

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

October 13, 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 September 8, 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, October 6, 2011, at 8:30 a.m. The meeting was attended by Commission members: Derek Paulsen, Eunice Beatty, Mike Owens, Frank Penn, Will Berkley and Marie Copeland. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Cheryl Gallt, Chris Taylor, Denice Bullock, Jimmy Emmons and Barbara Rackers, as well as Captain Charles Bowen, Division of Fire & Emergency Services 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. PRELIMINARY SUBDIVISION PLANS

- a. PLAN 2007-197P: MASTERSON HILLS (A PORTION OF) (AMD.) (12/14/07)* – located at 3000 Spurr Road.
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on October 11, 2007; 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. Greenspace Planner's approval of the treatment of greenways.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Environmental Planner's approval of environmentally sensitive areas.
9. Division of Fire's approval of emergency access and fire hydrant locations.

Note: The applicant now requests reapproval of the plan.

The Staff Recommended: **Reapproval**, subject to the original conditions, revising the following:

3. Building Inspection's approval of landscaping ~~and required street tree information.~~
5. Urban Forester's approval of tree preservation plan and required street tree information.

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

2. FINAL SUBDIVISION PLANS

- a. PLAN 2011-90F: COLDSTREAM RESEARCH CAMPUS, UNIT 3, LOTS 8, 9-A & 9-B (AMD) (10/30/11)* - located at 1676 & 1648 McGrathiana Parkway. (Council District 2) **(Strand Associates)**

Note: The Planning Commission postponed this plan at the September 8, 2011, meeting. The purpose of this amendment is to subdivide 2 lots into 3 lots.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
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. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Addition of note regarding maintenance of park access easement.

- b. PLAN 2011-102F: MAHAN PROPERTY, UNIT 1-H (12/1/11)* - located at Ridgewater Drive and Manitoba Lane. (Council District 4) **(EA Partners)**

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
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. Clarify floodplain line and required setback (CLOMR information).

- c. PLAN 2011-103F: MAHAN PROPERTY, UNIT 1-I (12/1/11)* - located at Ridgewater Drive and Manitoba Lane. (Council District 4) **(EA Partners)**

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
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. Clarify floodplain line and required setback (CLOMR information).

- d. PLAN 2011-104F: MAHAN PROPERTY, UNIT 1-J (12/1/11)* - located at Ridgewater Drive and Manitoba Lane. (Council District 4) **(EA Partners)**

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
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. Clarify floodplain line and required setback (CLOMR information).

- e. PLAN 2011-105F: SPY COAST FARM KENTUCKY, LLC (12/1/11)* - located at 3229 Iron Works Road. (Council District 12) **(MSE)**

Note: The purpose of this final record plat is to subdivide one 330-acre lot into 5 lots, ranging between 40 to 106-acre lots zoned A-R. This subdivision also requires the posting of a sign and an affidavit of such.

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

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. Addressing Office's approval of street names and addresses.
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. Delete access easement acreage from Lot 1 information.
8. Provided the Planning Commission grants a waiver of frontage requirements for Lot 2.

- f. PLAN 2011-74F: SABLE HOLDINGS II, LLC. (12/27/11)* - located at 615-617 West Short Street.
(Council District 2) **(2020 Land Surveying)**

Note: The purpose of this final record plat is to subdivide one lot into 2 lots. On September 8, 2011, the Planning Commission indefinitely postponed the requested subdivision. Since that time, the applicant has met with the staff and revised their plan, requesting that it be brought back to the Planning Commission for approval at today's meeting. The applicant submitted a revised plan to the staff on September 28, 2011. The new plan creates a proposed lot line that will separate the residential features from the commercial features of the property in a manner that complies with the minimum lot size requirement of the R-4 zone.

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. Addressing Office's approval of street names and addresses.
5. Document demolition of the roof over the lot line, provided the Board of Architectural Review approves the demolition.
6. Document the Board of Adjustment approval of variances to the lot, yard, and height requirements prior to certification.

- g. PLAN 2005-166F: CLARK PROPERTY, UNIT 1-B, SEC. 2 (12/27/11)* - located at 1551 Deer Haven Lane (a portion of).
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on July 14, 2005. All but eight lots of this subdivision plats were recorded (and created) on September 30, 2005. The Commission reapproved this plat for Section 2 on July 13, 2006; July 12, 2007; and September 11, 2008; and granted an extension on September 10, 2009 and September 9, 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 parking, circulation, access, and street cross-sections.
3. Building Inspection's approval of landscaping.
4. Addition of utility and street light easements by the utility companies and the Urban County Traffic Engineer.
5. Urban Forester's approval of tree preservation plan.
6. Approval of street names and addresses by e911 staff.
7. Addition of exaction information.

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

The Subdivision Committee Recommended: **Reapproval**, subject to the original conditions, revising the following:

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

- h. PLAN 2006-139F: NEWMARKET PROPERTY, UNITS 1-D & 7-A (12/27/11)* - located at 1321 Deer Haven Lane (a portion of). (Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on July 13, 2006, and reapproved it on November 8, 2007 and January 15, 2009, 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.
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 addresses by e911 staff.
6. Denote: This property shall be developed in accordance with the approved final development plan.

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

Note: The applicant now requests reapproval of the plan.

The Subdivision Committee Recommended: **Reapproval**, subject to the original conditions, revising the following:

3. Building Inspection's approval of landscaping ~~and required street tree information~~.

Adding the following:

7. Urban Forester's approval of tree preservation plan and required street tree information.

- i. PLAN 2006-240F: NEWMARKET, PHASE I, UNIT 1-E (12/27/11)* – located at 1201 Deer Haven Lane (a portion of).
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on November 9, 2006, and reapproved it on November 8, 2007 and January 15, 2009, 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. Label Tree Protection Area (TPA) per conditional zoning restrictions.

Note: The applicant now requests reapproval of the plan.

The Subdivision Committee Recommended: **Reapproval**, subject to the original conditions, revising the following:

3. Building Inspection's approval of landscaping ~~and required street tree information~~.

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

- j. PLAN 2007-156F: CLARK PROPERTY, UNIT 1-M (12/27/11)* - located at Polo Club Boulevard and Ice House Way.
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on August 9, 2007; reapproved it on September 11, 2008 and granted an extension on September 10, 2009 and September 9, 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 required street tree information.
4. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree preservation plan.
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. Verification of exaction information by Division of Planning.

Note: The applicant now requests reapproval of the plan.

The Subdivision Committee Recommended: **Reapproval**, subject to the original conditions, revising the following:

3. Building Inspection's approval of landscaping ~~and required street tree information~~.

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

3. **DEVELOPMENT PLANS**

- a. DP 2011-83: SHARKEY PROPERTY, UNIT 1, LOTS 8 & 13 (AMD) (12/1/11)* - located at 1781 Sharkey Way.
(Council District 2) **(Barrett Partners)**

Note: The purpose of this amendment is to revise the buildable area, parking & circulation and add a drive-through lane.

The Subdivision Committee Recommended: **Postponement**. There were questions regarding the amount of parking spaces provided for the use proposed on the property as well as the orientation of the 2nd drive-through lane.

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.

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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 for property (Plat Cab. M, Sl. 255).
9. Label tree island from previous plan.
10. Addition of grease trap note to the approval of the Division of Water Quality.
11. Denote the need for reciprocal parking on the development plan.
12. Discuss the need for additional parking (over the minimum).

- b. DP 2011-84: MICHAEL GENTRY PROPERTY (12/1/11)* - located at 3292 Richmond 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.
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. Provide drive aisle dimensions at property entrances.
10. Resolve sidewalk and pedestrian facilities.

- c. DP 2011-85: WIGGINS & COMPANY, INC. (AMD) (12/1/11)* - located at 2490 Nicholasville Road.
(Council District 4) **(Wheat & Ladenburger)**

Note: The purpose of this amendment is to revise development of 2490 Nicholasville Road.

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. Addition of adjacent property information.
9. Addition of topographic information for convenience store lot.
10. Denote height of proposed building.
11. Addition of erosion control plan note per Article 21-6(a)(14) of the Zoning Ordinance.
12. Denote the Board of Adjustment's approval for the variances prior to certification.
13. Kentucky Transportation Cabinet's approval of access to Nicholasville Road.

- d. DP 2011-86: HAMBURG PLACE COMMUNITY (MULTI-FAMILY), PH II-A, LOT 3 (12/1/11)* - located at 2391 Sir Barton Way. (Council District 6) **(HDR)**

The Subdivision Committee Recommended: **Postponement**. This plan no longer meets the minimum requirements for off-street parking.

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 & Pedestrian Planner's approval of bike trail 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. Remove or denote timing restrictions for garages 25' from floodplain buffer.
10. Revise Old Rosebud Road cross-section to denote area of sidewalk easement.
11. Clarify tree protection area and tree protection plan for Lot 3.
12. Correct zone boundary on Old Rosebud Road (R-4/R-3) on this site.
13. Denote existing 30' sanitary sewer easement.
14. Denote the Board of Adjustment's approval of setback variance prior to certification.
15. Denote that CLOMR must be filed prior to Special Use Permit application.

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16. Discuss status of traffic signal and right turn lane per notes #13 & 14.
17. Discuss proposed parking reduction.

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, October 6, 2011, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Carla Blanton, Mike Cravens, Lynn Roche-Phillips, and William Wilson. The Committee reviewed applications, and made recommendations on zoning items as noted.

A. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENT REQUESTS

Note: The Planning Commission postponed the public hearing on this text amendment on September 22, 2011.

1. ZOTA 2011-10: AMENDMENT TO ARTICLE 8-1(d) TO ALLOW AN HISTORIC HOUSE MUSEUM AS A CONDITIONAL USE IN THE A-R ZONE (2/1/12)* – a Zoning Ordinance text amendment to allow an “Historic House Museum” as a conditional use in the Agricultural Rural (A-R) zone.

REQUESTED BY: Kentucky Mansions Preservation Foundation, Inc.

PROPOSED TEXT: (Note: Text underlined indicates an addition to the current Zoning Ordinance.)
8-1 AGRICULTURAL RURAL (A-R) ZONE

8-1(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

x. Historic House Museums.

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

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

1. Historic house museums are a suitable land use for a small number of locations in the Agricultural Rural (A-R) zone in order to preserve rural “historical treasures” for the benefit of the community. Significant historical and cultural resources may be protected and shared with the general public if such a use is added to Article 8-1(d) of the Zoning Ordinance.
2. The addition of this conditional use will be limited to 10,000 square feet in size, which is similar to how other non-agricultural conditional uses are regulated in our agricultural zones.
3. The Board of Adjustment will be able to evaluate each historic house museum on a case-by-case basis to determine its appropriateness based upon the provision of adequate public facilities, and potential impact(s) to the subject property or neighboring properties.

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

A. RESOLUTION FOR FORMER PLANNING COMMISSION MEMBER – At this time, the Commission and the staff would like to express their sincere appreciation to Ms. Carolyn Richardson for her dedication and service to the Planning Commission and the citizens of Lexington-Fayette County.

B. BOAR 2011-1: JAMES V. JOHNSON – an appeal of BOAR denial of a change to the property (paint previously unpainted brick walls and chimneys on both the left and right sides of the structure) at 615 Boonesboro Avenue.

The staff will report at the meeting.

VII. STAFF ITEMS – The Chair will announce that any item a Staff member would like to present will be heard at this time.

A. FAYETTE COUNTY PUBLIC SCHOOLS – the staff has received notification of interior and minor exterior renovations to Fayette County Public Schools’ warehouse facility at 1126 Russell Cave Road, which was the subject of a Public Facilities Review in 2009. This is for informational purposes only.

VIII. AUDIENCE ITEMS – Citizens may bring a planning related matter before the Commission at this time for general discussion or future action. Items that will NOT be heard are those requiring the Commission’s formal action, such as zoning items for early rehearing, map or text amendments; subdivision or development plans, etc. These last mentioned items must be filed in advance of this meeting in conformance with the adopted filing schedule.

IX. NEXT MEETING DATES –

Work Session, Thursday, 1:30 p.m., 2nd Floor Council Chambers October 20, 2011
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) October 26, 2011

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

Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	October 27, 2011
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building).....	November 3, 2011
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	November 3, 2011
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	November 10, 2011

X. ADJOURNMENT