

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

November 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** – There are no minutes to 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, November 4, 2010, at 8:30 a.m. The meeting was attended by Commission members: Mike Cravens, Mike Owens, Marie Copeland, Eunice Beatty and Derek Paulsen. 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, Cheryl Gallt, Chris Taylor and Denice Bullock, as well as Captain Charles Bowen, and Firefighter Allen Case, Division of Fire & Emergency Services; Rochelle Boland, Law Department; Annette Cook and 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 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.

- A. **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 2010-100F: NDC PROPERTY (WELLINGTON), UNIT 1-B, SECTION 2, LOTS 19 & 20 (AMD) (12/2/10)* -**
located at 209 Ruccio Way. (Council District 9) **(Foster-Roland, Inc.)**

Note: The Planning Commission postponed this plan at its October 14, 2010, meeting. The purpose of this amendment is to subdivide one lot into two lots.

The Subdivision Committee Recommended: **Postponement**. There are questions regarding a potential conflict with the property line proposed and the approved development plan.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and tree canopy information.
6. Addition of utility and street light easement(s) 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. Denote all private utility providers.
9. Denote reciprocal parking and access, per approved development plan.

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

10. Denote property owner and developer's information.
11. Denote the agreed judgment for the property and its date.
12. Addition of access maintenance note per Article 5-4(g) of the Land Subdivision Regulations.
13. Addition of location of control monuments required by Article 6 of the Land Subdivision Regulations.
14. Correct land surveyor and engineer's certification.
15. Addition of adjoining property (dashed lines) information for 225 Ruccio Way.
16. Increase text size for plan notes.
17. Discuss property line conflict with the approved final development plan.

- b. PLAN 2010-114F: WOODWARD-LANDER PROPERTY, UNIT 1A, LOT 108, SEC. 2 (1/2/11)* - located at 3180 Sandersville Road and 3125 Daly Place. (Council District 12) **(Midwest Engineers)**

The Subdivision Committee Recommended: Referral. There were concerns with the number of conditions recommended by the Technical Committee on the plan.

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 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 street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
7. Correct adjoining property information.
8. Denote permanent control measures, per Article 6 of the Land Subdivision Regulations.
9. Addition of conditional zoning notes.
10. Complete applicable street tree information.
11. Document that the building line on Lot 143 complies with frontage requirements.
12. Relocate recording stamp box to lower right corner of plat.
13. Denote number and location of trees to be planted to meet tree canopy requirements.
14. Complete deed book and page information in property owner's certification.
15. Correct 5' landscape buffer easement dimension per previous plat.
16. Denote that 1.0' dimensional difference for the access easement from the previous plat is "as built."

- c. PLAN 2010-115F: BLUEGRASS EXECUTIVE PARK, UNIT 1B, BLOCK F, LOTS 2 & 7 (AMD) (1/2/11)* - located at 2241 Buena Vista Road and 2250 Thunderstick 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 sewer, 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. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
7. Denote the computed floodplain elevations.
8. Denote the timing of the required tree installation on Lot 2 and the street tree installation on Lots 2 and 7.
9. No certification of this plan unless the Urban County Council rezones a portion of the property P-1; otherwise, any Commission action of approval is null and void.

- d. PLAN 2010-116F: CLARK PROPERTY, UNIT 1-N (1/2/11)* - located at 3275 Polo Club Boulevard. (Council District 12) **(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. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
8. Denote the location and number of trees to be planted in order to meet the tree canopy requirements.
9. Delete development standards from greenway lot.
10. Addition of exaction information to the approval of the Division of Planning.

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- e. PLAN 2010-117F: CLARK PROPERTY, UNIT 2-A (1/2/11)* - located at 3335 Polo Club Boulevard (a portion of).
(Council District 12) **(EA Partners)**

The Subdivision Committee Recommended: Referral. There were concerns with the resolution of the conflict between the tree protection area and the sanitary sewer easement proposed.

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 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. Greenspace Planner's approval of the treatment of greenways and greenspace.
8. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
9. Addition of exaction information to the approval of the Division of Planning.
10. Denote the location and number of trees to be planted in order to meet the tree canopy requirements.
11. Complete the 20' Tree Protection Area along future development (Lots 1-4).
12. Show "no parking area" from final development/preliminary subdivision plan.
13. Denote no driveway access to Polo Club Boulevard from Lots 1, 148 and 106.
14. Resolve the 20' TPA conflict with 20' sanitary sewer and utility easement on Lots 1, 2 and 3.

- f. PLAN 2010-118F: CLARK PROPERTY, UNIT 2-B (1/2/11)* - located at 3335 Polo Club Boulevard (a portion of).
(Council District 12) **(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. 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. Greenspace Planner's approval of the treatment of greenways and greenspace.
8. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
9. Addition of exaction information to the approval of the Division of Planning.
10. Denote the location and number of trees to be planted in order to meet the tree canopy requirements.

- g. PLAN 2010-119F: CLARK PROPERTY, UNIT 2-C (1/2/11)* - located at 3335 Polo Club Boulevard (a portion of).
(Council District 12) **(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. 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. Greenspace Planner's approval of the treatment of greenways and greenspace.
8. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
9. Addition of exaction information to the approval of the Division of Planning.
10. Denote the location and number of trees to be planted in order to meet the tree canopy requirements.
11. Resolve pedestrian access easement cross-section and easement fencing.

- h. PLAN 2010-120F: CLARK PROPERTY, UNIT 2-D (1/2/11)* - located at 3335 Polo Club Boulevard (a portion of).
(Council District 12) **(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. 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. Greenspace Planner's approval of the treatment of greenways and greenspace.

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8. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
9. Addition of exaction information to the approval of the Division of Planning.
10. Denote the location and number of trees to be planted in order to meet the tree canopy requirements.
11. Resolve pedestrian access easement cross-section and easement fencing.

- i. PLAN 2010-121F: CLARK PROPERTY, UNIT 2-E (1/2/11)* - located at 3335 Polo Club Boulevard.
(Council District 12) **(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. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
8. Denote the location and number of trees to be planted in order to meet the tree canopy requirements.
9. Addition of exaction information to the approval of the Division of Planning.
10. Resolve pedestrian access easement cross-section and easement fencing.

- j. PLAN 2010-122F: CLARK PROPERTY, UNIT 2-F (1/2/11)* - located at 3335 Polo Club Boulevard (a portion of).
(Council District 12) **(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. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
6. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
7. Denote the location and number of trees to be planted in order to meet the tree canopy requirements.
9. Addition of exaction information to the approval of the Division of Planning.

- k. PLAN 2010-123F: CLARK PROPERTY, UNIT 2-G (1/2/11)* - located at 3335 Polo Club Boulevard (a portion of).
(Council District 12) **(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. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
8. Denote the location and number of trees to be planted in order to meet the tree canopy requirements.
9. Addition of exaction information to the approval of the Division of Planning.

- l. PLAN 2010-124F: CLARK PROPERTY, UNIT 2-H (1/2/11)* - located at 3335 Polo Club Boulevard (a portion of).
(Council District 12) **(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. 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. Greenspace Planner's approval of the treatment of greenways and greenspace.
8. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
9. Denote the location and number of trees to be planted in order to meet the tree canopy requirements.
10. Addition of exaction information to the approval of the Division of Planning.

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- m. PLAN 2010-129F: SUNNY SLOPE FARM, UNIT 3-C, SECTION 2, LOTS 102 & 103 (AMD) (1/20/11)* - located on Silverbell Trace. (Council District 9) **(EA Partners)**

Note: The purpose of this amendment is to subdivide five existing lots into 10 lots.

The Subdivision Committee Recommended: Postponement. The proposed amendment to the existing plat would be inconsistent with the certified Preliminary Subdivision Plan. Although a new PSP has also been filed for consideration by the Planning Commission, there are basic design issues with that submission. In addition, no justification has been offered, to date, for the addition of an access easement east of the existing street (Silverbell Trace) to support several of the additional dwelling units proposed.

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 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 street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
6. Revise note #9.
7. Add the dimensions for the existing KU easement.
8. Certification of an amended preliminary subdivision plan prior to certification of this plat.
9. Addition of floodplain information and the required 25' setback line from the current Preliminary Subdivision Plan.
10. Review by the Technical Committee prior to certification.

3. **DEVELOPMENT PLANS**

- a. DP 2006-65: BLACKFORD PROPERTY, PHASES 1 & 2 (AMD.) (11/14/10)* – 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; May 13, 2010; June 10, 2010; July 8, 2010; August 12, 2010; September 9, 2010; and October 14, 2010, meetings. This development plan requires the posting of a sign, and an affidavit of such.

Note: The original purpose of this amendment was to allow one additional lot, improve street connectivity, to revise plan notes and to remove a temporary access. 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 and 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 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.~~
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).

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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 (10/14/10)* - located at 840 Hays Boulevard and 4115 Sperling Drive (a portion of). (Council District 7)
(EA Partners)

Note: This development plan requires the posting of a sign, and an affidavit of such. The Planning Commission postponed this plan at its April 8, 2010; May 13, 2010; July 8, 2010; August 12, 2010; September 9, 2010; and October 14, 2010, meetings.

The Subdivision Committee Recommended: **Postponement** (on April 1, 2010). There were questions regarding compliance with the Community Design Element of the EAMP for portions of the apartment complex and for the proposed convenience store. In addition, completion of the pedestrian system is necessary for this development.

Note: A revised plan was submitted on November 1st to address many of the concerns previously raised by the staff, and the applicant has removed the mixed use portions of the development originally proposed in the CC zone, proposing only residential development in that portion of the subject property at this time.

The Subdivision Committee discussed this postponed plan at some length at their past two meetings. With this latest submission, the staff still had questions about whether the proposed drive aisles and vehicular access for the northern portion of the apartment complex met the request by the Division of Fire and Emergency Services for greater connectivity within that portion of the development. However, at the November 4th Subdivision Committee meeting, it was reported that this latest version of the development plan meets their vehicular requirements. As a result, the staff can now offer a revised recommendation on this development plan.

The Staff Recommends: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, 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 landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection and canopy information.
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 new access details and fire hydrant locations.
10. Division of Waste Management's approval of refuse collection locations.
11. Provide landscaping details between apartments and single family lots on plan, per Article 23A-2(r).
12. Complete sidewalk connections between apartment buildings in "open space" area.
13. Clarify tree preservation proposed within identified Greenway areas.
14. Clarify open space preservation in previously labeled northern "park" area.
15. Relocate apartment building #3 a minimum of 20' from the Athens-Chilesburg School property.
16. Denote lighting restrictions for buildings and parking lots in multi-family areas.
17. Denote that building heights will comply with Article 23A-6(g) of the Zoning Ordinance.
18. Identify construction access point(s) off Sperling Drive.
19. List exactions due at time of building permit (on this plan).
20. Detail the landscaping proposed on Sperling Drive entrances (per ZDP Design Standards).
21. Delete the note reference to a proposed construction access off Jouett Creek Drive.
22. Revise Note #19, deleting the word "conditional."

- c. DP 2010-46: L.T. RUTH PROPERTY (AMD) (11/11/10)* - located at 1301 and 1351 Newtown Pike.
(Vision Engineering)
(Council District 2)

Note: The Planning Commission postponed this plan at their September 9, 2010, and October 14, 2010, meetings. The purpose of this amendment is to depict additional development of a 60,000 square-foot building and the associated parking.

The Subdivision Committee Recommended: **Postponement**. There were questions regarding the timing of the permanent access and development in the floodplain area.

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

1. Urban County Engineer's acceptance of drainage, storm sewer, 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 landscape buffers.
4. Addressing Office's approval of street names and addresses.

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5. Urban Forester's approval of tree protection plan.
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Bike and 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. Correct Planning Commission certification.
 12. Revise purpose of amendment note.
 13. Denote typical parking dimensions.
 14. Correct note number 10.
 15. Clarify existing development information.
 16. Denote source of floodplain information.
 17. Denote construction access location(s).
 18. Denote tree protection areas.
 19. Discuss status of future drive connection and temporary connection.
 20. Discuss status of Newtown Pike access.
 21. Discuss internal pedestrian connections.
 22. Discuss proposed access through Eastern State Hospital property.
- d. DP 2010- 61: TOLLY-HO PROPERTY (1/2/11)* - located at 604 and 606 South Broadway.
(Council District 3) **(Vision 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.
 3. Building Inspection's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Greenspace Planner's approval of the treatment of greenways and greenspace.
 6. Division of Fire's approval of emergency access and fire hydrant locations.
 7. Division of Waste Management's approval of refuse collection.
 8. Correct note #11.
 9. Document off-site parking agreement.
 10. Delete note #10.
 11. Correct Planning Commission's certification date.
 12. Relocate dumpster out of 5' landscape buffer.
 13. Remove cross hatching shown in parking lots.
 14. Clarify height of raised planters.
 15. Identify and label all building canopies proposed.
- e. DP 2010- 62: MERCANTILE CENTER (PARAGON CENTER) (AMD) (1/2/11)* - located at 2376 Alexandria Drive.
(Council District 10) **(Carman Engineering)**
- Note: The purpose of this amendment is to add buildable area on Lot 1.
- 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.
 8. Correct notes #5 and #14.
 9. Denote tree canopy information for Lot 1, Block B.
 10. Addition of access dimension for Alexandria Drive and Harrodsburg Road cross-section (from plat).
 11. Denote final record plat designation.
 12. Provide name and address of developer.
 13. Correct Planning Commission certification date.
 14. Denote the location of the on-site and/or off-site detention.
 15. Addition of building dimensions and sidewalk details on Lot 1, Block B.
- f. DP 2010-67: HAMBURG PLACE FARM, SIR BARTON OFFICE PARK, LOT F (AMD #7) (1/16/11)* - located at 2721 Old Rosebud Road. (Council District 6) **(HDR)**

Note: The purpose of this amendment is to convert Lot F from retail warehouse to office warehouse and to add 5 parking spaces per the requirements.

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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 buffer.
4. Addressing Office's approval of street names and addresses.
5. Division of Fire's approval of emergency access and fire hydrant locations.
6. Division of Waste Management's approval of refuse collection details.
7. Correct address in note #37.
8. Clearly delineate the area of this amendment.
9. Clarify size or number of parking space(s) adjacent to proposed office-warehouse building.
10. Addition of dimensions for drive aisles and access points.
11. Resolve conflict with additional 5 parking spaces and landscape buffer (evergreen).
12. Resolve the timing of previously required improvements to terminus of Old Rosebud Road.
13. Review by the Technical Committee prior to certification.

- g. DP 2010-69: SUNNY SLOPE FARM, UNIT 3, LOTS 102-106 (1/20/11)* - located on Silverbell Trace.
(Council District 9) **(EA Partners)**

Note: This plan is a combined Final Development Plan and a Preliminary Subdivision Plan.

The Subdivision Committee Recommended: **Postponement**. The plan proposes development of ten townhomes, three of which would be served by a new access easement off Silverbell Trace. No justification has been provided for the use of an access easement instead of a new public street to serve this additional residential development.

Regardless, the staff questions the design of ten townhomes in close proximity to existing single family detached homes, including several across the street, when the nearest townhomes are almost 250' away (to the north) of the subject site--all served by public streets and a series of linked, internal access drives.

Should this plan be approved, the following 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 street cross-sections and access.
3. Building Inspection's approval of landscaping and landscaping buffer.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree canopy information.
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 collections.
9. Correct site statistics for Lot Coverage (25%) and Floor Area Ratio (0.5).
10. Add the dimensions for the KU easement.
11. Addition of floodplain information and the required 25' setback line from the current Preliminary Subdivision Plan.
12. Provided the Planning Commission makes a finding authorizing sole use of an access easement to serve Lots 103B-104B.
13. Review by the Technical Committee prior to certification.

- h. DP 2010-70: LEXINGTON PLAZA (AMD) (1/20/11)* - located at 1549 North Limestone.
(Council District 1) **(EA Partners)**

Note: The purpose of this amendment is to depict additional development on property.

The Subdivision Committee Recommended: **Postponement**. There are questions on the information from the previous plan governing the access points.

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 landscaping buffer.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Division of Fire's approval of emergency access and fire hydrant locations.
8. Division of Waste Management's approval of refuse collections.
9. Include all information from previous development plan.
10. Addition of floodplain information.
11. Addition of proposed and existing easements.
12. Review by the Technical Committee prior to certification.
13. Discuss proposed access.
14. Discuss streetscape details relative to "Gateway Concept" outlined in the Central Sector Small Area Plan.

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- 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, November 4, 2010, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Carla Blanton, Lynn Roche-Phillips, Ed Holmes and William Wilson and Carolyn Richardson. The Committee reviewed applications, and made recommendations on zoning items as noted.

1. **ZOTA 2010-4 & SRA 2010-3: REPEAL ARTICLE 20 OF THE ZONING ORDINANCE AND OTHER AMENDMENTS TO ADDRESS STORMWATER DISCHARGE FROM CONSTRUCTION SITES**

REQUESTED BY: Urban County Council

PROPOSED TEXT:

ZONING ORDINANCE ARTICLE:	LANGUAGE
5-2(b) (RE: Wrecking permits)	5-2(b) WRECKING PERMITS - No building or other structures shall be razed, demolished or removed, either entirely or in part; nor shall any of said activities be commenced without a wrecking permit, issued by the Division of Building Inspection, and any required grading-land disturbance permit has been obtained from the Division of Engineering
5-2(c) (RE: Permits Required)	5-2(c) GRADING LAND DISTURBANCE PERMITS - Grading Land disturbance permits shall be required as provided in Article 20 Chapter 16 of the Code of Ordinances.
5-4(e) (RE: Permit Requirements)	5-4(e) GRADING LAND DISTURBANCE PERMITS - Requirements for grading land disturbance permits shall be as provided in Article 20 Chapter 16 of the Code of Ordinances.
5-7 (RE: Complaints Regarding Violations)	5-7 COMPLAINTS REGARDING VIOLATIONS - Whenever a violation of the provisions of this Zoning Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Director of the Division of Building Inspection or the Director's authorized agent or, in the case of grading land disturbance permits authorized under Article 20 Chapter 16 of the Code of Ordinances, with the Urban County Engineer or the Urban County Engineer's Director of Water Quality or the Director's authorized agent. The Director of the Division of Building Inspection, or the Urban County Engineer, or their authorized agents (as appropriate) shall record properly such complaint, immediately investigate, and take action thereon as provided by this Zoning Ordinance.
8-1(d)(22)(b) (RE: Concrete Mixing as Conditional Use in A-R zone)	b. Noise, Air & Water Quality - The facility shall be operated at all times in compliance with applicable Federal, State and local laws and regulations on noise, air, and water quality, including the LFUCG Noise Ordinance (Sections 14-70 through 14-80), Article 6-7: Stormwater Disposal Standards, and Article 20: Soil Erosion Controls Chapter 16 of the Code of Ordinances.
8-1(d)(23)(b) (RE: Asphalt Plants as Conditional Use in A-R zone)	b. Noise, Air & Water Quality - The facility shall be operated at all times in compliance with applicable Federal, State, and local laws and regulations on noise, air, and water quality, including the LFUCG Noise Ordinance (Sections 14-70 through 14-80), Article 6-7: Stormwater Disposal Standards, and Article 20: Soil Erosion Controls Chapter 16 of the Code of Ordinances.
8-22(d)(9)(b) (RE: Concrete Mixing as Conditional Use in I-1 zone)	b. Noise, Air & Water Quality - The facility shall be operated at all times in compliance with applicable Federal, State and local laws and regulations on noise, air, and water quality, including the LFUCG Noise Ordinance (Sections 14-70 through 14-80), Article 6-7: Stormwater Disposal Standards, and Article 20: Soil Erosion Controls Chapter 16 of the Code of Ordinances.

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8-23(d)(4)(b) (RE: Asphalt Plants as Conditional Use in I-2 zone)	b. Noise, Air & Water Quality - The facility shall be operated at all times in compliance with applicable Federal, State, and local laws and regulations on noise, air, and water quality, including the LFUCG Noise Ordinance (Sections 14-70 through 14-80), Article 6-7: Stormwater Disposal Standards, and Article 20: Soil Erosion Controls Chapter 16 of the Code of Ordinances.
21-6(a)(14) (RE: Development Plan Requirements)	(14) A note stating that no grading, stripping, excavation, filling or other disturbance of the natural ground cover shall take place prior to approval of an erosion control plan. Such plan must be submitted in accordance with Article 20 Chapter 16 of the Code of Ordinances.
23-B (RE: Expansion Area)	23B-3 INTERIM AGRICULTURAL USES EXCEPTED - The only exception from the provisions of 23B-2 above shall be the principal permitted uses as set forth for the A-R zone in Article 8-1. Such uses, including the construction of one principal single family dwelling, shall be permitted by right, subject to the typical requirements of law contained in this Zoning Ordinance or other applicable ordinances for such construction, such as building permits, grading and land disturbance permits, and the like.
26-11(1) (RE: Tree Protection During Construction)	1) Fencing at least three (3) feet tall, clearly visible with signage posted every one hundred (100) feet, and lettered with three (3) inch high letters clearly identifying the TPA shall be used to surround all tree protection areas. The tree protection fencing will be placed at a distance equal to or greater than the critical root zone of the tree(s) to be protected. Any proposed TPA areas less than the minimal standards can only be delineated by approval of the Urban Forester. Written approval by the Urban Forester that the TPA requirements have been installed shall be provided to Division of Engineering prior to approval of an erosion control plan and/or the issuance of any grading and land disturbance permit or other construction activity. The fencing shall be maintained and remain standing until issuance of the Certificate of Occupancy or until the Urban Forester has determined that construction activity has ceased to the point that the fencing may be removed or that the fence may be relocated to permit final grading provided the activity will not adversely affect the health of protected tree(s).
SUBDIVISION REGULATIONS ARTICLE:	LANGUAGE
4-6(a) (RE: Construction of Public Improvements)	4-6(a) GRADING LAND DISTURBANCE PERMIT - The Division of Engineering shall issue permits in conformance with the Division's established procedure.
5-3(e) (RE: Improvement Plan Requirements)	5-3(e) SOIL EROSION CONTROL PLAN - Soil erosion control plans required in conjunction with major subdivision plans under Article 20 of the Zoning Ordinance Chapter 16 of the Code of Ordinances shall be considered as a part of the required improvement plan information for the purposes of these Subdivision Regulations.
6-7(f) (RE: Stormwater Disposal Standards)	6-7(f) SOIL EROSION CONTROLS - Control of erosion and sedimentation for subdivisions shall be as required under Article 20 of the Zoning Ordinance Chapter 16 of the Code of Ordinances and the provisions of the Division of Engineering Stormwater Manual.

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

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

1. The proposed amendments to the Zoning Ordinance and the Land Subdivision Regulations will strengthen Fayette County's regulation of stormwater runoff and, ultimately, will ensure greater compliance with the Clean Water Act of 1972 and its amendments.
2. The proposed amendments are a necessary step in complying with the Consent Decree, agreed to by the U.S. Environmental Protection Agency, the Kentucky Division of Water and the Lexington-Fayette Urban County Government. The LFUCG has put

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forth every effort to comply with the agreement, which includes amending current regulations for stormwater discharge and implementing an effective Construction Site Stormwater Runoff Control Program.

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

A. BOAR 2010-1: ROBERT D. FIELDS, MD – an appeal of BOAR denial of a change to a property (using pea gravel as mulch), located in the Gratz Park Historic District at 239 North Mill Street.

The staff will report at the meeting.

B. ANNUAL REPORT FOR THE COURTHOUSE AREA – The Commission will hear from Mr. Billy Van Pelt, who will present the required Annual Report from the Courthouse Area Design Review Board.

C. ADOPTION OF THE OFFICIAL MEETING & FILING SCHEDULE FOR 2011 – The staff will present copies of the recommended “Official Meeting and Filing Schedule for 2011” and will request that the Commission consider its adoption. After adoption by the Commission and by the Board of Adjustment, the 2011 schedule will be distributed.

VII. STAFF ITEMS – The Chairman will announce that any item a Staff member would like to present will be heard 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 -

Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	November 18, 2010
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	November 24, 2010
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	December 2, 2010
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	December 2, 2010
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	December 9, 2010
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	December 16, 2010

IX. ADJOURNMENT

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

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