

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

August 9, 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 June 14, 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, August 2, 2012, at 8:30 a.m. The meeting was attended by Commission members: Eunice Beatty, 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, Chris Taylor, Dave Jarman, Denice Bullock and Barbara Rackers, as well as Captain Charles Bowen, 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 PLAN

- a. **PLAN 2003-209P: MASTERSON HILLS & MASTERSON STATION, UNIT 10 (8/9/12)* - 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; June 14, 2012 and July 12, 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.

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

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.

2. DEVELOPMENT PLANS

- a. DP 2012-59: INGLESIDE APARTMENTS (AMD) (9/29/12)* - located at 1035 Red Mile Road.
(Council District 11) **(Vision Engineering)**

Note: The purpose of this amendment is to add recreational facilities to a group residential project, and to remove 15 parking spaces.

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. Division of Fire's approval of emergency access and fire hydrant locations.
 6. Denote sanitary sewer easements.
 7. Denote that this plan supersedes DP 2011-102.
 8. Document compliance with P-1 open space requirements (per Article 8-15(k)) for the three dwelling units.
 9. Correct conditional zoning note (R-4 portion only).
 10. Revise purpose of amendment note to include parking changes proposed.
 11. Resolve extent of parking reduction.
- b. DP 2012-60: SEBASTIAN PROPERTY, UNIT 2 (9/29/12)* - located at 2826 Leestown Road.
(Council District 2) **(EA Partners)**

The Subdivision Committee Recommended: **Postponement**. The plan is proposing some possible conditional uses and there is a question as to whether all the townhomes meet the minimum open space requirements.

Should this plan be approved, the following requirements should be considered:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & 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. Denote construction access location(s) and reference Engineering Manuals on plan.
12. Denote: No tree in an existing or planned greenway shall be removed without the prior approval of the Urban Forester.
13. Addition of clubhouse exterior dimensions.
14. Denote tree protection areas on adjacent LFUCG greenway lot.
15. Provided the Planning Commission makes a finding regarding the use of the access easements as sole access to lots.
16. Provided the Planning Commission grants a waiver to Article 4-8 of the Land Subdivision Regulations.
17. Revise 20' building line on Trail Wood Lane.
18. Addition of proposed easements.
19. Discuss addition of building envelopes and/or building detail note.
20. Discuss compliance with (10% per lot) open space requirements or necessary variances.
21. Discuss proposed clubhouse and child care center uses.
22. Discuss "1/2 moon" parking lot potential conflict with right-of-way.
23. Discuss need for interior pedestrian connections between buildings.
24. Discuss proposed HOA areas.
25. Discuss 20' building line on Trail Wood.

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- c. DP 2012-61: MAHAN PROPERTY, UNIT 2 (9/29/12)* - located at 2950 and 2980 Man O' War Boulevard.
(Council Districts 4 and 9) **(EA Partners)**

Note: The purpose of this amendment is to change the street and lotting pattern, and to update FEMA floodplain information.

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

1. Urban County Engineer's acceptance of drainage, storm, 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 and 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. Division of Fire's approval of emergency access and fire hydrant locations.
9. Division of Waste Management's approval of refuse collection.
10. Denote adjoining property descriptions.
11. Denote common open space areas.
12. Denote height of types "A" and "B" townhouses.
13. Separate site statistics for single family vs. townhouse for open space.
14. Denote tree protection areas on plan.
15. Denote pedestrian walkways to be constructed in townhouse area.
16. Resolve the need for storm water detention along Man O' War Boulevard frontage.

- d. DP 2012-62: VICTORY APOSTOLIC CHURCH, INC. (9/29/12)* - located at 1420 Greendale Road.
(Council District 2) **(Banks Engineering)**

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire's approval of emergency access and fire hydrant locations.
9. Division of Waste Management's approval of refuse collection.
10. Denote developer.
11. Addition of contour information.
12. Clarify sidewalks around building and in right-of-way.
13. Denote construction access point location.
14. Delete note #10.
15. Denote timing of the dedication of Greendale Road right-of-way prior to issuance of a Zoning Compliance Permit.

- e. DP 2010-26: GRIFFIN GATE OFFICE PARK (AMD) (10/31/12)* - located at 1460 Newtown Pike.
(Council District 2) **(Wheat & Ladenburger)**

Note: The purpose of this amendment is to add 923 square feet of buildable area and a new access point. The Planning Commission originally approved this plan on August 12, 2010, and approved a one-year extension on August 11, 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 two additions, landscaping and landscape buffers.
4. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection plan.
6. Division of Fire's approval of emergency access and fire hydrant locations.
7. Division of Waste Management's approval of refuse collection.
8. Addition of Final Record Plat information for property.
9. Addition of building, lot coverage and floor area information to site statistics.
10. Addition of utility easements.
11. Addition of information from the certified development plan (DP 2008-16).
12. Denote Board of Adjustment approval of a variance to the side yard setback, or revise "Area B" to meet side yard setback requirement.
13. Denote construction access location.
14. Denote storm water detention area for this development.

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

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

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

- V. **COMMISSION ITEM** – 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. Marie Copeland for her dedication and service to the Planning Commission and the citizens of Lexington-Fayette County.
- B. **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.

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

- A. **ZONING ORDINANCE TEXT AMENDMENT INITIATION** – The staff will request that the Planning Commission initiate a text amendment to Article 6 of the Zoning Ordinance to modify the notification requirements for zone change applications - increasing the notification area to a distance of 500 feet from the area proposed for rezoning. Following notification to all registered neighborhood associations, and review by the Commission's Zoning Committee, the required public hearing could be scheduled as early as September 27, 2012.

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

VIII. **NEXT MEETING DATES**

Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers	August 16, 2012
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	August 23, 2012
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	August 29, 2012
Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers	August 30, 2012
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	September 6, 2012
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building).....	September 6, 2012
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	September 13, 2012

IX. **ADJOURNMENT**

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