

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

August 11, 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 23, 2011 and July 14, 2011, meetings 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, August 4, 2011, at 8:30 a.m. The meeting was attended by Commission members: Mike Cravens, Mike Owens and Marie Copeland. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jim Gallimore, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Cheryl Gallt, Chris Taylor, Denice 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 2011-73F: DERBY LANDING** (9/25/11)* - located on Derby Landing Circle.
(Council District 10) **(Eagle Engineering)**

Note: The purpose of this amendment is to reclassify the private street to a public street.

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. Urban Forester's approval of tree protection plan.
4. Dash all side and rear lot lines.
5. Correct property owner's certification for dedication of private street.
6. Correct engineer's certification for dedication of private street.
7. Correct Urban County Engineer's certification.
8. Document resolution of acceptance for public street prior to certification.
9. Discuss additional right-of-way dedication to 50 feet.

- b. **PLAN 2011-80F: GESS PROPERTY, UNIT 1** (9/28/11)* - located at 400 and 480 Chilesburg Road.
(Council District 7) **(EA Partners)**

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.

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

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 area(s) and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Greenspace Planner's approval of the treatment of greenways and greenspace.
8. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
9. Denote: Access to Lot 2 shall be through Lot 1 per the approved development plan.
10. Denote: There shall be no vehicular access to Chilesburg Road.
11. Addition of tree preservation areas from approved development plan.
12. Resolve greenway easement and/or dedication for Lot 3.

- c. PLAN 2011-81F: RIDDELL PLAZA (AMD) (9/28/11)* - located at 301 and 313 Burley Avenue.
(Council District 11) **(EA Partners)**

Note: The purpose of this amendment is to consolidate the previously recorded Lots 1 & 4, establish a 20' building line and remove the screening easement.

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. 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. Denote: This property shall be developed in accordance with the approved final development plan.
8. Denote: On June 25, 1993, the Board of Adjustment approved a variance for parking in the front yard (CV-93-52).
9. Remove the LFUCG property or document ownership of the Burley Park property.
10. Resolve extent of storm water retention easement.

- d. PLAN 2011-84F: DENTON FARM, INC., UNIT 3, SECTION A (AMD) (ELLERSLIE AT DELONG)
(10/12/11)* - located at 122 Somersly Place (Council District 7) **(Strand Associates)**

Note: The purpose of this amendment is to subdivide one lot into 20 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 and landscape buffers.
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 note for side yard drainage maintenance at the end of the townhomes.
8. Correct date on Planning Commission certification.
9. Correct plan title.
10. Resolve the status for release of easement for Lots 28 & 29.
11. Review by Technical Committee prior to certification.

- e. PLAN 2005-269F: GESS PROPERTY (CHILESBURG) UNIT 2-D (8/4/11)* – located on portions of 400, 480, 700, 750 and 950 Chilesburg Road. (Council District 7) **(EA Partners)**

Note: The Planning Commission originally approved this plan on October 13, 2005, and reapproved it on February 8, 2007 and August 12, 2010, subject to the conditions listed below, as well as making a recommendation to monitor the USGS data with regard to runoff.

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. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
5. Approval of street addresses by e911 staff.
6. Urban Forester's approval of tree preservation plan.

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

7. Greenspace Planner's approval of the treatment of greenways/bike trails.
8. Environmental Planner's approval of environmentally sensitive areas.
9. Solid Waste's approval of notes regarding refuse collection.
10. Addition of exaction information.

Note: The applicant now requests a one-year extension of the Commission's prior approval.

The Staff Recommends: **Approval of a one-year extension**, subject to the previous conditions, with an additional condition:

11. Monitor the USGS data with regard to runoff, as recommended by the Commission on August 12, 2010.

- f. PLAN 2006-220F: GESS PROPERTY, UNIT 2-E (CHILESBURG) (8/4/11)* – located off Hays Boulevard.
(Council District 7) **(EA Partners)**

Note: The Planning Commission originally approved this plan on October 12, 2006; Section 1 of this plan was recorded on October 11, 2007 and Section 2 was reapproved on August 12, 2010, subject to the conditions listed below.

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 addressing by e911 staff.
5. Urban Forester's approval of tree preservation areas.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Complete exaction information to the approval of the Division of Planning.
8. Greenspace Planner's approval of the treatment of greenways, bike trails and pedestrian movement.
9. Correct and label access cross-sections.
10. Clarify the connections of greenspace area.

Note: The applicant now requests a one-year extension of the Commission's prior approval.

The Staff Recommends: **Approval of a one-year extension**, subject to the previous conditions.

- g. PLAN 2006-221F: GESS PROPERTY, UNIT 2-F (CHILESBURG) (8/4/11)* – located off Hays Boulevard.
(Council District 7) **(EA Partners)**

Note: The Planning Commission originally approved this plan on October 12, 2006; Section 1 of this plan was recorded on October 11, 2007 and Section 2 was reapproved on August 12, 2010, subject to the conditions listed below.

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 addressing by e911 staff.
5. Urban Forester's approval of tree preservation areas.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Complete exaction information to the approval of the Division of Planning.
8. Greenspace Planner's approval of the treatment of greenways, bike trails and pedestrian movement.
9. Correct and label access cross-sections.
10. Recordation of consolidation plat for lot 77L prior to plan certification.

Note: The applicant now requests a one-year extension of the Commission's prior approval.

The Staff Recommends: **Approval of a one-year extension**, subject to the previous conditions.

- h. PLAN 2006-222F: GESS PROPERTY, UNIT 2-G (CHILESBURG) (8/4/11)* – located off Hays Boulevard.
(Council District 7) **(EA Partners)**

Note: The Planning Commission originally approved this plan on October 12, 2006; Section 1 of this plan was recorded on October 11, 2007 and Section 2 was reapproved on August 12, 2010, subject to the conditions listed below.

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.

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3. Building Inspection's approval of landscaping and required street tree information.
4. Approval of street addressing by e911 staff.
5. Urban Forester's approval of tree preservation areas.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Complete exaction information to the approval of the Division of Planning.
8. Greenspace Planner's approval of the treatment of greenways, bike trails and pedestrian movement.
9. Correct and label access cross-sections.
10. Division of Fire's approval of emergency access easement (show location on the plan).

Note: The applicant now requests a one-year extension of the Commission's prior approval.

The Staff Recommends: **Approval of a one-year extension**, subject to the previous conditions.

2. DEVELOPMENT PLANS

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

Note: The Planning Commission postponed this plan at the July 14, 2011, meeting.

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 a 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.
- b. DP 2011-67: LOCUST HILL SHOPPING CENTER, OUTLOT 7 (AMD) (9/28/11)* - located at 3043 Richmond Road. (Council District 7) **(Advance Civil Design)**

Note: The purpose of this amendment is to increase the building floor area and revise the parking layout for outlot 7.

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. 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 collection.
9. Denote construction access locations.
10. Correct Commission's certification.
11. Correct plan type (not a minor plan).
12. Addition of property owner's and developer's information.
13. Denote height of building.

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

14. Revise sidewalk and Richmond Road improvements shown.
15. Document that landscaping will meet the Richmond Road Landscape Ordinance.
16. Provide a sidewalk on the western property line.

- c. DP 2011-68: DRUID HILLS SUBDIVISION, LOT 6 (FIRST SECURITY NATIONAL BANK & TRUST CO.) (AMD)
(9/28/11)* - located at 1260 Winchester Road. (Council District 1) **(Banks Engineering)**

Note: The purpose of this amendment is to relocate the building on the site and revise the parking layout.

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. Bike and Pedestrian Planner's approval of pedestrian facilities.
9. Resolve walkway dimensions.
10. Addition of building height.
11. Denote the Division of Engineering's approval for pavement and landscape improvements in right-of-way.
12. Addition of the Board of Adjustment's case # for the variance (V-2011-21).
13. Document the location of the landscaping improvements in the right-of-way (located between the Ashton Drive access points) as required by the BOA.
14. Provide tree in landscaping area near proposed overhead door (accessory storage areas).

- d. DP 2010-26: GRIFFIN GATE OFFICE PARK (AMD) (10/26/10)* - located at 1460 Newtown Pike.
(Council District 2) **(Wheat and Ladenburger)**

Note: The purpose of this amendment is to add 923 square feet of buildable area and a new access point. The Planning Commission originally approved this plan on August 12, 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 two additions, 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 Final Record Plat information for property.
9. Addition of building, lot coverage and floor area information to site statistics.
10. Addition of utility easements.
11. Addition of information from the certified development plan (DP 2008-16).
12. Denote Board of Adjustment approval of a variance to the side yard setback, or revise "Area B" to meet side yard setback requirement.
13. Denote construction access location.
14. Denote storm water detention area for this development.

Note: The applicant now requests a one-year extension of the Commission's prior approval.

The Subdivision Committee Recommended: **Approval of a one-year extension**, subject to the previous conditions.

- e. DP 2011-74: JAMES MOTOR CO. & KATHRYN MCBRAYER PROPERTY (AMD) (10/18/11)* - located at 2440
Richmond Road and 2350 Lake Park Road. (Council District 5) **(EA Partners)**

Note: The purpose of this amendment is to add a parking area for new vehicle sales.

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.

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.

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

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

A. **ZOTA 2011-8: AMENDMENT TO AUTHORIZE CHANGES IN PERMITTING AND ENFORCEMENT FUNCTIONS TO THE DIVISION OF PLANNING AND TO CREATE A ZONING COMPLIANCE PERMIT**

REQUESTED BY: Urban County Council

PROPOSED TEXT: (Note: Underlined text indicates an addition, ~~text dashed through~~ indicates a deletion to the current Zoning Ordinance.)

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

1. These amendments to the Zoning Ordinance are necessary to implement changes being proposed within the Divisions of Building Inspection and Planning in order to better manage interpretation and enforcement of the Ordinance, as well as the permitting process.
2. These changes were recommended by several parties: a) the Building Inspection Task Force (an Ad Hoc Committee that performed a comprehensive review of all the functions of Building Inspection); b) the new Mayor's Transition Team; and c) the Chief Administrative Officer, based on his experience as Commissioner of the State Department of Housing, Buildings and Construction. Based on these recommendations, the Urban County Council initiated the amendments to implement the proposed changes.
3. Creation of a Zoning Compliance Permit will help to facilitate the permitting process and will provide a level of consistency in interpretation of the Zoning Ordinance.
4. The minor "cleanup" changes are only to organizational references that should have been corrected long ago.

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	August 18, 2011
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	August 24, 2011
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	August 25, 2011
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	September 1, 2011
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building).....	September 1, 2011
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	September 8, 2011

IX. **ADJOURNMENT**