

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

September 13, 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** – There are no minutes to 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, September 6, 2012, at 8:30 a.m. The meeting was attended by Commission members: Will Berkley, Mike Owens, Frank Penn, Carolyn Plumlee and Karen Mundy. Committee members in attendance were: Chuck Saylor, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Tom Martin, Chris Taylor, Dave Jarman, Denice Bullock and Traci Wade, 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 PLANS

- a. PLAN 2003-9P: SEBASTIAN PROPERTY, UNIT 2, SEC. 2 & UNIT 3 (11/20/12)* - located off Leestown Road.
(Council District 2) **(EA Partners)**

Note: The Planning Commission originally approved this plan on February 13, 2003, and granted a one-year extension on February 12, 2004, 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. Urban Forester's approval of tree preservation plan.
5. Greenspace Planner's approval of the treatment of greenways/bike trails.
6. Environmental Planner's approval of treatment of possible sinkhole areas.
7. Correct note No. 8.
8. Revise Lot 202 to meet minimum lot requirements for R-1D zone.
9. Resolve treatment of detention basins prior to plan certification.

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

This plan was certified on August 31, 2004, but its approval has since expired.

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

- b. PLAN 2006-250P: HILLENMEYER PROPERTY, UNIT 1 (11/26/12)* – located on Sandersville Road (a portion of).
(Council District 2) **(EA Partners)**

Note: The Planning Commission originally approved this plan on December 14, 2006, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Approval of street names by e911 staff.
5. Urban Forester's approval of tree preservation plan.
6. Greenspace Planner's approval of the treatment of greenways/bike trails.
7. Environmental Planner's approval of environmentally sensitive area(s).
8. Complete labeling of street cross-sections.
9. Kentucky Transportation Cabinet's approval of Greendale Road right-of-way and/or improvements.
10. Delete note #19.
11. Denote: There shall be no access to Greendale Road and Sandersville Road except at approved street intersections.

This plan was certified on January 5, 2007, but its approval has since expired.

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 2007-31P: MAHAN PROPERTY (11/26/12)* - located at 4416 Nicholasville Road (a portion of).
(Council District 9) **(EA Partners)**

Note: The Planning Commission originally approved this Preliminary Subdivision Plan on March 8, 2007, 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 and required street tree information.
5. Approval of street names by e911 staff.
6. Urban Forester's approval of tree preservation plan.
7. Greenspace Planner's approval of the treatment of greenways/bike trails and pedestrian movement.
8. Environmental Planner's approval of the ponds and steep slopes.
9. Denote the maintenance responsibility of open space areas (Home Owner's Association).
10. Provided the Planning Commission grants a waiver of Article 6-8(a) regarding the street geometrics.
11. Division of Fire's approval of emergency access and fire hydrant locations.
12. Add the previous approved cul-de-sac at Bradford Colony Drive to the plan.
13. Revise the proposed lotting pattern to comply with the conditional zoning restrictions.

Note: The applicant now requests reapproval of the unrecorded portions of the plan.

The Subdivision Committee Recommended: **Reapproval**, subject to the original conditions, deleting one condition and revising the following:

1. ~~Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.~~
3. Building Inspection's approval of landscaping ~~and required street tree information~~.
5. ~~Approval of street names by e911 staff~~ Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of tree preservation plan ~~and required street tree information~~.
8. ~~Environmental Planner's approval of the ponds and steep slopes~~ Department of Environmental Quality's approval of environmentally sensitive areas.
12. Add the previously approved cul-de-sac at Bradford Colony Drive to the plan.

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

2. FINAL SUBDIVISION PLANS

- a. PLAN 2012-89F: LANSDOWNE SUBDIVISION, UNIT 7-A, LOT 9 (AMD) (11/4/12)* - located at 813 Hildean Road.
(Council District 4) **(EA Partners)**

Note: The purpose of this amendment is to revise the building setback to 30' in accordance with the Zoning Ordinance.

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. Addressing Office's approval of street names and addresses.
4. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
5. Correct engineer's & surveyor's certification per Article 5-4(h)(2) of the Subdivision Regulations.
6. Provide monument information per Article 5-4(d) of the Subdivision Regulations.
7. Resolve that front structure meets Article 15-5 or Article 15-6(a)(1) limitations for accessory structures.

- b. PLAN 2012-90F: NEWMARKET PROPERTY, PHASE I, UNIT 9 (11/4/12)* - located at 1281 Deer Haven Lane (a portion of). (Council District 6) **(EA Partners)**

The Subdivision Committee Recommended: **Postponement**. Waivers are required from the Subdivision Regulations for this plat, but none had been requested as of the date of the Technical Committee meeting.

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 information for Lots 2 & 3.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection areas(s) and required street tree information on Lots 2 & 3.
6. Greenspace Planner's approval of the treatment of greenways and greenspace on Lots 2 & 3.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer for Lots 2 & 3.
8. Denote timing of greenway dedication to the approval of the Greenspace Planner.
9. Revise conditional zoning notes to indicate FCPS' exemption from local zoning regulations.
10. Discuss the required waivers for substantial completion.
11. Discuss extent of street tree waivers.

- c. PLAN 2012-91F: BLACKFORD PROPERTY, PHASE I, UNIT 5-A (11/4/12)* - located at Tranquility Point and Fergus Park. (Council District 12) **(EA Partners)**

The Subdivision Committee Recommended: **Postponement**. There were questions concerning the sinkhole-related non-buildable area (SNRBA) impact on the proposed right-of-way, and the proposed increase in density.

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 area(s) and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Greenspace Planner's approval of the treatment of greenways and greenspace on Lots 2 & 3.
8. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
9. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
10. Denote number of buildable lots in each zone.
11. Clarify number of trees to be planted per lot in order to meet the tree canopy requirement.
12. Denote tree protection area on LFUCG greenway lot.
13. Discuss previously denoted sinkhole area on Lots 55 and 100 and the potential impact on the proposed right-of-way.
14. Discuss proposed density increase.
15. Discuss location of overhead utilities and possible conflicts with tree preservation areas.

- d. PLAN 2012-92F: FAMILY CENTER, UNIT 1-A, LOT 5 (AMD) (11/4/12)* - located at 1114 East New Circle Road.
(Council District 5) **(Endris Engineering)**

Note: The purpose of this amendment is to delete Note #2 from the plan, and to add an access to New Circle Road.

* - 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. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
6. Correct Plat Cabinet D, Slide 374 information on plan.
7. KTC's approval of proposed access to New Circle Road.
8. Addition of sidewalk to New Circle Road cross-section per the approved development plan.

3. **DEVELOPMENT PLANS**

- a. **DP 2012-60: SEBASTIAN PROPERTY, UNIT 2 (9/29/12)*** - located at 2826 Leestown Road.
(Council District 2) **(EA Partners)**

Note: This plan was postponed by the Planning Commission at its August 9, 2012 and August 23, 2012, meetings.

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 Trailwood 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 the 20' building line on Trailwood Lane.
- b. **DP 2012-69: MARY SWIFT, ET AL. PROPERTY, LOTS 1 & 2 (AMD) (11/4/12)*** - located at 175 and 185 Jefferson Street. (Council District 2) **(Ben Gallagher)**

Note: The purpose of this amendment is to add a front porch, restaurant seating, an accessible entrance ramp, and to reduce on-site parking.

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 construction access location.
9. Clarify tree protection, including Silver Maple in front.

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

10. Correctly label Lot 1.
11. Add purpose of amendment note.
12. Clarify indoor and outdoor restaurant seating, including parking.
13. Identify location of curb stops along Jefferson Street.

- c. DP 2012-70: FAMILY CENTER, UNIT 1-A, LOT 5 (AMD) (11/4/12)* - located at 1114 East New Circle Road.
(Council District 5) **(GRW)**

Note: The purpose of this amendment is to add a new right-in and right-out entrance to New Circle Road, reduce the parking by 4 spaces and add a 15' patio area.

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. Division of Fire's approval of emergency access and fire hydrant locations.
6. Division of Waste Management's approval of refuse collection.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Delete note #10.
9. KTC's approval of access to New Circle Road.
10. Denote pedestrian crosswalks on Family Circle and New Circle Road.
11. Complete tree (planting) information along New Circle Road frontage (VUA screening).
12. Division of Water Quality approval of revisions to notes #11.

- d. DP 2012-71: BELLEAUWOOD SHOPPING CENTER (TATES CREEK SHOPPING CENTER), LOT 8 (AMD) (11/4/12)* - located at 4131 Bates Creek Centre Drive. (Council District 4) **(GRW)**

Note: The purpose of this amendment is to remove 8 parking spaces to add a second drive-through lane.

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. 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. Improve plan legibility for information on certified development plan (DP 2012-66).
11. Resolve the need for pedestrian crosswalk along Bates Creek Centre Drive.

- e. DP 2012-72: GENERAL TELEPHONE COMPANY, LOT 5 (AMD) (11/4/12)* - located at 125 Rojay Drive.
(Council District 9) **(EA Partners)**

Note: The purpose of this amendment is to revise the off-street parking area and to shift the access point.

The Subdivision Committee Recommended: **Postponement**. There were questions regarding the loss of information from the certified development plan.

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. Addition of all site statistics and zoning restrictions from previous development plan (DP 2011-43).
9. Revise purpose of amendment note.
10. Denote building heights.
11. Addition of notes #4, #7, #8 and #9 from previous development plan.
12. Addition of existing tree canopy used to meet tree canopy requirements.
13. Denote location of existing storm and sanitary sewer lines and any easements on Lot 5.
14. Discuss proposed relocation of access point.
15. Discuss condition of interior landscaping and 18" screening hedges.

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

- f. DP 2012-73: WATTS FARM, TRACT 4 (AMD) (11/4/12)* - located at 420 and 430 Redding Road.
(Council District 4) **(EA Partners)**

Note: The purpose of this amendment is to add a fitness building to the complex.

The Subdivision Committee Recommended: Postponement. There were questions regarding compliance with the lot coverage and floor area requirement in the R-3 zone.

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. Addition of tree canopy information for "area of amendment."
9. Addition of tree preservation areas.
10. Denote proposed building heights.
11. Correct site statistics to include proposed building and update lot coverage and floor area statistics.
12. Improve legibility of contour information.
13. Document compliance with required open space.

- g. DP 2012-74: NDC PROPERTY, UNIT 1-B, LOT 18 (AMD) (11/4/12)* - located at 225 Ruccio Way.
(Council District 9) **(Barrett Partners)**

Note: The purpose of this amendment is to add an Alzheimer's facility, parking and circulation aisles on Lot 18.

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 notes regarding 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 tree protection area.

- h. DP 2012-75: GEORGE WEST PROPERTY (HOWARD PROPERTY) (11/4/12)* - located at 4568 & 4578 Georgetown Road. (Council District 12) **(Vision Engineering)**

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

1. Urban County Engineer's acceptance of drainage, storm 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.
8. Board of Health approval of septic facilities.
9. Delete note #28.
10. Denote 25' setback required on Lot 3.
11. Denote retail use on Lot 3.
12. Revise note #29 to read: "No occupancy permit shall be issued for the building on Lot 3 until the CLOMR is officially approved as a LOMR. Parking and pavement in the floodplain shall only be allowed with a Special Use Permit from the Division of Engineering until the CLOMR is officially approved as a LOMR."

- i. DP 2004-66: KINGSTON HALL, UNIT 1 (11/20/12)* - located at 2175 & 2301 Russell Cave Road.
(Council District 12) **(EA Partners)**

Note: This property requires the posting of a sign and an affidavit of such. The Planning Commission originally approved this Preliminary Subdivision Plan/Preliminary Development Plan on September 9, 2004, and granted a one-year extension on September 8, 2005, subject to the following conditions:

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

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

2. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
3. Building Inspection's approval of landscaping.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of greenspace, greenways and bike/pedestrian facilities.
6. Department of Highways' approval of access and improvements to Russell Cave Road.
7. Clarify plan title.
8. Urban Service Area fencing and landscaping as required by zone-to-zone screening and A-R buffering be provided prior to construction of infrastructure.
9. Minimum setback to Russell Cave Road to be no less than 50 feet.

This plan was certified on September 8, 2006, but its approval has since expired.

Note: The applicant now requests reapproval of the plan.

The Subdivision Committee Recommended: **Reapproval**, subject to the original conditions, and adding the following condition:

10. Denote cemetery location and 50' No Disturbance zone per Article 3-7 of the Zoning Ordinance.

- j. DP 2004-67: KINGSTON HALL, UNIT 2 (EAST BRIDGEFORD LAND & DEVELOPMENT COMPANY) (11/20/12)* - located off Newtown Pike. (Council District 12)
(EA Partners)

Note: This property requires the posting of a sign and an affidavit of such. The Planning Commission originally approved this Preliminary Subdivision Plan/Preliminary Development Plan on September 9, 2004, and granted a one-year extension on September 8, 2005, 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 parking, circulation, access and street cross-sections.
3. Building Inspection's approval of landscaping.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of greenspace, greenways and bike/pedestrian facilities.
6. Department of Highways' approval of access and improvements to Newtown Pike.
7. Clarify plan title.
8. Provide fencing and the A-R landscape buffering prior to construction of infrastructure.
9. Denote: Temporary access from the boulevard to the 20-acre tract (Lot 1) will be abandoned at the time of the connection of the boulevard to the adjoining property."

This plan was certified on September 8, 2006, but its approval has since expired.

Note: The applicant now requests reapproval of the plan. However, not all as-built information and planned sanitary sewer information has been updated on this submission. Of more concern, an approved street (Section H-H) can no longer be constructed, due to the construction of a detention basin.

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

10. Denote area designated for the regional pump station per the EAMP to the approval of the Division of Water Quality and relocate detention basin on Lot 1, as necessary.
11. Identify location of as-built detention basin on lot 2.
12. Delete Section H-H from Lot 1 & Lot 2, prior to certification.

- k. DP 2006-34: GESS PROPERTY, UNIT 6 (11/26/12)*— located at 770 and 950 Chilesburg Road (a portion of).
(EA Partners)

Note: This property requires the posting of a sign and an affidavit as such. The Planning Commission originally approved this Preliminary Subdivision and Final Development Plan on April 13, 2006, 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 parking, circulation, access and street cross-sections.
3. Building Inspection's approval of landscaping.
4. Urban Forester's approval of tree inventory map/tree preservation plan.
5. Greenspace Planner's approval of the treatment of greenways/bike trails and pedestrian movement.
6. Environmental Planner's approval of treatment of environmentally sensitive areas.
7. Division of Fire's approval of fire hydrant locations.
8. Approval of street addresses by e911 staff.
9. Resolve the timing of street connections to the approval of the Division of Planning.
10. Complete sidewalks on both sides of all cul-de-sacs, and add cross-section to plan.
11. Revised sidewalk system (& cross sections) to indicate a complete system on one side of all local streets.

This plan was certified on October 5, 2006, but its approval has since expired.

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

Note: The applicant now requests reapproval of the plan.

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

- I. DP 2006-35: GESS PROPERTY, UNIT 11 (11/26/12)* – located at 480 and 770 Chilesburg Road (a portion of).
(Council District 7) **(EA Partners)**

Note: This property requires the posting of a sign and an affidavit as such. The Planning Commission originally approved this Preliminary Subdivision and Final Development Plan on April 13, 2006, 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 parking, circulation, access and street cross-sections.
3. Building Inspection's approval of landscaping.
4. Urban Forester's approval of tree preservation plan.
5. Greenspace Planner's approval of the treatment of greenways/bike trails and pedestrian movement.
6. Environmental Planner's approval of treatment of environmentally sensitive areas.
7. Division of Fire's approval of fire hydrant locations.
8. Document compliance with the required agricultural buffer along Urban Service Boundary.
9. Label or remove straight line across plan face.
10. Complete sidewalks on both sides of all cul-de-sacs, and add cross-section to plan.
11. Revised sidewalk system (& cross sections) to indicate a complete system on one side of all local streets.

This plan was certified on April 13, 2007, but its approval has since expired.

Note: The applicant now requests reapproval of the plan.

The Subdivision Committee Recommended: **Reapproval**, subject to the original 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. **ZONING ITEMS** - The Zoning Committee met on Thursday, September 6, 2012, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Carla Blanton, Patrick Brewer, Mike Cravens, 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

1. **ZOTA 2012-13: ENFORCEMENT OF SIGN REGULATIONS** - a petition for a Zoning Ordinance text amendment to transfer enforcement of Article 17 requirements from the LFUCG Division of Building Inspection to the Division of Planning.

INITIATED BY: Urban County Council

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

ARTICLE 17: SIGN REGULATIONS

17-4(b) ENFORCEMENT – Except as provided herein, the Division of ~~Building Inspection~~ Planning shall enforce the provisions of this Article and shall utilize its powers to ensure compliance with its provisions and the provisions of any approved permit. The Division shall maintain written records of any enforcement actions taken. The Division of Code Enforcement shall also have enforcement authority as to the provisions of Sections 17-4(g) and (j) below, and shall maintain written records of any enforcement actions taken.

17-4(c) SIGNS EXEMPT FROM PERMIT REQUIREMENTS – The following signs shall not require a permit. However, such signs are subject to applicable restrictions contained within this Article, and the Division of ~~Building Inspection~~ Planning shall take enforcement action against any such sign which does not conform to the specified requirements.

- (1) Political Signs;
- (2) Nameplates;
- (3) Government Signs;
- (4) Real Estate Signs;
- (5) Incidental Signs;
- (6) Window Signs; and

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

- (7) The changing of copy on a billboard, attraction board, marquee, informational sign, or electronic message display system.

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

The Staff Recommends: **Approval**, for the following reason:

1. The text amendment will officially transfer the enforcement of Article 17: Sign Regulations from the Division of Building Inspection to the Division of Planning. The Division of Planning, Zoning Enforcement Section, has been responding to such zoning complaints since the beginning of 2012 and will continue to do so in compliance with the proposed text amendment.

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.

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	September 20, 2012
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	September 26, 2012
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	September 27, 2012
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	October 4, 2012
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	October 4, 2012
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	October 11, 2012

X. ADJOURNMENT

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