle Road. (Council District 6)
(The Roberts Group)

Note: The purpose of this amendment is to add 15,269 square feet and a drive-through window, and to revise the off-street parking requirements.

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. Approval of street addresses as per e911 staff.
 5. Urban Forester's approval of tree protection plan.
 6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 7. Division of Fire's approval of emergency access and fire hydrant locations.
 8. Division of Waste Management's approval of refuse collection.
 9. Department of Environmental Quality's approval of environmentally sensitive areas (steep slopes)
 10. Correct notes #34 and #35.
 11. Addition of name and address of developer.
 12. Denote Final Record Plan designation for the property.
 13. Denote construction access location(s).
 14. Denote parking aisle and space dimensions.
 15. Denote height of buildings on plan.
 16. Add existing easements per Final Record Plat.
 17. Addition of metes and bounds from Final Record Plat.
 18. Clarify parking requirements (no 15% reduction allowed per the B-6P zone).
 19. Clarify "existing" versus "proposed" retail at north end of shopping center.
 20. Discuss compliance with Big-Box Design Guidelines.
- d. DP 2010-23: SHARKEY PROPERTY, UNIT 2-B (AMD) (7/4/10)* - located at 1758 Hatter Lane. (Council District 2)
(EA Partners)

Note: The purpose of this amendment is to add five single family lots and reduce the number of townhomes by one.

The Subdivision Committee Recommended: Postponement. There were questions regarding compliance with Article 9 setback requirements.

Should this plan be approved, the following amended 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. Approval of street addresses as per e911 staff.
 5. Urban Forester's approval of tree protection plan.
 6. Greenspace Planner's approval of the treatment of greenways and greenspace.
 7. Division of Fire's approval of emergency access and fire hydrant locations.
 8. Division of Waste Management's approval of refuse collection.
 9. Denote construction access.
 10. Denote height of townhouses.
 11. Document open space compliance.
 12. Correct typical townhome layout.
 13. Resolve sanitary sewer conflict on lots 50 and 54.
 14. Discuss compliance with Article 9 of the Zoning Ordinance.
- e. DP 2010-24: MARSHALL PROPERTY, UNIT 2 (AMD) (7/4/10)* - located at 3000 Leestown Road (a portion of).
(Council District 2) **(EA Partners)**

Note: The purpose of this amendment is to shift units and the associated building envelopes and access ways.

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. Approval of street addresses as per e911 staff.
 5. Urban Forester's approval of tree protection plan.
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 8. Greenspace Planner's approval of the treatment of greenways and greenspace.
 9. Division of Fire's approval of emergency access and fire hydrant locations.
 10. Division of Waste Management's approval of refuse collection.
 11. Denote construction access.
 12. Resolve compliance with minimum open space requirements (10% on each lot).
 13. Resolve off-street parking for units 63-73.
- f. DP 2010-25: ST. PAUL'S PARISH (7/24/10)* - located at 423-501 West Short Street; 153-155 and 157-161 Saunier Street. (Council District 2) **(M2D Design Group)**

Note: The purpose of this amendment is to add 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. Division of Fire's approval of emergency access and fire hydrant locations.
 6. Board of Architectural Review approval required prior to certification.
 7. Review by the Technical Committee prior to certification.
- g. DP 2008-144: JOHNSON PLAZA, UNIT 1, LOTS 1 & 1-A (8/5/10)* - located at 1306 South Broadway.
(Council District 11) **(Midwest Engineers)**

Note: The Planning Commission originally approved this plan on December 11, 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 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. Division of Fire's approval of emergency access and fire hydrant locations.
7. Division of Solid Waste's approval of refuse collection.
8. Addressing Office's approval of street names and addresses.
9. Addition of cross-sections.

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10. Revise note #6.
11. Clarify restaurant parking requirements on plan.
12. Provide metes and bounds description for property line between lots 1-B and 1-C.
13. Addition of existing and proposed easements.
14. Resolve the need for storm water detention.

Note: The applicant now requests a reapproval.

The Staff Recommends: Reapproval, subject to the previous conditions.

- 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. ZONING ITEMS - The Zoning Committee met on Thursday, May 6, 2010, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Frank Penn, Joan Whitman, and William Wilson. The Committee reviewed applications, and made recommendations on zoning items as noted.

A. PUBLIC HEARING ON ZONING ORDINANCE TEXT AMENDMENT REQUEST

Note: The Planning Commission considered this item at its April 22, 2010, meeting and voted to continue this hearing to May 13, 2010.

1. **ZOTA 2010-1: AMENDMENTS TO ARTICLES 1, 7, AND 8 TO REDEFINE “FAMILY” AND OTHER DEFINITIONS; TO DEFINE AND REQUIRE CONDITIONAL USE PERMITS FOR A “FUNCTIONAL FAMILY;” AND TO ELIMINATE “THE KEEPING OF ROOMERS OR BOARDERS” IN SINGLE AND TWO-FAMILY RESIDENTIAL ZONES** (5/25/10)* – a petition for a Zoning Ordinance text amendment to Article 1-11 to modify the definitions of “boarding house,” “lodging house,” “family,” “dwelling, single-family,” and “dwelling, two-family;” to add definitions of “functional family” and “fraternity or sorority house;” to add a new section to Article 7 pertaining to the process before the Board of Adjustment to obtain a conditional use permit as a functional family; and to amend Article 8-5(c) to eliminate the keeping of boarders as an acceptable accessory use.

INITIATED BY: Urban County Council

PROPOSED TEXT: (Note: Text underlined is an addition, while text ~~dashed through~~ is a deletion to the current Zoning Ordinance.)

Article 1: General Provisions and Definitions

1. MODIFY THE FOLLOWING CURRENT DEFINITIONS in ARTICLE 1-11:

BOARDING HOUSE – A residential building, or part thereof, with sleeping rooms available for hire with or without meals to five (5) or more persons, primarily not transients. ~~Where kitchen facilities, cooking equipment or provisions for the same are included in a sleeping room, such room shall be deemed a dwelling unit.~~

LODGING HOUSE – A residence for adults living together, not as a family, but in a ~~congregate living arrangement, characterized by one or more of the following:~~

- ~~(a) meals and food costs are not shared;~~
- ~~(b) residents do not have unrestricted access to all parts of the residence;~~
- ~~(c) bedrooms comprise sixty percent (60%) or more of the space within the residence;~~
- ~~(d) bedroom doors have keyed locks or deadbolt locks; and~~
- ~~(e) rent is pooled by the residents and paid to the owner or owner's agent. (The owner or owner's agent may or may not be one of the residents.)~~

BOARDING OR LODGING HOUSE - A residential building or part thereof for five (5) or more adults living together, not as a family or housekeeping unit. In identifying this use, the following factors shall be considered:

- (a) meals and/or food costs are typically not shared;
- (b) rent is established by leases to individuals or rents are based on charges assessed to each individual;
- (c) individual mailboxes are provided;
- (d) multiple utility meters or connections are present.

DWELLING, SINGLE FAMILY - A building occupied exclusively for residential purposes by one family or one housekeeping unit. This definition also includes a building occupied by five (5) or more unrelated individuals at any time within five (5) years prior to January 1, 2010 subject to the following:

- (a) the occupancy is restricted to six (6) or less unrelated individuals;
- (b) the use of the building as a rental dwelling has not been abandoned;

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

- (c) the building shall not be enlarged or expanded beyond the existing square footage as of January 1, 2010:
 - (1) by more than twenty-five percent (25%) unless the building has been expanded by twenty-five percent (25%) or more under a building permit issued on or after January 1, 2005, in which case, then by no more than five percent (5%); or,
 - (2) unless approved by the BOA as a conditional use after January 1, 2010.

DWELLING, TWO-FAMILY - A building occupied exclusively for residential purposes by two families or two housekeeping units commonly known as a duplex. Townhouses are not included in this definition. This definition also includes a building occupied by five (5) or more unrelated individuals in a unit at any time within five (5) years prior to January 1, 2010 subject to the following:

- (a) the occupancy of each unit is restricted to six (6) or less unrelated individuals;
- (b) the use of the building as rental dwellings has not been abandoned;
- (c) the building shall not be enlarged or expanded beyond the existing square footage as of January 1, 2010:
 - (1) by more than twenty-five percent (25%) unless the building has been expanded by twenty-five percent (25%) or more under a building permit issued on or after January 1, 2005, in which case, then by no more than five percent (5%); or,
 - (2) unless approved by the BOA as a conditional use after January 1, 2010.
- (d) the limitation on enlargement of the building set forth in (c) above shall not apply in the case of the addition of a second unit in a two-family (R-2) zone provided that both units thereafter conform to the limitation of four (4) unrelated persons per dwelling unit.

~~FAMILY~~ - ~~A person living alone, or two or more persons customarily living together as a single housekeeping unit and using common kitchen facilities, but not including a group occupying a hotel; club; boarding, lodging, fraternity or sorority house; nursing home; rest home; orphanage; community residence; rehabilitation home or other similar building.~~

FAMILY or HOUSEKEEPING UNIT - A person living alone, or any of the following groups living together and sharing common living and kitchen facilities:

- (a) Any number of persons related by blood, marriage, adoption, guardianship, or other duly authorized custodial relationship;
- (b) Four (4) or fewer unrelated persons;
- (c) Two (2) unrelated persons and any children related to either of them or under their care through a duly authorized custodial relationship;
- (d) Not more than eight (8) persons who are:
 - (1) Residents of a "home-like" residence as defined in KRS 216B.450
 - (2) "Handicapped" as defined in the Fair Housing Act, 42 U.S.C. Section 3602(h). This definition does not include those currently illegally using or addicted to a "controlled substance" as defined in the Controlled Substances Act, 21 U.S.C. Section 802(6).
- (e) Not more than six (6) unrelated individuals when in compliance with the provisions of the definitions of "dwelling, single family" or "dwelling, two-family" as contained in this Article.
- (f) A functional family as defined and regulated herein.

2. ADD THE FOLLOWING NEW TERMS AND DEFINITIONS to ARTICLE 1-11:

FAMILY, FUNCTIONAL - A group of five (5) or more persons not otherwise meeting the definition of "family" who desire to live as a stable and permanent single housekeeping unit and who have received a conditional use permit from the Board of Adjustment. "Functional family" does not include:

- (a) residents of a boarding or lodging house;
- (b) fraternity, sorority or dormitory;
- (c) any lodge, combine, federation, coterie or like organization;
- (d) any group of individuals whose association is temporary or seasonal in nature;
- (e) any group of individuals who are in a group living arrangement as a result of criminal offenses.

FRATERNITY OR SORORITY HOUSE - A building used as a living and/or gathering quarters for students of a college, university, or seminary (not living in a "dormitory" as defined herein) who are members of a fraternity or sorority that has been or is seeking to be officially recognized by the college, university or seminary; or their guests. In identifying such use, the following factors shall be among those considered regardless of number of occupants:

- (a) signage or other indications that the building is used by a fraternity or sorority;
- (b) fraternity or sorority sponsored social activities such as meetings, parties, dances, or other gatherings; and,
- (c) events to which fraternity or sorority alumni or prospective members are invited.

A "Family or Housekeeping Unit" or "Boarding or Lodging House" as defined herein are excluded unless the use demonstrates specific characteristics of use as set forth above.

Article 7: Board of Adjustment

ADD A NEW SECTION PERTAINING TO THE BOARD OF ADJUSTMENT (ARTICLE 7-6(a)(8)):

(8) The granting of a conditional use permit for a "functional family" shall be based upon application of the following considerations by the Board:

- (a) Members of the functional family will share a strong bond or commitment to a single purpose (e.g., religious orders);
- (b) Members of the functional family are not legally dependent on others not part of the functional family;
- (c) Members can establish a legal domicile as defined by Kentucky law;
- (d) Members share a single household budget;
- (e) Members prepare food and eat together regularly;
- (f) Members share in the work to maintain the premises;
- (g) Members legally share in the ownership or possession of the premises;
- (h) Members demonstrate stability in the arrangement as opposed to transient living arrangements.

Article 8: Schedule of Zones

ELIMINATE "THE KEEPING OF ROOMERS OR BOARDERS" BY A RESIDENT FAMILY AS A PERMITTED ACCESSORY USE IN THE SINGLE FAMILY AND TWO-FAMILY ZONES (REVISE ARTICLE 8-5(c)):

8-5(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Private garages, storage sheds, and parking areas.
2. Living quarters, without cooking facilities and not rented, for guests and employees of the premises.
3. Swimming pools and tennis courts.
- ~~4. Keeping of not more than two roomers or boarders by a resident family, except where a bed and breakfast facility is provided; then no roomers or boarders shall be permitted.~~
- ~~5. 4.~~ Agricultural uses, excluding commercial stock raising.
- ~~6. 5.~~ Private, non-commercial parks and open space.
- ~~7. 6.~~ Home office.
- ~~8. 7.~~ A ground mounted satellite dish antenna, as regulated by Article 15-8.
- ~~9. 8.~~ Family child care for up to six (6) children, provided that the total number of children living or being cared for on the premises shall not exceed six (6).

The Zoning Committee Recommended: **Approval of the Alternative text**, for the reasons provided by staff, excluding #2 below.

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

1. The Zoning Ordinance's definition of "family" has remained virtually unchanged since 1953; thus, this proposed amendment is a timely and necessary update. Amendments to the definition of "family" and other related terms, as well as adding definitions for "functional family" and "fraternity or sorority house," will help to clarify the distinctions between single-family and higher density land uses, will recognize changes in typical living arrangements in the 21st Century, and will be consistent with the Kentucky Building Code's regulation of "congregate living facilities."
2. The elimination of the "keeping of roomers or boarders by a resident family" as a permissible accessory use in Article 8-5(c) of the Zoning Ordinance is necessary for consistency and enforcement clarity in the Single Family and Two-Family Residential zones. Through the amended definition of "family," the ability for four or more unrelated persons to occupy any dwelling unit will remain. To leave Article 8-5(c) intact would then permit another two unrelated individuals to rent part of the space occupied by a resident family, which could result in up to six unrelated persons in any dwelling unit. This situation would circumvent the efforts to address the existing density issue.
3. The proposed amendments are compliant with the federal Fair Housing Act, which prohibits discrimination in housing based on race, color, national origin, religion, gender, disability or familial status. Providing an avenue for a group of individuals to be recognized as the functional equivalent of a family by the Board of Adjustment will allow for case-by-case evaluation of individual circumstances, as necessary.

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

A. CANCELLATION OF UPCOMING MEETING – There are no pending zoning application to present to the Planning Commission at their next scheduled meeting. Therefore, the staff would request that the Commission take action to amend the Official Meeting & Filing Schedule to cancel the public hearing for the Zoning Items previously scheduled for Thursday, May 27, 2010, at 1:30.

VII. STAFF ITEMS - Staff items, if any, will be considered at this time.

- A. **HOUSE BILL 55 TRAINING OPPORTUNITY** - There will be an APA audio conference on Wednesday, May 26, 2010 from 4:00 until 5:30 in the Division of Planning Conference Room on the 7th floor of the Phoenix Building. The title of this training session is "Design Review for Officials," and will count toward 1.5 hours of training credit.

VIII. **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.

IX. **NEXT MEETING DATES** -

Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers	May 20, 2010
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	May 26, 2010
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	May 27, 2010
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	June 3, 2010
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	June 3, 2010
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	June 10, 2010

IX. **ADJOURNMENT**

CT/CG/TW//TM/WLS/BR/SDB