

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

March 14, 2013

- I. **CALL TO ORDER** - The meeting will be called to order at 1:30 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.
- II. **APPROVAL OF MINUTES** – The minutes of the January 17, 2013, Planning Commission 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, March 7, 2013, at 8:30 a.m. The meeting was attended by Commission members: Will Berkley, Mike Owens, Carolyn Plumlee, Frank Penn 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, Cheryl Gallt and Barbara Rackers, as well as Captain Charles Bowen and Lieutenant Greg Lengal, Division of Fire; David Lyons, Division of Police 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. FINAL SUBDIVISION PLANS

- a. PLAN 2013-9F: FOREST PARK ADDITION, BLK E, LOTS 1, 2, 3 & 4 (A PORTION OF) (AMD) (4/7/13)* - located at 200 and 202 Waller Avenue. (Council District 3) **(Wes Witt)**

Note: The Planning Commission continued consideration of this item from their February 14th meeting. The purpose of this amendment is to subdivide two lots into three lots.

The Subdivision Committee Recommended: **Postponement**. There were some questions regarding the proposed buildable area and lot geometrics.

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.

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

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 easement(s) as required by the utility companies and the Urban County Traffic Engineer.
7. Denote street frontage in site statistics.
8. Add required building lines to lots.
9. Revise owner and surveyor certifications.
10. Denote proposed access locations to public streets.
11. Discuss proposed lot size relative to proposed uses.
12. Discuss proposed lot geometrics.
13. Discuss the lack of buildable area on Lot 1.

- b. PLAN 2013-16F: ELK HILL FARM (5/5/13)* - located at 4524 Russell Cave Road.
(Council District 12)

(Endris Engineering)

Note: The purpose of this final record plat is to subdivide a 192-acre lot into one 152-acre lot and one 40-acre lot. This plan requires the posting of a sign and an affidavit of such.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
7. Complete adjacent property line (as dashed) along Kenny Lane (Tomoka Hills Farm).
8. Resolve possible need for right-of-way dedication along Kenny Lane frontage.
9. Denote: There shall be no additional access to Russell Cave Road.

- c. PLAN 2013-17F: DISTILLERY DISTRICT (5/5/13)* - located at 1200 Manchester Street.
(Council District 2)

(2020 Land Surveying)

Note: The purpose of this final record plat is to subdivide one lot into three lots.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. 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 and Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
9. Denote 20' building line along Manchester Street frontage.
10. Denote: This property shall be developed in accordance with the approved final development plan.
11. Correct purpose of plat note.
12. Correct site statistics.
13. Provided the Planning Commission grants a waiver to Article 4-7(d)(1) - Certification of Substantial Completion.
14. Resolve floodplain configuration adjacent to CSX Railroad.
15. Resolve timing of street improvements (TIF).

2. DEVELOPMENT PLANS

- a. ZDP 2012-76: DEERFIELD SHOPPING CENTER (3/14/13)* - located at 1949 Nicholasville Road.

(Vision Engineering)

Note: The Planning Commission postponed this plan at their September 27, 2012; January 17, 2013; and February 14, 2013 meetings. The Urban County Council approved the zone change request at their November 27, 2012, meeting.

The Subdivision Committee Recommended: Postponement. There are issues with the screening and buffering proposed adjacent to a residential subdivision.

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

1. Provided the Urban County Council rezones the property B-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Denote: No building permit shall be issued unless and until a final development plan is approved by the Planning Commission.
7. Denote current floodplain information on plan.
8. Denote record plan name.
9. Clarify site statistics (floor area).
10. Verify required parking for restaurant (square footage/seating ratios).
11. Addition of Nicholasville Road street cross-section and Collins Lane access easement cross-section.
12. Denote proposed and existing storm sewer locations to the approval of the Division of Water Quality.
13. Resolve utility line and proposed building conflicts.
14. Denote proposed storm water detention location to the approval of the Division of Water Quality.
15. Discuss tree protection, landscaping and buffering perpendicular to Nicholasville Road.
16. Discuss building height adjacent to residential uses.
17. Discuss disposition of existing improvements in Nicholasville Road right-of-way.
18. Discuss timing of revisions to the current FEMA floodplain.

- b. DP 2013-6: SAMS PROPERTY (AMD) (3/14/13)* - located at 2640 Spurr Road.
(Council District 2)

(Strand & Associates)

Note: The Planning Commission postponed this plan at their February 14, 2013 meeting. The purpose of this amendment is to add two industrial buildings.

The Subdivision Committee Recommended: Postponement. There were questions regarding the proposed uses, sanitary sewer service and the need for tree protection areas and improvements to Greendale Road and Spurr Road.

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 preservation 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, Water Control Office's approval of fire hydrant, fire department connections and fire service features locations.
10. Division of Waste Management's approval of refuse collection.
11. Kentucky Transportation Cabinet's approval of the access to Greendale Road.
12. Denote tree protection areas.
13. Addition of owner/developer information.
14. Revise contour information (2' contours).
15. Denote construction access location.
16. Denote building heights.
17. Addition of proposed easements.
18. Denote septic drain field location for Lot 1 on plan.
19. Discuss reciprocal parking and access for new buildings.
20. Discuss proposed access nearest to railroad crossing.
21. Discuss parking and pavement conflict with existing tree areas along railroad lines.
22. Discuss possible improvements to Greendale Road and Spurr Road.
23. Discuss proposed uses and amount of pavement on Lots 2 and 3.
24. Discuss development of Lots 2 and 3 relative to timing of sanitary sewer service.

- c. DP 2013-11: BERRY HILL DEVELOPMENT B-6P PROP., LOTS 1 & 2 (AMD) (4/27/13)* - located at 3449 Buckhorn Drive. (Council District 7)

(Randy Martin)

Note: The purpose of this amendment is to add new building square footage on Lot 2 and revise the parking layout.

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

The Subdivision Committee Recommended: **Postponement**. There were questions about the resolution of the drainage problem associated with the existing detention basin.

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 preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of fire hydrants, fire department connections and fire service features locations.
8. Division of Waste Management's approval of refuse collection.
9. Division of Water Quality's approval of the resolution of the drainage problem associated with the existing detention basin.
10. Document that tree canopy requirements will be met for Lot 2.
11. Correct plan title.
12. Delete note #7.
13. Clarify pavement, median and landscape areas at the rear of Lot 2.
14. Discuss building setback from main shopping center exit lanes.

- d. DP 2013-17: R.T. JORDAN & MAN O' WAR PLACE (CANDIA CORP.- BELMONT RUN APARTMENTS) (AMD) (5/5/13)* - located at 1229, 1232 and 1234 Man O' War Place. (Council District 2) **(Endris Engineering)**

Note: The purpose of this amendment is to add an addition and a new accessory building to the existing development, to revise the dumpster location and modify 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 preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of fire hydrants, fire department connections and fire service features locations.
8. Division of Waste Management's approval of refuse collection.
9. Correct Planning Commission certification, provide for signature and date.
10. Correct open space provided in site statistics.

- e. DP 2013-18: BEAUMONT FARM, UNIT 1, SEC. 5, LOT 7 (5/5/13)* - located at 1146 Monarch Street. (Council District 10) **(EA Partners)**

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 preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and all on-site pedestrian facilities.
7. Division of Fire, Water Control Office's approval of fire hydrants, fire department connections and fire service features locations.
8. Division of Waste Management's approval of refuse collection.
9. Clarify floor area ratio and required parking discrepancies.
10. Locate 345 square feet of floor area (in excess of building dimensions) on site.
11. Adjust proposed building envelope along rear property line to meet required 3:1 height-to-yard ratio.

- f. DP 2013-19: BROOKHAVEN SUBDIVISION (AMD #10) (5/5/13)* - located at 2434 and 2450 Nicholasville Road. (Council District 4) **(Wheat & Ladenburger)**

Note: The purpose of this amendment is to add building square footage and revise the 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.

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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 preservation plan.
6. Division of Fire, Water Control Office's approval of fire hydrants, fire department connections and fire service features locations.
7. Division of Waste Management's approval of refuse collection.
8. Label and dimension all internal sidewalks.
9. Denote the height (in feet) of existing and proposed buildings.
10. Denote all proposed and existing easements.
11. Clarify street cross-section information.
12. Remove cross hatching for "new" sidewalks and depict the same as existing ones along the Rite Aid street frontage.
13. Identify existing and/or proposed dumpster and loading dock information at the rear of building.
14. Denote proposed outdoor seating in site statistics for restaurant "A."
15. Delete "optional" on parking north of new building.
16. Addition of street frontage in site statistics.
17. Revise plan to demonstrate compliance with the minimum required off-street parking.

- g. DP 2013-12: MORNINGSIDE MARKET (AMD) (5/28/13)* - located at National Avenue and North Ashland Avenue. (Council District 3) **(Roberts Group)**

Note: The purpose of this amendment is to revise the building and parking at 720-740 National Avenue. This plan requires the posting of a sign and an affidavit of such. The Planning Commission originally approved this plan on February 14, 2013, 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 preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of fire hydrants, fire department connections and fire service features locations.
8. Division of Waste Management's approval of refuse collection.
9. Document current occupancy rate relative to required public improvements.
10. Resolve dumpster location and service arrangement to the approval of Division of Waste Management.

Note: The applicant has requested a continued discussion to alter the cross-section and on-street parking arrangement for North Ashland Avenue.

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

- h. DP 2011-91: RED MILE MIXED-USE DEVELOPMENT (5/24/13)* - located at 1200 Red Mile Road. (Council District 11) **(Vision Engineering)**

Note: The Planning Commission originally approved this plan on November 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 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 and 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. Correct cul-de-sac detail conflict with plan.
12. Addition of notes regarding traffic signals to the approval of the Division of Traffic Engineering.
13. Revise note #10 to read: "When development of 50% of the commercial floor area is complete, developer shall widen Red Mile Road and make improvements at the intersection of Versailles Road and South Broadway.
14. Clarify site statistics to specifically read 168 units.

Note: The applicant has requested a continued discussion to revise the development layout.

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The Subdivision Committee Recommended: **Approval**, subject to the original conditions, revising these conditions as follows:

12. ~~Addition of notes regarding traffic signals to the approval of the Division of Traffic Engineering~~ Correct note #8 and cross-sections to the approval of the Bike and Pedestrian Planner.
13. ~~Revise note #10 to read: "When development of 50% of the commercial floor area is complete, developer shall widen Red Mile Road and make improvements at the intersection of Versailles Road and South Broadway. Remove reference to open space in service area of Buildings 33, 34, 38 & 39.~~
14. ~~Clarify site statistics to specifically read 168 units~~ Demonstrate compliance with Article 28-6 of the Zoning Ordinance.

- i. DP 2013-24: SCIOTO MEMORIAL HOSPITAL (AMD) (5/27/13)* - located at 3051 Rio Dosa Drive.
(Council District 7) **(Haley Contracting)**

Note: The purpose of this amendment is to add 15 dwelling units and 372 square feet of floor area.

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 and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Division of Fire, Water Control Office's approval of fire hydrants, fire department connections and fire service features locations.
7. Division of Waste Management's approval of refuse collection.
8. Correct Planning Commission certification.
9. Correct note #15 to meet current requirements.
10. Remove reference to DP 97-69 from plan face.
11. Remove reference to amendment #4 in title block.
12. Remove reference to previous design firm and add current.
13. Document ability to meet Article 21-4(e) of the Zoning Ordinance.
14. Revise lot coverage and square footage site statistics to include proposed 372 square-foot addition.
15. Denote final record plat information (Cabinet and Slide).
16. Denote FEMA floodplain and 25' setback per Article 26 of the Zoning Ordinance.
17. Review by Technical Committee prior to plan certification.

- 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.

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

- A. **BOAR 2013-1: WILLIAM KEVIN MURPHY** – an appeal of the Board of Architectural Review's issuance of a Certificate of Appropriateness on an adjoining property at 137 W. Bell Court. (Council District 3)

Note: This appeal was postponed by the Commission at its January 31, 2013, meeting.

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

1. Issuance of a Certificate of Appropriateness by the Board of Architectural Review is consistent with their charge in determining appropriateness of a request, based on the Design Guidelines established by the local Historic Preservation Commission. In this case, all of the Guidelines cited by the Historic Preservation staff in its report to the BOAR appear to be equally applicable and support the BOAR's decision.
2. The property owner/applicant met the conditions set forth by the Board of Architectural Review in their 2001 action to approve the deck specific to providing a plan for lowering the proposed deck, as well as a landscape plan. These conditions were met prior to the issuance of the COA and are therefore not reflected as conditions on the permit.
3. Even if a condition for landscaping had been imposed by the Board in 2001, the trees that were recently removed and that are being questioned with regard to this appeal were not of the size that require BOAR approval or even a staff-issued permit. It was the right of the property owner to remove those trees and request a further change to the property, which has been done and was subsequently approved by the BOAR in a public hearing.

- B. **PLANNING COMMISSION WORK SESSION** – At the conclusion of today's meeting, the Commission will conduct a work session with the Long Range Planning staff related to the ongoing update to the Comprehensive Plan.

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

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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	March 21, 2013
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	March 27, 2013
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	March 28, 2013
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	April 4, 2013
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	April 4, 2013
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	April 11, 2013

X. ADJOURNMENT

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