

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

December 9, 2010

- I. **CALL TO ORDER** - The meeting will be called to order at 1:30 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.
- II. **APPROVAL OF MINUTES** – Prior Planning Commission meeting minutes of October 14, 2010, will be considered at this time.
- III. **POSTPONEMENTS OR WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.
- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, December 2, 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: Chuck Saylor, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Cheryl Galt, Chris Taylor, Denice Bullock and Jimmy Emmons, as well as Captain Charles Bowen, and Firefighter Allen Case, Division of Fire & Emergency Services; Rochelle Boland, Law Department; 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.

- 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 2010-131P: HILLENMEYER PROPERTY & DWS PROPERTY (A PORTION OF) (AMD) (1/29/11)*** - located at 2801 Sandersville Road, 803 Greendale Road and 2551 Leestown Road.
(Council District 2) **(EA Partners)**

Note: The purpose of this amendment is to revise the lotting pattern and street system.

The Subdivision Committee Recommended: **Postponement**. There were some questions regarding the development near an existing cemetery and environmentally sensitive areas.

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. Department of Environmental Quality's approval of environmentally sensitive areas.
6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace Planner's approval of the treatment of greenways and greenspace.
8. Denote existing easements and denote new easements as "proposed."
9. Addition of planting plan information from previous plan.
10. Kentucky Department of Transportation's approval of proposed access to Greendale Road.

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11. Denote tree protection areas.
12. Denote number of buildable lots.
13. Addition of notes 6, 7, 10-15, 17, 18, 20-22, 24 and 25 from previous plan.
14. Addition of Area(s) A and B information from previous plan.
15. Remove proposed development from within 50' of cemetery or document approved variance from the Board of Adjustment.
16. Remove proposed development on property to the south and correct zoning information.
17. Resolve improvements to Greendale Road (section "C-C").
18. Resolve the closed contours and possible lotting restrictions.
19. Provided the Planning Commission grants a waiver to Article 6-8(a) of the Land Subdivisions Regulations.
20. Discuss additional internal vehicular connection.

- b. PLAN 2005-163P: NDC PROPERTY UNIT 5 (AMD) (2/22/11)* - located at 451-501 & 500 West Reynolds Road.
(Council District 9) **(Sherman/Carter/Barnhart)**

Note: The Planning Commission originally approved this plan on July 14, 2005, 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. Approval of street names by e911 staff.
4. Greenspace Planner's approval of the treatment of greenways, bike trails, and pedestrian movements.

Note: The applicant has requested a reapproval of this plan.

The Staff will report at meeting.

2. **FINAL SUBDIVISION PLANS**

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

Note: The Planning Commission postponed this plan at its October 14, 2010 and November 11, 2010, meetings. 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.
 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 2010-129F: 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 Planning Commission postponed this plan at its November 11, 2010, meeting. 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

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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.
- c. PLAN 2010-130F: PINECREST SUBDIVISION, UNIT 1-F, LOT 20 (AMD) (1/27/11)* - located at 3832 Pinecrest Way.
(Council District 9) **(Eagle Engineering)**

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

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Department of Environmental Quality's approval of environmentally sensitive areas.
6. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
7. Complete lot frontage and number of lots in site statistics.
8. Addition of name and address of property owner and developer.
9. Show adjacent property lines in dashed form for property adjacent to the west of the subject property.
10. Complete easement information on Lots 20 & 20-A.
11. Addition of private utilities (listing).
12. Denote that the home owners' association will own and maintain the detention basin.

3. DEVELOPMENT PLANS

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

Note: The Planning Commission postponed this plan at its November 11, 2010, meeting. 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 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 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.

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13. Review by the Technical Committee prior to certification.

- b. DP 2010-73: WINBURN SHOPPING CENTER, UNIT 1-E, LOT 1 (AMD) (1/26/11)* - located at 1100 Winburn Drive.
(Council District 2) **(Prizm)**

Note: The purpose of this amendment is to increase buildable area, add second entrance and move location of dumpster.

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 buffer.
4. Addressing Office's approval of street names and addresses.
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 Waste Management's approval of refuse collection.
8. Addition of name and address of property owner and developer.
9. Denote construction access location off Winburn Drive.
10. Addition of height of building (# of stories).
11. Correct Planning Commission certification (date).
12. Clarify purpose of amendment note (delete second sentence).
13. Revise no access limits on Winburn Drive for Lot 3-B.
14. Correct note #7 "Compliance with the Division of Engineering Manual."
15. Document encroachment permit for building/easement conflict.
16. Remove proposed new access point.

- c. DP 2010-74: VICTORY LUTHERAN CHURCH PROPERTY, LOTS 2-13 (AMD) (1/27/11)* - located at 2868 – 2890 Rio Dosa Drive. (Council District 7) **(Eagle Engineering)**

Note: The purpose of this amendment is to add buildable area on Lots 2-7, add a carport and reduce a tree protection 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 buffer.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Division of Waste Management's approval of refuse collection.
7. Clarify topography information.
8. Denote building heights.
9. Correct Planning Commission certification.
10. Certification of consolidation and easement minor plan prior to development plan certification.
11. Label decks and/or patios.
12. Revise tree preservation plan and tree protection plan to reflect .82-acre site, including street tree information.
13. Clarify 25' utility easement on lot 2 along Mt. Tabor Road frontage.
14. Resolve driveway width on Units 8-13.

- d. DP 2010-76: NDC PROPERTY, UNIT 1-B, SEC. 2, LOT 17 (AMD) (1/29/11)* - located at 233 Ruccio Way.
(Council District 9) **(Barrett Partners)**

Note: The purpose of this amendment is to revise building and parking on Lot 17 and amend cross-section "D-D" to "as built" conditions.

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 buffer.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Bike and 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. Clarify new tree planting locations on Lots 17 & 18 to comply with canopy requirements.

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- e. DP 2010-77: SOUTH GROVE SUBDIVISION, LOTS 1, 2 & 3 (1/29/11)* - located at 1610-1612, 1614-1616 and 1618 Harrodsburg Road. (Council District 10) **(Midwest Engineers)**

The Subdivision Committee Recommended: **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 buffer.
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. Document the approval of Special Permit per Article 19 of the Zoning Ordinance.
9. Denote locations for vehicular use area screening.

- f. DP 2010-78: JOE COONS FARM, UNIT 2, LOT B, OUTPARCEL D (AMD) (1/29/11)* - located at 4201 Saron Drive. (Council District 12) **(The Roberts Group)**

Note: The purpose of this amendment is to add 192 square feet of building area to the existing car wash.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Building Inspection's approval of landscaping and landscape buffer.
3. Addressing Office's approval of street names and addresses.
4. Urban Forester's approval of tree protection plan.
5. Denote Board of Adjustment's approval of dimensional variance prior to certification.

- g. DP 2010-79: NDC PROPERTY, UNIT 1-B, SEC. 2, LOTS 19, 20, 20A & 20B (AMD) (1/29/11)* - located at 260-280 Meijer Way and 209-213 Ruccio Way. (Council District 9) **(Foster-Roland, Inc.)**

Note: The purpose of this amendment is to depict the proposed development of the lots.

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

1. Urban County Engineer's acceptance of drainage, storm & sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffer.
4. Addressing Office's approval of street names and addresses.
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. Denote reciprocal parking and access.
10. Denote building dimensions on lots 20 and 20A.
11. Document release of street light easement prior to plan certification.
12. Denote typical parking space dimensions.
13. Denote access and aisle dimensions.
14. Delineate area of amendment.
15. Denote location and number of trees for required tree canopy in area of amendment.
16. Addition of agreed judgment note.
17. Denote internal sidewalks on lots 19 & 20.
18. Addition of 2' contour lines.
19. Revise site statistics for lots 19-20B.
20. Resolve extent of pavement between lots 19 & 20.
21. Remove proposed new access to lot 19.

- h. DP 2010-60: HAMBURG PLACE FARM, PHASE 2, LOT 17 (AMD) (12/28/10)* - located on Sir Barton Way. (Council District 6) **(Vision Engineering)**

Note: The purpose of this amendment is to reduce the size of Lot 17 and to revise the parking layout.

Note: The Planning Commission originally approved this plan on October 14, 2010, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Correct Planning Commission certification date.
5. Addition of bearings and distances for Lot 17.

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6. Revise the lot lines to include all of the proposed access easement on the adjacent property not shown on the approved record plat (PLAN 2010-50F).
7. Review by the Technical Committee prior to certification.

Note: The applicant has requested a continued discussion to reduce the off-street parking by 17 spaces.

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

- i. **DP 2010-83: SAYRE CHRISTIAN VILLAGE (PHASE 1-5) (BELLEAU WOOD SUBDIVISION) (AMD) (2/23/11)*** - located at 3816 Camelot Drive, 560 Greenfield Drive & 3773-3789 Belleau Wood Drive.
(Council District 4) **(Banks Engineering)**

Note: The purpose of this amendment is to add parking and buildable area.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree 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. Certification of an easement minor plat prior to plan certification.
9. Delete note #18.
10. Correct Planning Commission certification.
11. Review by the Technical Committee prior to certification.
12. Discuss proposed access.
13. Discuss proposed landscape buffer along Belleau Wood Drive and Camelot Drive.

- 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.

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 2010-2: ARTHUR SALOMON & STUART LOWENTHAL** – an appeal of BOAR denial of a Certificate of Appropriateness to replace original wood windows with vinyl windows, in the Aylesford Historic District, at 127 Ransom Avenue.

The staff will report at the meeting.

- B. **ANNUAL REPORT FROM PURCHASE OF DEVELOPMENT RIGHTS PROGRAM** – The Commission will hear from Mr. Billy Van Pelt, who will present the required Annual Report from the Rural Land Management Board.
- C. **APPOINTMENT OF NOMINATING COMMITTEE FOR COMMISSION OFFICERS** – Following requests for subdivision plans, development plans, and zoning changes, the Chair will appoint three members to a nominating committee to consider officers for the Planning Commission. This is a by-law requirement for the first official meeting in December each year. Election of Officers is required at the first meeting in January each year.

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 -

Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	December 15, 2010
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers	December 16, 2010
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	January 6, 2011
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	January 6, 2011
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers	January 13, 2011
Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers	January 20, 2011
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers	January 27, 2011

IX. ADJOURNMENT

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