

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

June 14, 2012

- 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 May 10, 2012, 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, June 7, 2012, at 8:30 a.m. The meeting was attended by Commission members: Eunice Beatty, Marie Copeland, Mike Owens, Frank Penn and Carolyn Plumlee. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Tom Martin, Cheryl Gallt, Chris Taylor, Dave Jarman, Barbara Rackers and Denice Bullock, as well as Captain Charles Bowen, Division of Fire & Emergency Services and Rochelle Boland and Tracy Jones, 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 these hearings is as follows:

- Staff Report(s), including subcommittee reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) proponents (10 minute maximum OR 3 minutes each)
 - (b) objectors (30 minute maximum OR 3 minutes each)
- Rebuttal & Closing Statements
 - (a) petitioner's comments (5 minute maximum)
 - (b) citizen objectors (5 minute maximum)
 - (c) staff comments (5 minute maximum)
- Commission discusses and/or votes on the plan.

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the meeting. The Chair will announce its decision at the outset of the hearing.

1. PRELIMINARY SUBDIVISION PLAN

- a. **PLAN 2003-209P: MASTERSON HILLS & MASTERSON STATION, UNIT 10 (7/14/12)* - located at 2900-2918 and 3000 Spurr Road. (Council District 2)** **(EA Partners)**

Note: The Planning Commission postponed this plan at their April 12, 2012 and May 10, 2012, meetings.

The Subdivision Committee Recommended: **Postponement**. There are concerns about compliance with cemetery protection measures.

Should this plan be approved, the following conditions 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.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan and required street tree information.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.

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

7. Denote source of contours.
8. Addition of proposed utilities and utility provider information.
9. Addition of average lot size in site statistics.
10. Denote 50' "No Disturbance" area around the cemetery.
11. Discuss compliance with Article 3-7(b)(4) of the Zoning Ordinance.

2. FINAL SUBDIVISION PLANS

- a. PLAN 2012-40F: MASTERSON STATION, UNIT 10-G (8/5/12)* - located on Eminent Drive.
(Council District 2) **(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. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.

- b. PLAN 2009-25F: RESERVE AT WALNUT GROVE, UNIT 1-A (8/21/12)* - located at 3820 Hatfield Lane (a portion of).
(Council District 12) **(EA Partners)**

Note: The Planning Commission approved this plan at their May 14, 2009, meeting and granted an extension on May 13, 2010 and May 12, 2011, 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. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
8. Denote: This property shall be developed in accordance with the approved final development plan.
9. Addition of exaction information.
10. Document compliance with minimum open space requirements.
11. Resolve access to lots from private streets, and the reduction of open space.

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.~~

- c. PLAN 2009-26F: RESERVE AT WALNUT GROVE, UNIT 1-B (8/21/12)* - located at 3820 Hatfield Lane (a portion of).
(Council District 12) **(EA Partners)**

Note: The Planning Commission approved this plan at their May 14, 2009, meeting and granted an extension on May 13, 2010 and May 12, 2011, 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. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
8. Denote: This property shall be developed in accordance with the approved final development plan.
9. Addition of exaction information.
10. Document compliance with minimum open space requirements.

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

11. Resolve access to lots from private streets, and the reduction of open space.

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.~~

- d. PLAN 2009-27F: RESERVE AT WALNUT GROVE, UNIT 1-C (8/21/12)* - located at 3820 Hatfield Lane (a portion of).
(Council District 12) **(EA Partners)**

Note: The Planning Commission approved this plan at their May 14, 2009, meeting and granted an extension on May 13, 2010 and May 12, 2011, 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. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
8. Denote: This property shall be developed in accordance with the approved final development plan.
9. Addition of exaction information.
10. Document compliance with minimum open space requirements.

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.~~

- e. PLAN 2009-28F: RESERVE AT WALNUT GROVE, UNIT 1-D (8/21/12)* - located at 3820 Hatfield Lane (a portion of).
(Council District 12) **(EA Partners)**

Note: The Planning Commission approved this plan at their May 14, 2009, meeting and granted an extension on May 13, 2010 and May 12, 2011, 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. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
8. Denote: This property shall be developed in accordance with the approved final development plan.
9. Addition of exaction information.
10. Document compliance with minimum open space requirements.
11. Resolve access to lots from private streets, and the reduction of open space.

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.~~

- f. PLAN 2012-51F: THE GLEN AT LOCHDALE (8/22/12)* - located at 3600 and 3652 Winthrop Drive.
(Council District 9) **(EA Partners)**

Note: The purpose of this amendment is to amend the building line and combine two lots.

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

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

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 plan 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. Remove plat cabinet and slide reference to 20' building line.
8. Resolve conflict of approved cross-section and "as built" conditions.

- g. PLAN 2012-53F: LAKEVIEW ESTATES, LOT 2, TRACT A (8/28/12)* - located at 1540 New Circle Road.
(Council District 5) **(Foster - Roland)**

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. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan 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 sanitary sewer easement for existing sanitary sewer line to the approval of Division of Water Quality.
8. Addition of north arrow.
9. Extend access easement across Lot 2-A.
10. Review by the Technical Committee prior to certification.

- h. PLAN 2008-138F: MEADOW OAKS, UNIT 1-A (ASHFORD OAKS) (9/5/12)* - located at 3414 Felician Lane.
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on November 13, 2008, 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 and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection areas.
6. Addition of utility and streetlight 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. Clarify label of cross-section for "G-G."
9. Denote private street maintenance responsibilities.
10. Verify exaction information to the approval of the Division of Planning.
11. Clarify public versus private right-of-way dedication.
12. Addition of conditional zoning notes and development standards from approved development plan.
13. Resolve possible conflicts between development standards and plan notes.

Note: On February 12, 2009, the Planning Commission granted a waiver to Article 4-7(d)(9)(c) of the Land Subdivision Regulations, for the following reasons:

1. The bonding of sidewalks on private streets has been agreed to by the Urban County Government Division of Engineering in the past in the defined Expansion Area, and will still allow the collection of a surety to ensure completion of all the sidewalk improvements to this subdivision.
2. Strict adherence with the Subdivision Regulations would create an undue hardship to the developer, requiring heavy construction equipment for home construction to drive over sidewalks, which could damage the sidewalks, resulting in the need to repair or replace an otherwise new sidewalk.

Approval of the waiver was subject to the following condition being added to the Final Record Plats, in addition to those originally approved by the Planning Commission on November 13, 2008:

- a. Collection of a financial surety by the Division of Engineering for the ultimate construction of sidewalks not initially constructed on private streets, to ensure their completion, subject to the approval of the Law Department.

Approval of the waiver was subject to the following condition also being added to the Final Record Plat, in addition to those originally approved by the Commission on November 13, 2008:

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

- a. Denote: No certificate of occupancy shall be issued for any dwelling unit until the sidewalks are constructed in conjunction with the required concrete driveway apron.

Note: The Planning Commission reapproved this plan at their June 10, 2010, meeting subject to the previous conditions and granted a **one-year extension** on June 9, 2011, subject to the previous conditions and one additional condition:

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

Note: A portion of this plat (Section 1) has been recorded. The applicant now requests a reapproval for the remaining portion of this 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~~.

- i. **PLAN 2008-139F: MEADOW OAKS, UNIT 1-B (ASHFORD OAKS)** (9/5/12)* - located at 3414 Felician Lane.
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on November 13, 2008, 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 and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection areas.
6. Addition of utility and streetlight 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. Verify exaction information to the approval of the Division of Planning.
9. Addition of conditional zoning notes and development standards from approved development plan.
10. Denote the 25' conditional zoning setback along Greenbrier golf course (lots 17-26).
11. Resolve possible conflicts between development standards and plan notes.

Note: On February 12, 2009, the Planning Commission granted a waiver to Article 4-7(d)(9)(c) of the Land Subdivision Regulations, for the following reasons:

1. The bonding of sidewalks on private streets has been agreed to by the Urban County Government Division of Engineering in the past in the defined Expansion Area, and will still allow the collection of a surety to ensure completion of all the sidewalk improvements to this subdivision.
2. Strict adherence with the Subdivision Regulations would create an undue hardship to the developer, requiring heavy construction equipment for home construction to drive over sidewalks, which could damage the sidewalks, resulting in the need to repair or replace an otherwise new sidewalk.

Approval of the waiver was subject to the following condition being added to the Final Record Plats, in addition to those originally approved by the Planning Commission on November 13, 2008:

- a. Collection of a financial surety by the Division of Engineering for the ultimate construction of sidewalks not initially constructed on private streets, to ensure their completion, subject to the approval of the Law Department.

Approval of the waiver was subject to the following condition also being added to the Final Record Plat, in addition to those originally approved by the Commission on November 13, 2008:

- a. Denote: No certificate of occupancy shall be issued for any dwelling unit until the sidewalks are constructed in conjunction with the required concrete driveway apron.

Note: The Planning Commission reapproved this plan at their June 10, 2010, meeting subject to the previous conditions and granted a **one-year extension** on June 9, 2011, subject to the previous conditions and one additional condition:

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

Note: A portion of this plat (Sections 1 & 2) has been recorded. The applicant now requests a one-year extension for the remaining portion of this plan.

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

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

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

- j. PLAN 2008-140F: MEADOW OAKS, UNIT 1-C (ASHFORD OAKS) (9/5/12)* - located at 3414 Feliciano Lane.
(Council District 12) **(EA Partners)**

Note: This plan was approved by the Planning Commission at its November 13, 2008, meeting, 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 and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection areas.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
8. Denote: This property shall be developed in accordance with the approved final development plan.
9. Verify exaction information to the approval of the Division of Planning.
10. Addition of conditional zoning restrictions and development standards from approved development plan.
11. Denote the sanitary sewer easement across the greenway.
12. Resolve the extent and timing of the greenway dedication.

Note: On February 12, 2009, the Planning Commission granted a waiver to Article 4-7(d)(9)(c) of the Land Subdivision Regulations, for the following reasons:

1. The bonding of sidewalks on private streets has been agreed to by the Urban County Government Division of Engineering in the past in the defined Expansion Area, and will still allow the collection of a surety to ensure completion of all the sidewalk improvements to this subdivision.
2. Strict adherence with the Subdivision Regulations would create an undue hardship to the developer, requiring heavy construction equipment for home construction to drive over sidewalks, which could damage the sidewalks, resulting in the need to repair or replace an otherwise new sidewalk.

Approval of the waiver was subject to the following condition being added to all the Final Record Plats, in addition to those originally approved by the Commission on November 13, 2008:

- a. Collection of a financial surety by the Division of Engineering for the ultimate construction of sidewalks not initially constructed on private streets, to ensure their completion, subject to the approval of the Law Department.

Note: The Planning Commission reapproved this plan at their June 10, 2010, meeting subject to the previous conditions and granted a **one-year extension** on June 9, 2011, subject to the previous conditions and one additional condition:

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

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

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

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

Note: This plan was approved by the Planning Commission at its July 14, 2011, 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 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.

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

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.

Note: The applicant is now requesting a **one-year extension** of this plan.

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

- I. **PLAN 2011-84F: DENTON FARM, INC., UNIT 3, SECTION A, LOT 27 (AMD) (ELLERSLIE AT DELONG) (9/5/12)***
- located at 122 Somersly Place (Council District 7) **(Strand Associates)**

Note: This plan was approved by the Planning Commission at its August 11, 2011, 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 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.

Note: The applicant is now requesting a **one-year extension** of this plan.

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

3. **DEVELOPMENT PLANS**

- a. **DP 2012-35: HAMBURG PLACE COMMUNITY (MULTI-FAMILY), PHASE IIA (AMD) (8/5/12)*** - located at Old Rosebud Road and Pascoli Place. (Council District 6) **(EMHT)**

Note: The purpose of this amendment is to add an access point and revise dwelling unit types.

The Subdivision Committee Recommended: **Postponement**. There were questions regarding compliance with open space and lot coverage requirements.

Should this plan be approved, the following conditions 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. Division of Fire's approval of emergency access and fire hydrant locations.
7. Division of Waste Management's approval of refuse collection.
8. Correct Planning Commission's certification.
9. Clarify site statistics to reflect dwelling unit changes to lot coverage, floor area and total units.
10. Identify location of "WE-II" building on plan or remove from site statistics.

- b. **DP 2012-36: GLEN AT LOCHDALE, UNIT 4 (AMD) (8/5/12)*** - located at Golden Trophy Trail.
(Council District 9) **(Eagle Engineering)**

Note: The purpose of this amendment is to revise the building layout, adding square footage by increasing the number of bedrooms.

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.

* - Denotes date by which Commission must either approve or disapprove 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 record plat designation (M-942).
9. Addition of sanitary sewer easements per Division of Water Quality.
10. Addition of north arrow.

- c. DP 2012-37: NEWMARKET PROPERTY, PH 1, UNIT 2-E & RICHARDSON PROPERTY (AMD) (9/4/12)* - located at 4127 Todds Road. (Council District 12) **(ALT 32)**

Note: This property requires the posting of a sign and an affidavit of such. The purpose of this amendment is to revise the commercial use, the building layout and the off-street parking.

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. Provided the Planning Commission makes a finding that the plan complies with the provisions of the EAMP.
9. Denote exaction amount and time of payment to the approval of the Division of Planning.
10. Discuss Todds Road access note.
11. Discuss timing of construction of access drive to adjoining townhouse area.

- d. DP 2012-38: BLUEGRASS BUSINESS PARK (PEMBERTON FARM) (LOT 4) (8/5/12)* - located at 2333 Innovation Drive. (Council District 2) **(MLH Civil Engineering)**

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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
10. Label tree canopy with correct title.
11. Resolve proposed access to the approval of the Divisions of Planning and Traffic Engineering.

- e. DP 2012-39: DEERFIELD SHOPPING CENTER (OLLIE'S TROLLEY) (AMD) (8/5/12)* - located at 205 Southland Drive. (Council District 3) **(Vision Engineering)**

Note: The purpose of this amendment is to add buildable area for an auto parts store and revise parking.

The Subdivision Committee Recommended: **Postponement**. The proposed use falls outside of what the B-3 zone allows.

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 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. Addition of Southland Drive cross-sections.
10. Denote height of building.
11. Addition of floodplain information.
12. Denote: No building permit shall be issued unless a variance is granted by the Floodplain Appeals Committee in compliance with Article 19 of the Zoning Ordinance or a Letter of Map Revision is approved by FEMA.
13. Clarify site statistics for B-1 uses, bank and B-3 use.
14. Resolve pedestrian facilities internal to the site and the right-of-way.

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

- f. DP 2011-38: PINNACLE, LOT 1 (AMD #5) (8/23/12)* - located at 1099 Duval Street.
(Council District 12) (Midwest Engineering)

Note: The purpose of this amendment is to depict the reconfiguration of the previously approved parking and buildable areas. The Planning Commission approved this plan at their May 12, 2011, 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 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. Denote the number of stories in the existing buildings.
9. Addition of tree preservation layout on plan (including original submission information).
10. Correct notes #4 & 10.
11. Clarify tree count per conditional zoning restrictions with tree canopy statistics, and denote locations.

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

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

4. **PLAT REVOCATION**

- a. Note: The following plan is requested for revocation pursuant to KRS 100.285.

PLAN 2003-232C: RICHMOND ESTATES (BETSY TOY HALL PROPERTY) - located at 1201 Evans Mill Road (Revocation Plat).

The Subdivision Committee Recommended: **Postponement**. Time is needed to allow the Rural Land Management Board to review this request in light of the PDR Program.

- 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, June 7, 2012, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Mike Cravens, Carla Blanton, Lynn Roche-Phillips, and Bill Wilson. The Committee reviewed applications, and made recommendations on zoning items as noted.

A. **PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENT REQUESTS**

1. **ZOTA 2012-7: AMEND THE NOTIFICATION REQUIREMENTS FOR CONDITIONAL USE PERMIT APPLICATIONS (6/18/12)*** – petition for a Zoning Ordinance text amendment to modify the notification requirements for Conditional Use Permit applications to the Board of Adjustment by increasing the notification area to a distance of 800 feet from the subject property, and requiring notice to the nearest neighborhood association or homeowner's association, regardless of distance.

INITIATED BY: Urban County Council

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

7-5 NOTICE - The Board shall fix a reasonable time for hearing an action or appeal and shall give public notice in accordance with KRS Chapter 424, as well as written notice as set forth more fully herein. Any person may appear at the hearing personally or by attorney. All applications shall be decided by the Board within sixty (60) days from the date of the application, unless postponement is granted pursuant to the Board's bylaws.

When an application is made for a variance, written notice shall be given at least fourteen (14) days in advance of the public hearing on the application to the applicant, Division of Building Inspection, and to the owner of every parcel of property within two hundred (200) feet of the property to which the application applies. In the event that the subject property adjoins land which is zoned Agricultural Urban (A U), Agricultural Rural (A R), Agricultural Natural Areas (A-N), or Agricultural Buffer (A-B), notification shall be given by first-class mail to not only those properties within a 200-foot radius of the subject property, but to

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

the next two properties beyond those included in the 200-foot radius; but in no event shall notice be required for property more than twenty-four hundred (2,400) feet from the subject property.

When an application is made for a conditional use permit, administrative review, non-conforming use or structure appeal, or any other appeal, written notice shall be given at least twenty-one (21) days in advance of the public hearing on the application to the applicant, Division of Building Inspection, and to owners of parcels of property within eight hundred (800) ~~four hundred (400)~~ feet of the property to which the application applies. In the event that the subject property adjoins land which is zoned Agricultural Urban (A-U), Agricultural Rural (A-R), Agricultural Natural Areas (A-N), or Agricultural Buffer (A-B), notification shall be given by first-class mail to not only those properties within a 800-foot ~~400-foot~~ radius of the subject property, but to the next two properties beyond those included in the 800-foot ~~400-foot~~ radius; but in no event shall notice be required for property more than one (1) mile from the subject property. In addition, notification shall also be given by first class mail to the neighborhood or homeowner's association which is nearest to the subject property, regardless of distance. Such association must be duly registered with the government through its Division of GIS.

All written notice shall be by first-class mail, with certification by the Board's Secretary or other officer that the notice was mailed. It shall be the duty of the applicant to furnish to the Board the name and address of an owner of each parcel of property as described in this section and of the nearest neighborhood or homeowner's association. Records maintained by the Property Valuation Administrator may be relied upon to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group that administers property commonly owned by the condominium or cooperative owners.

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

7-5 NOTICE - The Board shall fix a reasonable time for hearing an action or appeal and shall give public notice in accordance with KRS Chapter 424, as well as written notice as set forth more fully herein. Any person may appear at the hearing personally or by attorney. All applications shall be decided by the Board within sixty (60) days from the date of the application, unless postponement is granted pursuant to the Board's bylaws.

When an application is made for a variance, written notice shall be given at least fourteen (14) days in advance of the public hearing on the application to the applicant, Division of Building Inspection, and to the owner of every parcel of property within two hundred (200) feet of the property to which the application applies. In the event that the subject property adjoins land which is zoned Agricultural Urban (A-U), Agricultural Rural (A-R), Agricultural Natural Areas (A-N), or Agricultural Buffer (A-B), notification shall be given by first-class mail to not only those properties within a 200-foot radius of the subject property, but to the next two properties beyond those included in the 200-foot radius; but in no event shall notice be required for property more than twenty-four hundred (2,400) feet from the subject property.

When an application is made for a conditional use permit, administrative review, non-conforming use or structure appeal, or any other appeal, written notice shall be given at least twenty-one (21) days in advance of the public hearing on the application to the applicant, Division of Building Inspection, and to owners of parcels of property within five hundred (500) ~~four hundred (400)~~ feet of the property to which the application applies. In the event that the subject property adjoins land which is zoned Agricultural Urban (A-U), Agricultural Rural (A-R), Agricultural Natural Areas (A-N), or Agricultural Buffer (A-B), notification shall be given by first-class mail to not only those properties within a 500-foot ~~400-foot~~ radius of the subject property, but to the next two properties beyond those included in the 500-foot ~~400-foot~~ radius; but in no event shall notice be required for property more than one (1) mile from the subject property. Notification shall also be given by first-class mail to any neighborhood or homeowner's association within the 500-foot radius of the subject property. Such association must be duly registered with the government through the Division of Planning and the Office of Geographic Information Systems (GIS). In addition, for any conditional use permit, notice of the public hearing shall be posted on the subject property for fourteen (14) consecutive days prior to the hearing.

All written notice shall be by first-class mail, with certification by the Board's Secretary or other officer that the notice was mailed. It shall be the duty of the applicant to furnish to the Board the name and address of an owner of each parcel of property as described in this section and of any neighborhood or homeowner's association located within the required notice area. Records maintained by the Property Valuation Administrator may be relied upon to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group that administers property commonly owned by the condominium or cooperative owners.

The Zoning Committee Recommended: **Approval of the Staff Alternative Text.**

The Staff Recommends: **Approval of the Staff Alternative Text**, for the following reasons:

1. The staff alternative text amendment is supported by Goal #1 of the 2007 Comprehensive Plan, which endorses providing planning processes which enable widespread citizen participation and benefit the community.
2. The text amendment would increase the notice to nearby property owners, require notice to neighborhood or homeowner's associations within the required notice area, and would require a sign to be posted on the subject property associated with a conditional use application well in advance of the Board of Adjustment's public hearings.

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

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

1. PLAN 2012-48C: LEXINGTONIAN ESTATES (SIGNATURE ESTATES), SEC. 1, LOT 15 & SEC. 2, LOT 14 - located at 1561 Winners Circle. **(EA Partners)**

Note: The staff is referring this minor plan to the Commission due to the designation of a Homeowners' Association lot.

The Subdivision Committee Recommended: **Approval**, with no conditions.

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., 2 nd Floor Council Chambers	June 21, 2012
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	June 27, 2012
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	June 28, 2012
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	July 5, 2012
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	July 5, 2012
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	July 12, 2012

IX. ADJOURNMENT

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