

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

July 12, 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 May 24, 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, July 5, 2012, at 8:30 a.m. The meeting was attended by Commission members: Eunice Beatty, Mike Owens, Will Berkley, Frank Penn, Carolyn Plumlee and Karen Mundy. 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, Dave Jarman, Denice Bullock and Barbara Rackers, as well as Firefighter Allen Case, Division of Fire & Emergency Services and Tracy Jones, Department of Law. 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 his/her decision at the outset of the hearing.

1. PRELIMINARY SUBDIVISION PLANS

- a. **PLAN 2003-209P: MASTERSON HILLS & MASTERSON STATION, UNIT 10 (7/12/12)* - 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, May 10, 2012 and June 14, 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.

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

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.
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.

- b. PLAN 2012-61P: THE FAIRWAYS AT ANDOVER (FORKER PROPERTY) (9/1/12)* - located at 3435 McFarland Lane. (Council District 6) **(EA Partners)**

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

1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Building Inspection's approval of landscaping.
5. Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of tree protection plan and required street tree information.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Addition of conditional zoning restrictions.
9. Denote: No building permits shall be issued for Lots 9, 10, 11, 12, 56, 69, 70, 71, 72, 73, 74, 80, 81, 82, 83, and 84 until the LOMR is filed.
10. Resolve proposed 10' golf course access easement.
11. Resolve possible need for a waiver for Lots 37-41.

2. **FINAL SUBDIVISION PLANS**

- a. PLAN 2012-54F: TANBARK, UNIT 1, BLK B, LOT 1 (8/28/12)* - located at 1128 Tanbark Road. **(Foster-Roland)**
(Council District 8)

Note: The purpose of this amendment is to remove the 40' building line from the side yard.

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. List of utility providers with contact information.
8. Addition of 5' utility easement along west property line.

- b. PLAN 2012-56F: ELLERSLIE PLACE (MIDLAND CROSSING) (8/29/12)* - located at 225 Walton Avenue. **(Milestone Design)**
(Council District 3)

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 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. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
9. Correct plan title.
10. Clarify building line from Midland Avenue.

- c. PLAN 2012-58F: TRANSIT AUTHORITY OF LEXINGTON, KY (9/1/12)* - located at 109 West Loudon. **(CDP)**
(Council District 1)

Note: The purpose of this amendment is to subdivide one lot into two lots and create an access easement.

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

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. Denote that the property is eligible for designation on the National Register of Historic Places.

- d. PLAN 2012-59F: MARSHALL PROPERTY, UNIT 2K (AMD) (9/1/12)* - located at 274, 280 & 286 McConnell's Trace. (Council District 2) **(EA Partners)**

Note: The purpose of this amendment is to reconfigure the lots and access easements.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. 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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Identify Lots 21-37 & 47-61 with dashed lines.
9. Provided the Planning Commission grants a waiver to Article 4-8 of the Land Subdivision Regulations regarding the timing of access easement construction.

- e. PLAN 2012-60F: GEORGE CAREY PROPERTY (THE ENCLAVE AT TATES CREEK) (AMD) (9/1/12)* - located at 1616-5 Tates Creek Road. (Council District 3) **(Endris Engineering)**

Note: The purpose of this amendment is to subdivide one lot into two lots and create an 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.
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. Addition of certification for private streets.
8. Addition of street tree information.
9. Resolve note #4 relative to proposed lot.
10. Discuss irregular shape of proposed Lot 5A.

- f. PLAN 2012-72F: HIGHWOOD CENTER (LEXMARK INTERNATIONAL, INC.) (AMD) (9/18/12)* - located at 740 W. New Circle Road. (Council District 1) **(EA Partners)**

Note: The purpose of this amendment is to subdivide one lot into two lots and create an access easement to serve Lot 1.

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 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: This property shall be developed in accordance with the approved final development plan.
8. Correct plan title.
9. Addition of written scale.
10. Label 50' building line from public streets.
11. Label zoning on adjacent property.
12. Denote lot frontage in site statistics.
13. Resolve sanitary sewer line and easement conflict to reflect actual alignment.

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

14. Review by the Technical Committee prior to certification.

- g. PLAN 2012-73F: PATCHEN-WILKES, UNIT 1-D (AMD) (9/20/12)* - located at 2260, 2268 & 2276 Patchen Wilkes and 1811 Winchester Road. (Council District 6)
(EA Partners)

Note: The purpose of this amendment is to reconfigure 3 lots and create one additional lot.

The Subdivision Committee Recommended: Postponement. There were some questions regarding the buildable area of Lot 4 and the R-1T zoning.

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.
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: Residential construction shall only occur in the R-1D zone.
8. Review by the Technical Committee prior to certification.
9. Discuss lack of buildable area on Lot 4.

- h. PLAN 2007-177F: SHARKEY PROPERTY, UNIT 4 (9/30/12)* - located on Louie Place and Hatter Lane.
(Council District 2)
(EA Partners)

Note: The Planning Commission originally approved this plan on September 13, 2007, and approved an extension (for Section 2) on September 11, 2008, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Approval of street names by e911 staff.
5. Urban Forester's approval of tree preservation plan.
6. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
7. Addition of adjoining property information.
8. Denote zone-to-zone screening.
9. Denote: Property shall be developed in accordance with the approved final development plan.
10. Resolve compliance with approved preliminary development plan concerning street lotting and access.
11. Resolve compliance with Subdivision Regulations concerning street terminus (cul-de-sac).

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

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

Note: The Planning Commission granted a reapproval for Section 2 of this plat on July 14, 2011, subject to the previous conditions and revising the following condition:

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

Note: Section 2 has not been recorded, and Commission approval has since expired. The applicant now requests an extension for Section 2 of this plan.

The Staff Recommends: an Extension for Section 2 of this plan, subject to the previous conditions and revising the following two conditions:

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 2012-43: SANTA BARBARA LAND COMPANY (LOT 1) (BLUEGRASS VOLLEYBALL CENTER) (9/1/12)* - located at 709 Miles Point Way. (Council District 12)
(Integrated Engineering)

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

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. Addition of a 20' building line along Miles Point Way.
10. Clarify tree protection area and proposed site grading.
11. Denote Board of Adjustment approval of conditional use prior to certification.
12. Label all easements.
13. Addition of pedestrian connection to right-of-way.
14. Add Old Frankfort Pike landscape details, including berm.

- b. DP 2012-44: BROCK MCVEY & BARRY DOTSON PROPERTY, UNIT 2A, LOT 7 (9/1/12)* - located at 2380 Fortune Drive. (Council District 6) **(Midwest Engineering)**

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. 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. Graphically depict 3' building setback offsets per Article 12-7(b) of the Zoning Ordinance.
10. Identify off-street loading space per Article 12-7(f) of the Zoning Ordinance.
11. Delete handicapped parking in site statistics.
12. Resolve extent of paving and wide drive aisle near intersection.
13. Resolve stormwater basin location proposed.

- c. DP 2012-45: PIERSON & TRAPP COMPANY/DAWAHARES ASSOC. (GARDENSIDE SHOPPING CENTER) (AMD) (9/1/12)* - located at 1805-1865 Alexandria Drive. (Council District 11) **(Jerry Herndon)**

Note: The purpose of this amendment is to add a one-story tent, delete outbuilding from previous plan and revise parking layout.

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 & 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 written graphic scale.
10. Addition of name and address of developer.
11. Addition of record plat designation.
12. Complete adjacent property information (PC-SI. 147).
13. Complete topographic information (elevations).
14. Addition of general notes from previous plan, including note on Darien Drive (private drive).
15. Addition of tent information in site statistics.
16. Complete site statistics and verify parking provided.
17. Addition of Board of Adjustment approval information (and access restrictions).
18. Denote construction access location.
19. Identify shaved ice building and related parking revisions.
20. Denote off-season use of the area, including removal of tent.

- d. DP 2012-46: SANTA BARBARA LAND COMPANY, LOTS 3 & 4 (KINEMETRIX) (9/1/12)* - located at 708 & 724 Miles Point Way. (Council District 12) **(Brashear Brooks)**

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.

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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 & 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. Correct floodplain setback (25').
 11. Correct plan title.
 12. Addition of graphic scale.
 13. Revise boundaries of property to be solid lines.
 14. Addition of record plat designation.
 15. Addition of adjacent property information.
 16. Dimension typical parking spaces, drive aisles and sidewalks.
 17. Denote construction access location.
 18. Complete building dimensions.
 19. Complete tree preservation plan information per Article 26 of the Zoning Ordinance.
 20. Show direction of street cross-section.
 21. Delete notes #4 & #13.
 22. Correct notes #8 & #9.
 23. Denote tree preservation area adjacent to Wolfe Creek.
 24. Adjust line weights to improve plan legibility.
 25. Addition of details required under Old Frankfort Pike Landscape Ordinance.
 26. Discuss proposed access and truck loading locations.
 27. Discuss fill proposed in floodplain and necessary permits.
- e. DP 2012-47: MANCHESTER DEVELOPMENT, LLC (AMD) (9/1/12)* - located at 920 Manchester Street.
(Council District 2) **(Barrett Partners)**

Note: The purpose of this amendment is to add 920 Manchester Street to the Adaptive Reuse Project.

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. Division of Fire's approval of emergency access and fire hydrant locations.
 7. Correct note #1 to reference the 4th development plan amendment.
 8. Denote certification of (minor) amendment #4 prior to certification.
 9. Provided the Planning Commission makes a finding in compliance with Article 8-21(n) of the Zoning Ordinance.
 10. Resolve parking requirement versus parking provided in Phase I.
- f. DP 2012-48: FEARS PROPERTY (9/1/12)* - located at 150 Shoreside Drive.
(Council District 7) **(Barrett 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, canopy height and fire hydrant locations.
 8. Division of Waste Management's approval of refuse collection.
 9. Denote Board of Adjustment approval of the conditional use permit prior to plan certification.
 10. Resolve proposed generator location away from existing residences.
- g. DP 2012-49: LAKEVIEW ESTATES, UNITS 2B & 2E (AMD) (9/1/12)* - located at 527 Laketower Drive.
(Council District 5) **(Barrett Partners)**

Note: The purpose of this amendment is to add 14 townhouses, off-street parking and circulation.

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.

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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 & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire's approval of emergency access and fire hydrant locations.
10. Division of Waste Management's approval of refuse collection.
11. Addition of 25' floodplain setback info along duck pond.
12. Clarify location and width of sidewalks, pavement and access to townhouses.
13. Complete property line & bearing dimensions along western property line.
14. Denote that decks off Unit 8 townhouses are included in building footprint.

- h. DP 2012-50: PARK HILLS SUBDIVISION, UNIT 6, BLOCK A, LOT 1 (AMD) (9/1/12)* - located at 2500 Alumni Drive.
(Council District 8) **(EA Partners)**

Note: The purpose of this amendment is to revise the circulation and parking spaces, add 19 garages and relocate the pool building.

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. Division of Fire's approval of emergency access and fire hydrant locations.
7. Division of Waste Management's approval of refuse collection.
8. Denote developer name and address.
9. Reference "point of beginning" pin at north corner of lot, per previous development plan.
10. Denote pool building square footage per the approved development plan.
11. Resolve tree canopy coverage in view of new 4,560 square-foot construction.
12. Resolve garage access from access easement and sight triangles to the approval of the Division of Traffic Engineering.

- i. DP 2012-51: MARSHALL PROPERTY, UNIT 2 (AMD) (9/1/12)* - located at 274, 280 & 286 McConnell's Trace.
(Council District 2) **(EA Partners)**

Note: The purpose of this amendment is to revise the lotting and access and to add 3 units.

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. Division of Fire's approval of emergency access and fire hydrant locations.
7. Division of Waste Management's approval of refuse collection.
8. Revise notes #7, #12 & #16.
9. Provided the Planning Commission makes a finding on the use of an access easement.
10. Clearly denote proposed access easements.
11. Label 10' building line in area of amendment.
12. Provided the Planning Commission grants a waiver to Article 4-8 of the Land Subdivision Regulations regarding the new access easement.

- j. DP 2012-55: HIGHWOOD CENTER (LEXMARK INTERNATIONAL, INC.) (AMD) (9/18/12)* - located at 740 W. New Circle Road. (Council District 1) **(EA Partners)**

Note: The purpose of this amendment is to add parking, drive lanes and a child care center.

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

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. Division of Fire's approval of emergency access and fire hydrant locations.
7. Division of Waste Management's approval of refuse collection.

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8. Correct plan title.
9. Addition of written scale.
10. Delete note #11.
11. Addition of adjacent property zoning information.
12. Denote construction access location on plan.
13. Addition of cross-sections for proposed access easement.
14. Dimension building and sidewalks.
15. Remove conflict with minimum setback from floodplain per Article 19-7(g)(4)(b) of the Zoning Ordinance for deck or denote Board of Adjustment approval of variance prior to certification.
16. Resolve access easement for one-way traffic circulation (exiting traffic).
17. Review by the Technical Committee prior to certification.

- k. DP 2012-56: GEORGE WEST PROPERTY (HOWARD PROPERTY) (AMD) (9/20/12)* - located at 4538 Georgetown Road. (Council District 12) **(Vision Engineering)**

Note: The purpose of this amendment is to revise the building and to add 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. Correct building size and required parking in site statistics.
9. Clarify amount of vehicular use area in site statistics.
10. Addition of building height information from certified plan.
11. Review by the Technical Committee prior to certification.

- l. DP 2012-57: L.C. BERRY & BELLA VISTA SUBDIVISION (AMD) (9/25/12)* - located at 2433 Nicholasville Road. (Council District 10) **(Milestone Design Group, LLC)**

Note: The purpose of this amendment is to amend the Dennis Drive and Nicholasville Road cross-sections to widen the sidewalk.

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. 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. Remove storm water calculations from plan.
10. Addition of note #13 from the approved plan.
11. Denote plan as an amended Final Development Plan.
12. Denote record plan designation.
13. Denote scope of curb improvements on Dennis Drive to the approval of the Division of Engineering.
14. KYDOT approval of revised cross-section on Nicholasville Road.
15. Review by the Technical Committee prior to certification.

- m. DP 2012-58: COVE LAKE, UNIT 2 (AMD) (9/25/12)* - located at 3351 Cove Lake Drive. (Council District 7) **(Carman & Associates)**

Note: The purpose of this amendment is to add square footage to the clubhouse and revise the parking and vehicular circulation.

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

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.

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

8. Division of Waste Management's approval of refuse collection.
9. Amend the boundary line as solid.
10. Addition of record plat designation (J-959).
11. Addition of zoning information on adjacent property.
12. Correct purpose of amendment note.
13. Addition of topographic lines from prior development plan.
14. Denote construction access point location.
15. Add effective date to current floodplain information and denote 25' setback line.
16. Addition of street frontage in site statistics.
17. Dimension sidewalks and verify parking dimensions.
18. Denote Special Use Permit in conformance with Article 19 of the Zoning Ordinance required prior to any grading or parking development in the floodplain.
19. Denote an encroachment agreement for building/easement conflict for buildings A1, A2 and A10-14 prior to certification.
20. Denote that the 25' floodplain setback and buildings A1-A2 conflict is an existing non conforming condition.
21. Review by the Technical Committee prior to certification.
22. Discuss resolution of brick garage encroachment into the 100-year floodplain.

- n. DP 2004-46: JERRICO, INC., TRACT B (AMD #11) (10/2/12)* - located at 3499 Blazer Parkway.
(Council District 7) **(Bird Houk)**

Note: The purpose of this amendment is to add buildable area and vehicular use area to Lot 3.

Note: The Planning Commission originally approved this plan on April 8, 2004, 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 parking, circulation, access and street cross-sections.
3. Building Inspector's approval of landscaping.
4. Urban Forester's approval of tree preservation plan.
5. Environmental Planner's approval for environmentally sensitive areas (ponds & storage tanks).
6. Correct note No. 9 with change to 11th amendment.
7. Correct site statistics (acreage and parking).
8. Correct purpose of amendment note.
9. Denote proposed building to be restricted to storage only.
10. Addition of street addresses.

Note: The plan was certified on July 15, 2004, but has since expired. The applicant now requests a reapproval of this plan.

The Staff Recommends: **Reapproval**, subject to the previous conditions and revising the following conditions:

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

4. **PLAT REVOCATION**

- a. Note: The following plan is requested for revocation pursuant to KRS 100.285. The Planning Commission postponed this item at their June 14, 2012, meeting.

PLAN 2003-232C: RICHMOND ESTATES (BETSY TOY HALL PROPERTY) - located at 1201 Evans Mill Road and 6041 Damar Court. (Revocation Plat). (Council District 12) **(List & Associates)**

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.

The staff will report at the meeting.

- 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, July 5, 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 HEARING ON ZONING ORDINANCE TEXT AMENDMENT REQUEST**

- a. **ZOTA 2012-10: DEFINE & REGULATE ADULT DAY CARE CENTERS** (7/25/12)* – a Zoning Ordinance text amendment to define adult day care centers and to regulate such facilities as a conditional use in the P-1, B-1, B-2, B-2A and P-2 zones.

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INITIATED BY: Urban County Council

PROPOSED TEXT: (Text underlined indicates an addition; text ~~dashed through~~ indicates a deletion.)

ARTICLE 1-11: DEFINITIONS

ADULT DAY CARE CENTER – A facility providing care, protection, and/or guidance for adults in a protective setting during only part of a 24-hour day, with no overnight accommodations. This term does not include public and private educational facilities or any facility offering care to individuals for a full 24-hour period.

COMMUNITY CENTER - Buildings and facilities for a social, educational, or recreational purpose, operated by a non-profit organization, which are generally open to the public and which do not render a service customarily carried on as a business.

ARTICLE 8

PROFESSIONAL OFFICE (P-1) ZONE

8-15(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

7. Adult Day Care Centers.

8-15(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Adult Day Care Center – One (1) space for every four (4) persons being provided care, plus one (1) space per caregiver on the maximum shift.

NEIGHBORHOOD BUSINESS (B-1) ZONE

8-16(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

13. Adult Day Care Centers.

DOWNTOWN BUSINESS (B-2) ZONE

8-17(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

9. Adult Day Care Centers.

OFFICE, INDUSTRY & RESEARCH PARK (P-2) ZONE

8-24(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

5. Adult Day Care Centers.

8-24(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Adult Day Care Center – One (1) space for every four (4) persons being provided care, plus one (1) space per caregiver on the maximum shift.

Staff Alternative Text (including the change to Article 1-11 adding the Adult Day Care Center definition):

8-15(b) Principal Uses – PROFESSIONAL OFFICE (P-1) ZONE

21. Adult day care centers, but only when located at least five hundred (500) feet from a residential zone.

8-15(d) Conditional Uses – PROFESSIONAL OFFICE (P-1) ZONE

7. Adult day care centers, when located closer than five hundred (500) feet from a residential zone.

8-15(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Adult Day Care Center – One (1) space for every four (4) persons being provided care, plus one (1) space per caregiver on the maximum shift.

8-16(b) Principal Uses – NEIGHBORHOOD BUSINESS (B-1) ZONE

1. The principal permitted uses in the P-1 zone, not including a Professional Office Project.

8-16(c) Conditional Uses – NEIGHBORHOOD BUSINESS (B-1) ZONE

13. Adult day care centers, when located closer than five hundred (500) feet from a residential zone.

8-17(b) Principal Uses - DOWNTOWN BUSINESS (B-2) ZONE (carries forward to the B-2A zone)

1. The principal permitted uses in the B-1 (and P-1) zone.

8-17(d) Conditional Uses – DOWNTOWN BUSINESS (B-2) ZONE (carries forward to the B-2A zone)

9. Adult day care centers, when located closer than five hundred (500) feet from a residential zone.

8-24(b) Principal Uses – OFFICE, INDUSTRY AND RESEARCH PARK (P-2) ZONE

28. Adult day care centers, but only when located at least five hundred (500) feet from a residential zone.

8-24(d) Conditional Uses – OFFICE, INDUSTRY AND RESEARCH PARK (P-2) ZONE

5. Adult day care centers, when located closer than five hundred (500) feet from a residential zone.

8-24(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Adult Day Care Center – One (1) space for every four (4) persons being provided care, plus one (1) space per caregiver on the maximum shift.

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

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

1. The proposed text amendment will make adult day care centers a conditional use in the P-1, B-1, B-2, B-2A, and P-2 zones when proposed to be closer than 500 feet to a residential zone, which will allow for notification to neighbors and a public hearing before the Board of Adjustment prior to siting an adult day care center in these locations.
2. The proposed adult day care center definition is crafted after four zoning definitions recommended by the American Planning Association, and will allow for a new use in our zoning regulations.
3. The staff alternative text achieves the Council's goal of requiring notification and a public hearing process for siting adult day care centers proposing to locate near existing residential areas, and addresses the Commission's initial concerns with the draft text amendment forwarded to them for their review.

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

1. **BOAR 2012-1: MICHAEL HAYES** (8/9/12)* – an appeal of the Board of Architectural Review's denial of a Certificate of Appropriateness for wood-clad vinyl windows at 354 & 358 Oldham Avenue.

The Staff Recommends: **Disapproval and that the decision of the BOAR be upheld**, for the following reasons:

1. The denial of a Certificate of Appropriateness by the Board of Architectural Review is consistent with their charge in determining appropriateness of requested exterior changes, based on the design guidelines established by the local Historic Preservation Commission, specifically guidelines I.24.A and I.24.B in this case. It is also consistent with past decisions of the BOAR with regard to window replacement.
 2. Although the appearance from the street of the vinyl windows with a wood facing may be virtually the same as that of the structure's original windows, the material used in the replacement windows is different and, in fact, is not permitted. This is supported by the requirement that, if replacement windows are permitted, one of the characteristics of the replacement windows is to be "in-kind" materials, as noted in Guideline I.24.B.
 3. The adopted Design Guidelines underwent extensive review and revision a few years ago, one reason being the availability of new products that could (and often did) replicate historic materials and were structurally sound. Use of vinyl products (both in windows and other building materials) was considered at length. Based on safety issues, as well as aesthetics, vinyl has remained a material that is disallowed in historic districts.
2. **ELECTION OF OFFICERS** – The Commission's By-laws state that at the first regular meeting in July, the Commission shall elect a Chairperson, Vice-Chairperson, Secretary, and Parliamentarian. The nominating committee will present its slate for consideration by the Planning Commission. Nominations may also be made from the floor.

The current officers are as follows:

Chairperson	-	Mike Owens
Vice Chairperson	-	Mike Cravens
Secretary	-	Lynn Roche-Phillips
Parliamentarian	-	William Wilson

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

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

VIII. **NEXT MEETING DATES**

Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers	July 19, 2012
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	July 25, 2012
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	July 26, 2012
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	August 2, 2012
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	August 2, 2012
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	August 9, 2012

IX. **ADJOURNMENT**

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