

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

May 9, 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** – 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, May 2, 2013, at 8:30 a.m. The meeting was attended by Commission members: Mike Owens, Carolyn Plumlee, Eunice Beatty, Will Berkley 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, Traci Wade, Denice Bullock, Dave Jarman and Cheryl Gallt, as well as Andrew Grunwald, Division of Engineering; Captain Charles Bowen and Lieutenant Greg Lengal, Division of Fire 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 2005-108P: BELMONT FARM, UNIT 5 (COVENTRY) (7/24/13)* - located off Spurr Road.
(Council District 2) **(EA Partners)**

Note: The Planning Commission originally approved this plan on June 9, 2005; and reapproved it on June 8, 2006, and on July 12, 2007, 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. Correct plan title.
7. Resolve length of stub streets without turnarounds in relation to timing of development at final record plat stage.

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

Note: This plan was certified on December 27, 2007. However, improvement plans have not been submitted to the Division of Engineering in the past 5½ years. The applicant now requests reapproval of the plan.

The Staff Recommended: **Reapproval**, subject to original conditions 1-5, and 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.

- b. PLAN 2005-321P: BELMONT FARM, UNIT 7 (COVENTRY) (7/24/13)* - located at 2400 and 2450 Georgetown Road (a portion of). (Council District 2) **(EA Partners)**

Note: The Planning Commission originally approved this plan on January 12, 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 as per e911 staff.
5. Urban Forester's approval of tree preservation plan.
6. Greenspace Planner's approval of the treatment of greenways/bike trails and pedestrian movement.
7. Environmental Planner's approval of treatment of the Royal Spring Aquifer Recharge Area.
8. Clarify the zoning boundaries (per MAR 2001-33) and soil floodplain areas.
9. Complete labeling of "greenway" and "future development" areas.
10. Provide pedestrian access to greenway area(s).
11. Provided all sidewalk widths are increased to at least 5 feet.
12. Provided the Commission grants a waiver to Article 6-8(q) of the Subdivision Regulations.

Note: This plan was certified on April 20, 2006. However, improvement plans were not submitted for all 198 lots in the past seven years. The applicant now requests reapproval of the plan.

The Staff Recommended: **Reapproval**, subject to original conditions 1-7, and revising the following:

3. Building Inspection's approval of landscaping ~~and required street tree information~~.
4. Addressing Office's Approval of street names as per e911 staff and addresses.
5. Urban Forester's approval of tree preservation plan and required street tree information.

2. **FINAL SUBDIVISION PLANS**

- a. PLAN 2013-17F: DISTILLERY DISTRICT (5/9/13)* - located at 1200 Manchester Street. **(2020 Land Surveying)**
(Council District 2)

Note: The Planning Commission postponed this plan at their March 14, 2013; March 28, 2013 and April 11, 2013, meetings. 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).

- b. PLAN 2013-27F: HAMBURG EAST, TRACTS 1 & 3 (AMD) (6/2/13)* - located at 2185 Polo Club Boulevard. **(Vision Engineering)**
(Council District 12)

Note: The Planning Commission postponed this plan at their April 11, 2013, meeting. The purpose of this amendment is to subdivide one lot into eight lots and to add easements.

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

The Subdivision Committee Recommended: **Postponement**. There were questions regarding the timing of the dedication of the greenspace lot.

Should this plan be approved, the following conditions 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 area(s) and required street tree information.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Denote building line.
9. Revise engineer/surveyor certification.
10. Denote the regulatory flood elevation per Article 5-4(d)(5).
11. Addition of minimum lot building lines proposed for Tracts 1 & 3 (along frontages).
12. Addition of floodplain information for Tract 3.
13. Addition of existing Columbia Gas transmission easement on Tract 3.
14. Denote Tract 2 frontage and side lot line with dashed lines.
15. Addition of "Elkhorn Creek Detail" for Tract 3 from current non-building plat.

- c. PLAN 2013-29F: WIGGINS & CO., INC., LOT A (AMD) (6/2/13)* - located at 2520 Nicholasville Road.
(Council District 4) **(Wheat & Ladenburger)**

Note: The purpose of this amendment 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.
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 property owners/developer information.
8. Correct scale information.
9. Addition of dashed lines for adjacent property.
10. Correct amount of lot frontage in site statistics.
11. Correct location of amendment on vicinity map.
12. Complete property line information along frontage of Lots A-2 & A-4.
13. Delete curb information shown on Lot A-3.
14. Resolve the timing of any possible roadway improvements.

- d. PLAN 2013-37F: TURFLAND MALL (AMD) (6/30/13)* - located at 2195 Harrodsburg Road.
(Council District 11) **(HDR)**

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. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
7. Complete boundary information for Tract 2 (solid lines), including bearings and dimensions.
8. Delete notes #8 and #9.
9. Addition of required site statistics.
10. Addition of all easement information on Tract 2.
11. Addition of private utility providers.
12. Correct note #5.
13. Revise note #1 to current requirements.
14. Approval and certification of an amended development plan prior to plan certification.

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

- e. PLAN 2013-38F: TUSCANY, TRACT A (6/30/13)* - located at 1978 Winchester Road.
(Council District 6) **(HDR)**

The Subdivision Committee Recommended: **Postponement**. There are concerns with the need for a preliminary subdivision plan for street construction and the proposed lotting for the adjacent vacant property.

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. 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 existing zoning and street frontage in site statistics.
 10. Add dashed lines to indicate all adjoining property information.
 11. Correct notes #1, #3 & #5.
 12. Delete notes #8 & #9.
 13. Add monument information required by Art. 6 of the Land Subdivision Regulations.
 14. Denote name and address of property owner and developer.
 15. Denote easements per recorded plat (N-270).
 16. Denote existing conditional zoning restrictions and setback along Winchester Road.
 17. Discuss need for a pedestrian system along Winchester Road.
 18. Discuss timing of street construction.
 19. Discuss the need for preliminary subdivision plan.
 20. Discuss proposed lotting adjacent to Meeting Street and the existing subdivision.
- f. PLAN 2013-39F: BELLEDALE ADDITION, LOT 66 (FORMERLY WICKLIFFE LAND CO) (AMD) (6/30/13)* -
located at 393 and 395 Bassett Avenue. (Council District 5) **(MLH)**

Note: The purpose of this amendment is to create two lots from one deeded lot with two existing residential structures.

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 easement(s) as required by the utility companies and the Urban County Traffic Engineer.
 7. Denote: The use of these lots is restricted to only single family homes.
 8. Denote front building line (per Art. 8-8(h)) and side street setback (per Art. 15-2(b)(4)).
 9. Denote "Final Record Plat" within the title block.
 10. Denote site statistics on face of plan (per Art. 5-2(f) and 5-4(c) of the Land Subdivision Regulations).
 11. Denote listing of private utility providers.
 12. Correct engineer's/surveyor's certification.
 13. Correct Planning Commission's certification.
 14. Denote Urban County Engineer's certification.
 15. Correct owner's certification.
 16. Provided the Planning Commission finds that this subdivision complies with Article 4-5(a) of the Zoning Ordinance.
 17. Denote non-conformity of structures relative to the required 30' building line along Bassett Avenue.
 18. Document compliance with Article 4-7(e)(4) of the Land Subdivision Regulations prior to certification.
 19. Resolve driveway encroachment into right-of-way on Lot 66B.
- g. PLAN 2005-173F: BELMONT FARM, UNIT 4-B (COVENTRY) (7/24/13)* - located at 2450 Georgetown Road (a portion of). (Council District 2) **(EA Partners)**

Note: The Planning Commission originally approved this plan on July 14, 2005; and reapproved it on July 13, 2006, July 12, 2007 and August 14, 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 parking, circulation, access, and street cross-sections.
3. Building Inspection's approval of landscaping.

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

4. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
5. Approval of street names and addresses by e911 staff.

Note: A portion of this plan was certified and recorded for Section 1 on November 4, 2005. The applicant now requests reapproval of the plan.

The Staff Recommended: **Postponement.** The required 30% Improvement Plan progress report is in need of updating, and has not yet been submitted to the Planning Commission as required by Article 4-5(b) of the Land Subdivision Regulations.

- h. PLAN 2005-174F: BELMONT FARM, UNIT 4-C (COVENTRY) (7/24/13)* - located at 2450 Georgetown Road (a portion of). (Council District 2) **(EA Partners)**

Note: The Planning Commission originally approved this plan on July 14, 2005; and reapproved it on July 13, 2006, July 12, 2007 and August 14, 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 parking, circulation, access, and street cross-sections.
3. Building Inspection's approval of landscaping.
4. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
5. Approval of street names and addresses by e911 staff.
6. Urban Forester's approval of tree preservation plan.

Note: A portion of this plan was certified and recorded for Section 1 on November 4, 2005. The applicant now requests reapproval of the plan.

The Staff Recommended: **Postponement.** The required 30% Improvement Plan progress report is in need of updating, and has not yet been submitted to the Planning Commission as required by Article 4-5(b) of the Land Subdivision Regulations.

- i. PLAN 2005-175F: BELMONT FARM, UNIT 4-D (COVENTRY) (7/24/13)* - located at 2450 Georgetown Road (a portion of). (Council District 2) **(EA Partners)**

Note: The Planning Commission originally approved this plan on July 14, 2005; and reapproved it on July 13, 2006, July 12, 2007 and August 14, 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 parking, circulation, access, and street cross-sections.
3. Building Inspection's approval of landscaping.
4. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
5. Approval of street names and addresses by e911 staff.
6. Urban Forester's approval of tree preservation plan.

Note: A portion of this plan was certified and recorded for Section 1 on November 4, 2005. The applicant now requests reapproval of the plan.

The Staff Recommended: **Postponement.** The required 30% Improvement Plan progress report is in need of updating, and has not yet been submitted to the Planning Commission as required by Article 4-5(b) of the Land Subdivision Regulations.

3. DEVELOPMENT PLANS

- a. ZDP 2012-76: DEERFIELD SHOPPING CENTER (5/9/13)* - located at 1949 Nicholasville Road. **(Vision Engineering)**

Note: The Planning Commission postponed this plan at their September 27, 2012; January 17, 2013; February 14, 2013; March 14, 2013 and April 11, 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.

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.

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

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 2013-29: HEADLEY, NIVEN & VANCE PROPERTY, LOTS 1, 2 & 3 (6/2/13)* - located at 1500 Russell Cave Road & 281 and 285 New Circle Road. (Council District 1) **(Vision Engineering)**

Note: The Planning Commission postponed this plan at their April 11, 2013 and April 25, 2013, meetings. The purpose of this amendment is to revise the development on Lot 1 and include Lot 2 in the development.

The Subdivision Committee Recommended: **Postponement**. There were questions regarding the proposed access to Russell Cave Road.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Kentucky Transportation Cabinet's approval of access to Russell Cave Road.
10. Clarify restaurant seating to include outdoor patio area (and any related off-street parking).
11. Correct, delete and consolidate notes #9 - #13 to the approval of the Urban Forester.
12. Discuss proposed access to Russell Cave Road.
13. Discuss Russell Cave Road cross-section right-of-way width (80' Final Record Plat).
14. Discuss internal access and connectivity.

- d. DP 2013-34: BEAUMONT FARM, UNIT 1, SEC 5, LOT 7 & LOT 2 (AMD) (6/30/13)* - located at 1146 and 1152 Monarch Street. (Council District 10) **(EA Partners)**

Note: The purpose of this amendment is to add 9 parking spaces to Lot 2, increase buildable area of Lot 7 and document reciprocal 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 preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Addition of notes #13-#16 from DP 2009-46.
10. Denote location of street cross-sections.

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

- e. DP 2013-35: BLUEGRASS EXECUTIVE PARK, UNIT 1-C, SEC. 2, BLK D, LOT 1 (6/30/13)* - located at 2141 Executive Drive. (Council District 6) **(EA Partners)**

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping 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 the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Addition of sidewalk along Thunderstick frontage to Executive Drive.
10. Denote sidewalk from public street to building entrance.
11. Denote source of floodplain information.
12. Dimension entrance sidewalk width.
13. Resolve possible re-design of off-street parking areas.
14. Resolve relocation of utilities in the right-of-way.

- f. DP 2013-36: KINGSTON HALL, UNIT 2 (EAST BRIDGEFORD LAND & DEVELOPMENT CO) (AMD) (7/30/13)* - located at 2356 Newtown Pike. (Council District 12) **(Vision Engineering)**

The Subdivision Committee Recommended: **Postponement**. There were questions regarding the proposed and future access and the ability to provide sanitary sewer service to the site.

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 the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection.
9. Provided the Planning Commission makes a finding that the plan complies with the EAMP.
10. Correct note #5.
11. Revise, delete, correct notes #9-#13 to the approval of the Urban Forester.
12. Denote building heights in feet.
13. Dimension medical clinic building.
14. Delete note #15.
15. Addition of Newtown Pike cross-section.
16. Denote conditional zoning restrictions.
17. Denote compliance with Art. 23A-2(f) of the Zoning Ordinance (for 50' landscape buffer).
18. Clarify building square footage and parking floor area proposed.
19. Revise plan to reflect future access per the approved plans.
20. Document ability to drain storm water to off-site detention basin.
21. Discuss compliance with note #12 on preliminary plan.
22. Discuss the temporary pump station and the ability to sewer the property.
23. Discuss development standards to be included on the development plan per note #10 on the preliminary development plan.
24. Discuss access to property to the south.
25. Discuss whether access to Newtown Pike will be temporary or permanent.
26. Discuss lack of parking near proposed pharmacy, and whether the pharmacy is an allowable use in a detached building.
27. Discuss location of "pedestrian accessway" required by Art. 23A-10(j)(4).

- g. DP 2013-37: FEARS PROPERTY (AMD) (6/30/13)* - located at 150 Shoreside Drive. (Council District 7) **(Barrett Partners)**

Note: The purpose of this amendment is to add an office building and modify the 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.

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

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. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Revise tree preservation plan notes (no longer identical to the approved plan).
11. Division of Water Quality's approval of building construction in storm water basin.
12. Resolve conflict of new building and stormwater management facility.
13. Document compliance with Richmond Road Corridor Ordinance #310-98 in lieu of payment requirement.

- h. DP 2013-38: WIGGINS & COMPANY, INC (AMD) (6/30/13)* - located at 2520 Nicholasville Road.
(Council District 4) **(Wheat & Ladenburger)**

Note: The purpose of this amendment is to add a bank and a retail building and to amend the required parking and circulation.

The Subdivision Committee Recommended: **Approval**, subject to the following revised 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. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection locations.
8. Add stop bars at intersection with north-south access aisle.
9. Correct note #1.
10. Dimension all access points.
11. Revise note #6 to the approval of the Division of Engineering.
12. Resolve 50' building line and service road easement per plat (N-139).
13. Resolve possible need for a continuous median along main entrance.

- i. DP 2013-39: THE APIARY (AMD) (6/30/13)* - located at 218 Jefferson Street.
(Council District 1) **(Wheat & Ladenburger)**

Note: The purpose of this amendment is to increase the buildable area by 3,868 sq. ft. 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.
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 the locations of fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection locations.
8. Eliminate buildable area hatching per the approved development plan, and addition of a building envelope, as necessary.
9. Identify off-site parking locations on face of plan.
10. Document off-street parking agreement, prior to plan certification.
11. Clarify use and location of basement areas.
12. Revise plan to reflect "as-built" conditions along Miller Street.

- j. DP 2013-40: TUSCANY, TRACT A (6/30/13)* - located at 1970 Winchester Road.
(Council District 6) **(HDR)**

The Subdivision Committee Recommended: **Postponement**. There are concerns about the need for a preliminary subdivision plan, the lack of storm water detention and the proposed lotting for the adjacent property.

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 the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Add street cross-sections.
10. Addition of final record plan information.
11. Add metes and bounds information to property boundary, including Meeting Street right-of-way.
12. Correct plan title.
13. Add tree preservation plan information.
14. Remove "paving" from setback label information.
15. Add a reference to Art. 6-10 of the Land Subdivision Regulations to the landscape note.
16. Clarify lot coverage and floor area ratio in site statistics.
17. Dimension sidewalks.
18. Add public sidewalks to Meeting Street right-of-way.
19. Addition of written scale information.
20. Denote 50' conditional zoning setback along Winchester Road and remove any building conflicts.
21. Denote easements per recorded plat (N-270).
22. Denote specific uses in designated car maintenance area.
23. Provide left turn lane on Patchen Wilkes Drive.
24. Discuss stormwater detention locations proposed.
25. Discuss need for sidewalk & pedestrian system along Winchester Road.
26. Discuss timing of street construction (Meeting Street).
27. Discuss need for a preliminary subdivision plan.
28. Discuss entrance revisions from spacing center line of Patchen Wilkes Drive.
29. Discuss development of remaining property across from Meeting Street extension.
30. Discuss possible need for an upgrade of Meeting Street to a collector street.

- k. DP 2013-41: LEXINGTON MALL PROPERTY (SOUTHLAND CHRISTIAN CHURCH) (AMD) (6/30/13)* - located at 1600 East New Circle Road. (Council District 5) **(Miller - McCoy)**

Note: The purpose of this amendment is to add a building and parking at 1600 New Circle Road.

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, landscape buffers and arterial screening.
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 the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Clarify square footage, dimensions, and uses proposed along north side of proposed building.
10. Document installation of required tree canopy plantings prior to certification.
11. Complete proposed access connection/pavements to Woodhill Drive.
12. Identify pedestrian facilities from Woodhill Drive/New Circle Road intersection to store's entrance.
13. Complete tree canopy information for 1600 New Circle Road lot.
14. Document compliance with interior landscaping requirements for 1600 New Circle Road lot.
15. Clarify topographic information in and near "amended area".
16. Revise 50' building line from B-6P zoning boundary.
17. Certification and recordation of a minor easement plat prior to certification of plan.
18. Resolve Woodhill Road access closest to New Circle Road.

- l. DP 2013-42: MAN O' WAR DEVELOPMENT, UNIT 2A, SEC. 2 (AMD) (6/30/13)* - located at 2073 Bryant Road. (Council District 5) **(Summit Engineering)**

Note: The purpose of this amendment is to add a 2,800-sq. ft. storage building and to reconfigure the parking and circulation on the site.

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 preservation plan.

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

6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection locations.
8. Clarify site statistics and add lot coverage statistics.
9. Correct note #6.
10. Document compliance with tree canopy requirements prior to plan certification.
11. Complete parking information at the front of the building and improve plan clarity.

- m. DP 2013-43: MAN O' WAR DEVELOPMENT, UNIT 2A, LOTS A-18 & A-19 (AMD) (6/30/13)* - located at 1920 Pleasant Ridge and 1925 Justice Drive. (Council District 6) **(Banks Engineering)**

Note: The purpose of this amendment is to increase the building square footage and revise the 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 preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Clarify site statistics with respect to gross floor area "existing" vs. "proposed" table.
10. Denote zoning on face of plan.
11. Add all information on Phase 2 preliminary plan per DP 2009-62.

- n. DP 2013-5: MANCHESTER DEVELOPMENT (AMD) (7/21/13)* - located at 922, 926 and 930 Manchester Street. (Council District 2) **(Barrett Partners)**

Note: This property requires the posting of a sign and an affidavit of such. The purpose of this amendment is to add 922, 926 and 930 Manchester Street for a new building as part of this Adaptive Reuse Project. The Planning Commission originally approved this plan on January 17, 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 the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection.
9. Clarify site statistics, including required and provided parking.
10. Clarify proposed uses, including square footage and parking requirements.

Note: The applicant now requests a continued discussion to increase the building area, add a second floor and dwelling unit along with a pavilion on the garden property.

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

- o. DP 2011-19: HAMBURG PLACE OFFICE PARK, LOT 12-A (AMD) (7/23/13)* - located on Pink Pigeon Parkway and Vendor Way. (Council District 6) **(Vision Engineering)**

Note: The purpose of this amendment is to reflect development on Lot 12A. The Planning Commission originally approved this plan on March 10, 2011, and reapproved it on October 11, 2012. The applicant had requested a continued discussion to revise the layout of the approved development of this plan and was approved by the Commission on December 12, 2012, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection plan.
6. Division of Fire's approval of emergency access and fire hydrant locations.
7. Division of Waste Management's approval of refuse collection.
8. Addition of proposed easements on Lot 13.

Note: The applicant now requests a continued discussion to add more square footage to the previously approved development plan.

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

- p. DP 2013-48: RICHMOND/TODD LTD (FRENCH QUARTER SQUARE) (AMD) (7/21/13)* - located at 2601 Richmond Road. (Council District 7) **(EA Partners)**

Note: The purpose of this amendment is to update the parking statistics and to increase the restaurant uses for Lot 1.

The Subdivision Committee Recommended: **Postponement**. There are concerns about the proposed parking utilization note proposed for this 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 preservation plan.
 6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 8. Division of Waste Management's approval of refuse collection.
 9. Revise purpose of amendment note.
 10. Dash adjacent property lines.
 11. Revise record plat designation in note #10 (H-575 for Lot 1).
 12. Addition of adjacent property information.
 13. Addition of contour intervals and source.
 14. Dimension driveway access, drive aisles and sidewalks.
 15. Addition of tree preservation information from Lot 1.
 16. Correct note #7.
 17. Denote location of transit stop on plan.
 18. Denote dimension of building on Lot 3 (per previous development plan).
 19. Remove note for "proposed building addition" off Lot 2.
 20. Delete proposed parking utilization note.
 21. Review by Technical Committee prior to plan certification.
- q. DP 2013-49: LEXINGTON MEDICAL ARTS PROPERTY (7/23/13)* - located at 2368 Professional Heights Drive. (Council District 4) **(Wheat & Ladenburger)**

Note: The purpose of this amendment is to revise the footprint of the proposed extended-stay hotel and to correct the site statistics accordingly.

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 preservation plan.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection.
8. Denote graphic scale.
9. Denote lot coverage and floor-area-ratio for extended-stay hotel.
10. Revise purpose of amendment note.

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, May 2, 2013, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Carla Blanton, 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

Note: The Planning Commission postponed this item at their April 25, 2013 meeting.

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

1. **ZOTA 2013-1 & SRA 2013-1: AMENDMENTS RELATED TO THE CAPACITY ASSURANCE PROGRAM** - amendments to the Zoning Ordinance and Land Subdivision Regulations to account for changes required by the new LFUCG Capacity Assurance Program.

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT: Note: Text underlined indicates an addition, while ~~text dashed through~~ indicates a deletion to the current Zoning Ordinance and Land Subdivision Regulations.

ZONING ORDINANCE

5-2(h) SANITARY SEWER CAPACITY PERMIT – No development shall commence without a permit from the Division of Water Quality in conformance with the LFUCG Capacity Assurance Program documenting that adequate sanitary sewer service is available.

5-2(i) OTHER PERMITS - Additional permits may be required by the responsible Divisions to enforce the provisions of this Ordinance.

21-4 DEVELOPMENT PLAN PROCEDURES - The following shall be the procedure for Planning Commission consideration of any development plan.

21-4(a) ON-SITE MEETING - Prior to the submission of a development plan, the owner/developer shall contact the Urban Forester, who will determine if an on-site meeting with the developer's design professional and/or other pertinent Urban County Government staff is necessary.

21-4(b) FILING - To formally request Planning Commission action on the development plan, the developer shall file a completed application form (including documentation with any Final Development Plan that adequate sanitary sewer treatment capacity and service exists or has been reserved for the subject property), filing fee and copies of the plans as required by the Commission's adopted filing and fee schedules with the Division of Planning. The Division of Planning shall make copies of the plan available to all other concerned agencies.

LAND SUBDIVISION REGULATIONS

4-5 IMPROVEMENT PLAN PROCEDURE - All improvement plans shall be prepared and filed in accordance with the following procedure:

4-5(a) INFRASTRUCTURE DEVELOPMENT AGREEMENT - Prior to commencing the engineering design for the public infrastructure of any major subdivision, the project engineer, developer and the Lexington-Fayette Urban County Government, acting by and through its Urban County Engineer, shall enter into an infrastructure development agreement in a form and containing the provisions contained in the Procedures Manual. A new infrastructure development agreement shall be required in the event the developer of the property is changed to another development entity, or in the event the private agreement for infrastructure development services between the developer and the project engineer are terminated. All infrastructure development agreements shall provide that the subject development has sanitary sewer capacity in compliance with the requirements of Section 6-2 of these regulations.

6-2 ADEQUATE PUBLIC FACILITY STANDARDS - In addition to the specific design standards and requirements contained herein, the following minimum site conditions shall exist prior to Planning Commission approval of any subdivision, whether such facilities are provided by the developer, a private utility, or the Urban County Government.

6-2(a) PUBLIC SANITARY SEWERS - Shall be provided as follows:

(1) TREATMENT PLANT CAPACITY - The projected amount of sewage effluent generated by the proposed development shall not cause the allocated capacity of the treatment plant that will serve the projected development to be exceeded, nor will it cause any violation of Federal, State or local water quality laws or standards in effect at the time of development.

(2) SEWAGE COLLECTION SYSTEM - The proposed development shall be served by a sewer collection line of sufficient size and capacity to accommodate the effluent projected to be generated by the proposed development in addition to the demands placed on the system by existing development, without exceeding the design capacity of the sewer line and/or sewage pump stations.

For purposes of making this determination, "served" means that there is a sewage collection line in the public way on which the proposed development will have frontage or there is a sanitary sewage collection line otherwise available to serve ~~serving~~ the proposed development; or the developer will finance and will, at the appropriate time, execute a bond or other surety to guarantee the extension, in accordance with the 201

Master Sewer Plan and any sanitary sewer guidelines established by the Urban County Council, of a sewer line to serve the proposed development; or that construction of the sewer line is scheduled for completion within one year.

(3) DOCUMENTATION – Not later than at the time of execution of the Development Agreement, the developer shall provide written documentation from the Division of Water Quality that adequate sanitary sewer treatment plant capacity exists for the proposed development and that the proposed development is served by a sewer collection line of sufficient size and capacity as required by the LFUCG Capacity Assurance Program.

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

The Staff Recommends: **Approval of the changes to Art. 5-2 of the Zoning Ordinance, and to Sec. 4-5(a) & 6-2(a) of the Land Subdivision Regulations**, for the following reasons:

1. These text amendments will put the Zoning Ordinance and Land Subdivision Regulations into better alignment with the provisions of the Capacity Assurance Program – an integral part of the Consent Decree with the EPA.
2. These changes will eliminate the need for the Commission to spend their time reviewing final subdivision plans, or otherwise reapproving such plans, that have not originally qualified for sanitary sewer service or treatment capacity.

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

A. 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 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	May 16, 2013
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	May 23, 2013
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	May 29, 2013
Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers	May 30, 2013
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	June 6, 2013
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	June 6, 2013
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	June 13, 2013

X. ADJOURNMENT