

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

July 14, 2011

- 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** – The minutes of the June 9, 2011, meeting 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, July 7, 2011, at 8:30 a.m. The meeting was attended by Commission members: Mike Cravens, Mike Owens, Marie Copeland, Derek Paulsen and Eunice Beatty. Committee members in attendance were: Chuck Saylor, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Bill Saltee, Tom Martin, Cheryl Gallt, Chris Taylor, Denise Bullock, Jimmy Emmons, Barbara Rackers and Traci Wade, as well as Captain Charles Bowen, Division of Fire & Emergency Services; Debbie Barnett, Division of Water Quality and Rochelle Boland, Law Department. 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. FINAL SUBDIVISION PLANS

- a. PLAN 2011-67F: RICHARDSON PROPERTY, UNIT 5, SECTION 3 (9/5/11)* - located on Hannah Todd Place.
(Council District 7) **(Fred Eastridge)**

The Subdivision Committee Recommended: **Approval**, 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.
4. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Revise notes #9 & #11.
8. Label detention easement area on adjacent property.
9. Addition of maintenance note for access easement.
10. Addition of street tree schedule notes.
11. Addition of tree canopy and planting statistics notes.
12. Denote: One dwelling unit per lot.
13. Exaction information to the approval of the Division of Planning.
14. Delete access easement (for parking) on lot 86 to match development plan.
15. Clarify side yard setback in the development standard for townhomes (attached units).

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

- b. PLAN 2011-68F: RICHARDSON PROPERTY, UNIT 5, SECTION 4 (9/5/11)* - located on Hannah Todd Place.
(Council District 7) **(Fred Eastridge)**

The Subdivision Committee Recommended: **Approval**, 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.
4. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Correct note #10 to read: "This property shall be developed in accordance with the approved final development plan."
8. Addition of street tree schedule notes.
9. Addition of tree protection and planting statistics notes.
10. Denote: One dwelling unit per lot.
11. Exaction information to the approval of the Division of Planning.
12. Clarify side yard setback in the development standard for townhomes.
13. Addition of access easement cross-section between lots 74 and 75.
14. Denote street frontage in site statistics.
15. Denote setback for lot 75.

- c. PLAN 2011-69F: BEAUMONT FOREST, UNIT 1, LOTS 4D & 4E (9/5/11)* - located at 2421 Members Way.
(Council District 10) **(Endris Engineering)**

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

The Subdivision Committee Recommended: **Approval**, 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.
4. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Revise engineer's certification to meet Article 5-4(h)(2) of the Land Subdivision Regulations and relocate survey note.
8. Addition of general notes from Plat Cabinet K, Slide 681.
9. Clarify new easements created or correct purpose of amendment note.
10. Revise property owner's certification noting dedication of public street.
11. Addition of a note regarding floor elevations relative to nearest manhole elevation(s).

- d. PLAN 2011-70F: ARLINGTON WEEKLY PAYMENT CO. & INVESTMENT CO. ADDITION (AMD) (9/5/11)* -
located at 221 Devonia Avenue. (Council District 1) **(Foster-Roland)**

Note: The purpose of this amendment is to create two lots.

The Subdivision Committee Recommended: **Approval**, 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.
4. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Addition of property owner's/developer's information.
8. Remove previous zoning information.
9. Remove previous lotting information clarifying two lots created.
10. Delete duplicate floor elevations note.
11. Addition of maintenance note per Article 5-4(g) of the Land Subdivision Regulations.
12. Clarify the existing and proposed tree canopy information.
13. Denote that this plat is an "Amended Final Record Plat."

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

- e. PLAN 2011-71F: MARK ACRE PROPERTY (SOUTH BROADWAY LAND, LLC) LOTS 1 & 2 (9/5/11)* - located at 502 South Broadway and 319 Cedar Street. (Council District 3) **(Endris Engineering)**

The Subdivision Committee Recommended: **Approval**, 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.
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. Clarify status of public infrastructure dedication and appropriate certifications.
7. Denote Plunkett Street sidewalk transition.
8. Addition of conditional zoning restrictions.
9. Resolve proposed utility easement conflict with dumpster location.

- f. PLAN 2011-72F: SHARKEY PROPERTY, UNIT 1, LOT 10 (AMD) (9/5/11)* - located at 120 Louie Place. (Council District 2) **(EA Partners)**

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

The Subdivision Committee Recommended: **Approval**, 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.
4. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection area(s) and any street tree information.
6. Addition of utility and street light 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. Delete note #9.
9. Clarify access easement maintenance notes and revise note #8, as necessary.

- g. PLAN 2007-177F: SHARKEY PROPERTY, UNIT 4 (9/30/11)* - located on Louie Place and Hatter Lane. (Council District 2) **(EA Partners)**

Note: The Planning Commission originally approved this plan on September 13, 2007, and approved an extension (for Section 2) on September 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. Approval of street names by e911 staff.
5. Urban Forester's approval of tree preservation plan.
6. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
7. Addition of adjoining property information.
8. Denote zone-to-zone screening.
9. Denote: Property shall be developed in accordance with the approved final development plan.
10. Resolve compliance with approved preliminary development plan concerning street lotting and access.
11. Resolve compliance with Subdivision Regulations concerning street terminus (cul-de-sac).

Note: Section 1 of this plat, for the I-1 zoned portion of the property, was recorded on 4/16/08. More recently, a final development plan for this property was approved by the Planning Commission on 3/11/10, granting a waiver to the Subdivision Regulations so as not to require the construction of a cul-de-sac. The Planning Commission granted a Reapproval for Section 2 of this plat on April 8, 2010, subject to the following conditions:

1. Conditions 1-9 as required by the Planning Commission on 9/11/08.
2. Denote Planning Commission's approval of Waiver to the Land Subdivision Regulations for the street terminus.
3. Revise the lot line separating Lots 2 & 3 to eliminate any conflicts with the approved final development plan.
4. Revise the drainage easement limits, to the approval of the Division of Engineering, as necessary.

Section 2 has not been recorded, and Commission approval has since expired.

Note: The applicant now requests a reapproval for Section 2 of this plan.

The Staff Recommends: **Reapproval**, subject to the previous conditions and one additional condition:

5. Urban Forester's approval of required street tree information.

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

2. **DEVELOPMENT PLANS**

- a. DP 2011-52: BEAUMONT FARM, UNIT 1 SEC. 4, LOT 4 (7/31/11)* - located at 3064 Beaumont Centre Circle.
(Council District 10) **(Midwest Engineering)**

Note: The Planning Commission postponed this plan at the June 9, 2011, meeting.

The Subdivision Committee Recommended: **Approval**, 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. 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. Correct conditional zoning restrictions.
10. Resolve internal circulation and access for this lot and adjoining lots by the extension of an access easement per Lot 2 of this development.

- b. DP 2011-58: TATES CREEK CENTRE, LOT 1 (FORMERLY BELLEAU WOODS SHOPPING CENTER) (AMD #10)
(9/5/11)* - located at 4192 Tates Creek Centre Drive. (Council District 4) **(Civil & Environmental Consultants)**

Note: The purpose of this amendment is to revise the building and parking layout for Lot 1.

The Subdivision Committee Recommended: **Postponement**. There were still unresolved issues regarding pavement, landscaping and entrance details.

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 buffers.
 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. Denote dimension of walkways on Lot 1.
 10. Addition of required parking statistic (1/250 GSF) for Lot 1.
 11. Document State of Kentucky's approval of the removal of in-ground storage tanks.
 12. Addition of date in Planning Commission certification.
 13. Correct "FIRM Map" note to indicate that Lot 1 is in zone "X".
 14. Addition of existing and proposed easements.
 15. Addition of all approved information from DP 2011-27 if certified prior to certification of this plan.
 16. Discuss the entrance location onto Tates Creek Centre Drive relative to the Man o' War Boulevard intersection.
 17. Discuss the proposed building and pavement relative to the rear of building.
 18. Discuss sidewalks and landscape buffer.
- c. DP 2011-59: BOBBIE & SYLVIA WALLER PROPERTY (9/5/11)* - located at 1528, 1532 and 1534 North Limestone. (Council District 1) **(Vision Engineering)**

The Subdivision Committee Recommended: **Approval**, 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. 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. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire's approval of emergency access and fire hydrant locations.
9. Division of Waste Management's approval of refuse collection.
10. Depict the landscape buffer details along the property frontage, per the conditional zoning restriction note (D-2).
11. Resolve possible widening and curb installation on North Limestone Street.
12. Resolve internal turning movements for Fire & EMS vehicles.

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- d. DP 2011-60: SHARKEY PROPERTY, UNIT 1, LOT 10B (9/5/11)* - located at 120 Louie Place.
(Council District 2) **(The Roberts Group)**

The Subdivision Committee Recommended: **Approval**, 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. 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.

- e. DP 2011-61: A-1 SANITATION & EDSTER PROPERTY (9/5/11)* - located at 763 and 779 Newtown Pike.
(Council District 1) **(JE Black)**

The Subdivision Committee Recommended: **Approval**, 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. 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. Correct plan title.
10. Denote tree protection area and add calculation per Article 26 of the Zoning Ordinance.
11. Delete all "existing gravel" references in the B-4 zone portion of the plan.
12. Correct required parking statistics (1/600 sq. ft.).
13. Addition of soil erosion control note and reference Chapter 16 of the Code of Ordinances.
14. Delete note #8.
15. Addition of note from Zoning Development Plan regarding provision of fire hydrants.
16. Resolve the possible conflict with the existing sanitary sewer line.
17. Resolve internal movement for fire and emergency vehicles.

- f. DP 2011-62: RIDDELL PLAZA, LOTS 1 & 4 (9/5/11)* - located at 301 and 313 Burley Avenue.
(Council District 11) **(EA Partners)**

The Subdivision Committee Recommended: **Postponement**. There were questions about compliance with the minimum open space requirements.

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 landscape buffers.
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. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire's approval of emergency access and fire hydrant locations.
9. Division of Waste Management's approval of refuse collection.
10. Denote: Signage will comply with Article 17 of the Zoning Ordinance.
11. Denote: On June 25, 1993, the Board of Adjustment approved a variance for parking in the front yard (CV-93-52).
12. Provide at least 6' landscape buffer for zone-to-zone screening.
13. Identify existing significant trees, as necessary.
14. Revise notes #5, #7, #9 & #14.
15. Addition of existing and proposed easements.
16. Provided the Planning Commission approves an amended Final Record Plat that addresses the conflicts with the building line setback and the existing easements prior to certification.
17. Discuss compliance with Article 15-7 of the Zoning Ordinance (infill regulations).
18. Discuss the provision of useable open space.
19. Discuss the possible need for storm water improvements in the area.
20. Discuss LFUCG ownership of Burley Park.

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

- g. DP 2007-141: NEWMARKET PROPERTY, UNIT 8 (10/15/11)* - located at 1501 Deer Haven Lane (a portion of).
(Council District 12) **(EA Partners)**

Note: This plan requires the posting of a sign and an affidavit of such. This plan was approved by the Planning Commission at its December 13, 2007, meeting, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
3. Building Inspection's approval of landscape buffer.
4. Urban Forester's approval of tree preservation plan.
5. Division of Fire's approval of emergency access and fire hydrant locations.
6. Division of Solid Waste's approval of refuse collection.
7. Approval of street names and addresses per e911 staff.
8. Addition of sanitary sewer force main easement.

On December 13, 2007, the Planning Commission made a finding that this development plan complies with the EAMP Compliance report, for the following reasons:

1. The proposed single family development is an allowable use, and is within the density recommended by the EAMP.
2. The applicant has designed this development to be consistent with previously approved plans fronting Polo Club Boulevard in this and adjoining units.
3. The EAMP requires Polo Club Boulevard on the subject property, which has been built and dedicated, as required.

Note: The Plan was certified on May 14, 2008, but the Preliminary Subdivision Plan portion of this property has since expired. The applicant is now requesting a reapproval of that portion of the plan.

The Subdivision Committee Recommended: **Reapproval**, subject to four conditions:

1. Addition of second Planning Commission certification (referencing today's date).
2. Correct note #4.
3. Revise limits of plan to permit construction of street stub in right-of-way.
4. Addition of proposed overhead electric utility easement.

- h. DP 2011-64: MARQUIS BUILDING (9/26/11)* - located at 407 Marquis Avenue.
(Council District 3) **(The Roberts Group)**

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

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection plan.
6. Division of Fire's approval of emergency access and fire hydrant locations.
7. Division of Waste Management's approval of refuse collection.
8. Addition of dimension on walkways.
9. Addition of construction access location.
10. Delete note #6.
11. Clarify exterior building dimensions.

- C. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – Any bonds or letters of credit requiring Commission action will be considered at this time. The Division of Engineering will report at the meeting.

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

- A. **PFR 2011-5: FAYETTE COUNTY PUBLIC SCHOOLS** - a Public Facilities Review for construction of a permanent band tower for Henry Clay High School, located at 2100 Fontaine Road. (Council District 5)

SUMMARY FINDINGS: There are no Goals, Objectives or text of the Comprehensive Plan in opposition to construction and use of a permanent band tower at Henry Clay High School. The Land Use Element of the Plan recommends that the property be used for Public Education purposes, which includes extra-curricular school activities as much as academics. This is in recognition of the property's historic use as a public high school and indicates a desire for it to remain as such. The text of the Comprehensive Plan, including both the Land Use Element and the Community Facilities chapter, support the project, as do several Goals and Objectives.

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

STAFF RECOMMENDATION: Approval, as requested, with the following recommendations:

1. Even though the Fayette County Public School System is exempt from Zoning Ordinance requirements, it must still comply with State Building Code requirements. It is therefore recommended that any applicable permits be obtained from the Division of Building Inspection prior to commencing construction of the band tower.
2. The scaffolding that has historically been used as a band tower for the school shall be removed at the termination of construction of the new tower.

VI. STAFF ITEMS – The Chair 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 -

Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers	July 21, 2011
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	July 27, 2011
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	July 28, 2011
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	August 4, 2011
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	August 4, 2011
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	August 11, 2011

IX. ADJOURNMENT

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