

**AGENDA  
URBAN COUNTY PLANNING COMMISSION  
SUBDIVISION ITEMS**

**July 11, 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, July 3, 2013, at 8:30 a.m. The meeting was attended by Commission members: Mike Owens, Carolyn Plumlee, Frank Penn, Will Berkley and Karen Mundy. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jeff Neal and Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Denice Bullock, Dave Jarman and Cheryl Gallt, 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. FINAL SUBDIVISION PLANS**

- a. **PLAN 2013-63F: PEGGY B. QUEEN PROPERTY (9/1/13)\*** - located at 700 East Main Street.  
(Council District 5) **(Foster/Roland)**

**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.

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5. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
6. Denote that the building line shall comply with Article 15-2(a)(6) of the Zoning Ordinance.
7. Denote that access to Lot 1 shall be from Clay Avenue only, should the property redevelop.

- b. PLAN 2013-64F: LAKEVIEW ESTATES, UNITS 2B & 2E (AMD) (9/1/13)\* - located at 519 Laketower Drive.  
(Council District 5) **(Eagle Engineering)**

Note: The purpose of this amendment is to subdivide one lot into eight 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. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Clarify notes for Lot 2 relative to acreage.
8. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
9. Terminate floodplain setback at property line.
10. Provided the Planning Commission makes a finding on the use of the proposed access easement as sole access to these lots.

- c. PLAN 2013-65F: MAGNA ENTERTAINMENT (9/1/13)\* - located at 1620 Jaggie Fox Way.  
(Council District 2) **(MLH Civil Engineering)**

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
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: This property shall be developed in accordance with the approved final development plan.
8. Addition of a listing of all utility providers.

- d. PLAN 2013-66F: GESS PROPERTY, UNIT 6-J (9/1/13)\* - located at 4618 Willman Way (a portion of).  
(Council District 7) **(EA Partners)**

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
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. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
8. Addition of exactions to the approval of the Division of Planning.
9. Resolve status of required USA boundary screening.

- e. PLAN 2013-67F: GESS PROPERTY, UNIT 6-K (9/1/13)\* - located at 4618 Willman Way (a portion of).  
(Council District 7) **(EA Partners)**

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
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.

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7. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
8. Addition of street cross-section for Maidencane Drive.
9. Addition of exactions to the approval of the Division of Planning.
10. Resolve status of required USA boundary screening.

- f. PLAN 2013-68F: GESS PROPERTY, UNIT 11-F (9/1/13)\* - located at 4618 Willman Way (a portion of).  
(Council District 7) **(EA Partners)**

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
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 section cut for cul-de-sac through centerpoint, as depicted.
8. Correct information for Unit 11-G along south property line.
9. Addition of exactions to the approval of the Division of Planning.
10. Resolve status of required USA boundary screening.

- g. PLAN 2013-69F: GESS PROPERTY, UNIT 11-G (9/1/13)\* - located at 4618 Willman Way (a portion of).  
(Council District 7) **(EA Partners)**

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
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 easement(s) as required by the utility companies and the Urban County Traffic Engineer.
8. Addition of exactions to the approval of the Division of Planning.
9. Resolve status of required USA boundary screening.

- h. PLAN 2013-70F: GESS PROPERTY, UNIT 11-H (9/1/13)\* - located at 4618 Willman Way (a portion of).  
(Council District 7) **(EA Partners)**

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
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 section cut for cul-de-sac through centerpoint, as depicted.
8. Denote offset dimensions for easement between Lots 78 and 79.
9. Addition of exactions to the approval of the Division of Planning.
10. Resolve status of required USA boundary screening.

- i. PLAN 2013-71F: NDC PROPERTY, UNIT 1, LOT 4B (AMD) (9/1/13)\* - located at 437 Lewis Hargett Circle.  
(Council District 9) **(Wes Witt)**

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. Denote: This property shall be developed in accordance with the approved final development plan.

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8. Addition of name and address of property owners.
9. Addition of adjacent property record plat information/owner.
10. Addition of note for maintenance of access easement.
11. Addition of all notes from previous plan M-232.
12. Addition of street cross-section for Lewis Hargett Circle (from previous plat).
13. Addition of homeowners association note per agreed judgment for stormwater maintenance.

- j. PLAN 2013-78F: DISTILLERY DISTRICT WEST (AMD) (9/19/13)\* - located at 1200 Manchester Street.  
(Council District 2) **(2020 Land Surveying)**

Note: The purpose of this amendment is to subdivide one lot into two lots.

The Subdivision Committee Recommended: **Postponement**. There are concerns with the sanitary sewer service to the 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).
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
8. Denote location of cross-section through Manchester Street.
9. Denote "amended" in title block.
10. Denote acreage on lots.
11. Correct date of plat preparation.
12. Clarify right-of-way dedication with a solid line.
13. Provided the Planning Commission grants a waiver to Article 4-7(d)(1) regarding substantial completion of infrastructure.
14. Review by Technical Committee prior to plan certification.

- k. PLAN 2007-241F: GESS PROPERTY, UNIT 6-C (9/22/13)\* - located on Willman Way (a portion of).  
(Council District 7) **(EA Partners)**

Note: The Planning Commission originally approved this plan on December 12, 2007, and reapproved it on May 14, 2009 and August 12, 2010, 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 landscape buffering and required street tree information.
4. Approval of street addressing by e911 staff.
5. United States Postal Service (USPS) approval of mailbox locations.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Correct street cross-sections.
9. Addition of required exaction information.
10. Recordation of Gess Property, Unit 6-B, prior to certification.

Note: Section 1 was recorded on October 27, 2008, leaving one lot and the right-of-way remaining. The applicant now requests reapproval of the plan, subject to the previous conditions.

The Subdivision Committee Recommended: **Reapproval**, subject to the conditions previously approved, revising one condition and adding another as follows:

3. Building Inspection's approval of landscaping ~~and required street tree information.~~
- ~~5. United States Postal Service (USPS) approval of mailbox locations.~~
5. Urban Forester's approval of required street tree information.

- l. PLAN 2012-31F: ANGLIANA AVENUE – TRINITAS HOUSING PROJECT (AMD) (9/22/13)\* - located at 497 Angliana Avenue. (Council District 2) **(Endris Engineering)**

Note: The purpose of this amendment is to create 3 lots and new easements. The Planning Commission originally approved this plan on May 10, 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.

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. Verify lot dimensions with development plan dimensions.
8. Complete site statistics (lot frontage).
9. Remove deed tract line from plan.
10. Denote release of access and utility easement along southern boundary.
11. Denote timing of intersection improvements and information needed on plat.

Note: The applicant now requests reapproval of the plan, subject to the previous conditions.

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

- m. PLAN 2013-10F: HIGBEE MILL RESERVE, LOT 3-H (AMD) (9/24/13)\* - located at 4113 Reserve Road.  
(Council District 10) **(EA Partners)**

Note: The purpose of this amendment is to dedicate Stedman Drive. 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.
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. Resolve the timing of opening of Stedman Drive (removal of barrier).

Note: The applicant is now requesting a continued discussion to further subdivide the property.

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

8. Provided the Planning Commission makes a finding on the use of the proposed access easement as sole access to some of these new lots.

- n. PLAN 2006-240F: NEWMARKET, PHASE I, UNIT 1-E (9/29/13)\* – located at 1201 Deer Haven Lane (a portion of).  
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on November 9, 2006, and reapproved it on November 8, 2007 and January 15, 2009, subject to the conditions listed below.

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 addressing by e911 staff.
5. Urban Forester's approval of tree preservation areas.
6. Label Tree Protection Area (TPA) per conditional zoning restrictions.

Note: The Planning Commission reapproved this plan on October 13, 2011, subject to the original conditions on today's agenda, 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.

Note: Section 1 of this plan was recorded on September 9, 2009. The applicant now requests reapproval of Section 2 on the plan (the unrecorded portion).

The Staff Recommends: **Reapproval of Section 2**, subject to the original conditions, as previously noted on today's agenda.

- o. PLAN 2008-138F: MEADOW OAKS, UNIT 1-A (ASHFORD OAKS) (9/29/13)\* - located at 3414 Feliciana Lane.  
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on November 13, 2008, 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 required street tree information.
4. Addressing Office's approval of street names and addresses.

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5. Urban Forester's approval of tree protection areas.
6. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Clarify label of cross-section for "G-G."
9. Denote private street maintenance responsibilities.
10. Verify exaction information to the approval of the Division of Planning.
11. Clarify public versus private right-of-way dedication.
12. Addition of conditional zoning notes and development standards from approved development plan.
13. Resolve possible conflicts between development standards and plan notes.

Note: On February 12, 2009, the Planning Commission granted a waiver to Article 4-7(d)(9)(c) of the Land Subdivision Regulations, for the following reasons:

1. The bonding of sidewalks on private streets has been agreed to by the Urban County Government Division of Engineering in the past in the defined Expansion Area, and will still allow the collection of a surety to ensure completion of all the sidewalk improvements to this subdivision.
2. Strict adherence with the Subdivision Regulations would create an undue hardship to the developer, requiring heavy construction equipment for home construction to drive over sidewalks, which could damage the sidewalks, resulting in the need to repair or replace an otherwise new sidewalk.

Approval of the waiver was subject to the following condition being added to the Final Record Plats, in addition to those originally approved by the Planning Commission on November 13, 2008:

- a. Collection of a financial surety by the Division of Engineering for the ultimate construction of sidewalks not initially constructed on private streets, to ensure their completion, subject to the approval of the Law Department.

Approval of the waiver was subject to the following condition also being added to the Final Record Plat, in addition to those originally approved by the Commission on November 13, 2008:

- a. Denote: No certificate of occupancy shall be issued for any dwelling unit until the sidewalks are constructed in conjunction with the required concrete driveway apron.

Note: The Planning Commission reapproved this plan at their June 10, 2010, meeting, subject to the previous conditions; granted a **one-year extension** on June 9, 2011; and reapproved this plan at their June 14, 2012, meeting, subject to the previous conditions, one additional condition, and modifying one condition:

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

Note: A portion of this plat (Section 1) has been recorded. The applicant now requests a reapproval for the remaining portion of this plan.

The Staff Recommends: **Reapproval of Section 2**, subject to the original conditions, as previously noted on today's agenda.

- p. PLAN 2008-139F: MEADOW OAKS, UNIT 1-B (ASHFORD OAKS) (9/29/13)\* - located at 3414 Felician Lane.  
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on November 13, 2008, 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 required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection areas.
6. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Verify exaction information to the approval of the Division of Planning.
9. Addition of conditional zoning notes and development standards from the approved development plan.
10. Denote the 25' conditional zoning setback along Greenbrier golf course (lots 17-26).
11. Resolve possible conflicts between development standards and plan notes.

Note: On February 12, 2009, the Planning Commission granted a waiver to Article 4-7(d)(9)(c) of the Land Subdivision Regulations, for the following reasons:

1. The bonding of sidewalks on private streets has been agreed to by the Urban County Government Division of Engineering in the past in the defined Expansion Area, and will still allow the collection of a surety to ensure completion of all the sidewalk improvements to this subdivision.

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2. Strict adherence with the Subdivision Regulations would create an undue hardship to the developer, requiring heavy construction equipment for home construction to drive over sidewalks, which could damage the sidewalks, resulting in the need to repair or replace an otherwise new sidewalk.

Approval of the waiver was subject to the following condition being added to the Final Record Plats, in addition to those originally approved by the Planning Commission on November 13, 2008:

- a. Collection of a financial surety by the Division of Engineering for the ultimate construction of sidewalks not initially constructed on private streets, to ensure their completion, subject to the approval of the Law Department.

Approval of the waiver was subject to the following condition also being added to the Final Record Plat, in addition to those originally approved by the Commission on November 13, 2008:

- a. Denote: No certificate of occupancy shall be issued for any dwelling unit until the sidewalks are constructed in conjunction with the required concrete driveway apron.

Note: The Planning Commission reapproved this plan at their June 10, 2010, meeting subject to the previous conditions, granted a **one-year extension** on June 9, 2011; and reapproved this plan at their June 14, 2012, meeting, subject to the previous conditions, one additional condition, and modifying one condition:

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

Note: A portion of this plat (Sections 1, 2, 3 & 4) has been recorded. The applicant now requests a reapproval for the remaining portion of this plan.

The Staff Recommends: **Reapproval of Section 4**, subject to the original conditions, as previously noted on today's agenda.

- q. PLAN 2008-140F: MEADOW OAKS, UNIT 1-C (ASHFORD OAKS) (9/29/13)\* - located at 3414 Feliciana Lane. (Council District 12) **(EA Partners)**

Note: This plan was approved by the Planning Commission at its November 13, 2008, meeting, 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 required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection areas.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
8. Denote: This property shall be developed in accordance with the approved final development plan.
9. Verify exaction information to the approval of the Division of Planning.
10. Addition of conditional zoning restrictions and development standards from approved development plan.
11. Denote the sanitary sewer easement across the greenway.
12. Resolve the extent and timing of the greenway dedication.

Note: On February 12, 2009, the Planning Commission granted a waiver to Article 4-7(d)(9)(c) of the Land Subdivision Regulations, for the following reasons:

1. The bonding of sidewalks on private streets has been agreed to by the Urban County Government Division of Engineering in the past in the defined Expansion Area, and will still allow the collection of a surety to ensure completion of all the sidewalk improvements to this subdivision.
2. Strict adherence with the Subdivision Regulations would create an undue hardship to the developer, requiring heavy construction equipment for home construction to drive over sidewalks, which could damage the sidewalks, resulting in the need to repair or replace an otherwise new sidewalk.

Approval of the waiver was subject to the following condition being added to all the Final Record Plats, in addition to those originally approved by the Commission on November 13, 2008:

- a. Collection of a financial surety by the Division of Engineering for the ultimate construction of sidewalks not initially constructed on private streets, to ensure their completion, subject to the approval of the Law Department.

Note: The Planning Commission reapproved this plan at their June 10, 2010, meeting, subject to the previous conditions; granted a **one-year extension** on June 9, 2011; and reapproved this plan at their June 14, 2012, meeting, subject to the previous conditions, one additional condition and modifying one condition:

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

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The Staff Recommends: **Reapproval**, subject to the original conditions, as previously noted on today's agenda, adding one additional condition:

14. Revise boundary of Lot 61 to account for Consolidation Plat involving Lots 12-16.

- r. PLAN 2012-72F: HIGHWOOD CENTER (LEXMARK INTERNATIONAL, INC.) (AMD) (9/30/13)\* - located at 740 W. New Circle Road. (Council District 1)  
**(EA Partners)**

Note: The purpose of this amendment is to subdivide one lot into two lots and create an access easement to serve Lot 1. This plan was approved by the Planning Commission at its July 12, 2012, meeting, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan and required street tree information.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Correct plan title.
9. Addition of written scale.
10. Label 50' building line from public streets.
11. Label zoning on adjacent property.
12. Denote lot frontage in site statistics.
13. Resolve sanitary sewer line and easement conflict to reflect actual alignment.
14. Review by the Technical Committee prior to certification.

Note: The applicant now requests approval of a one-year extension for this plan.

The Staff Recommends: **Approval of a one-year extension**, subject to the original conditions, deleting the following condition:

~~14. Review by the Technical Committee prior to certification.~~

- s. PLAN 2012-59F: MARSHALL PROPERTY, UNIT 2K (AMD) (9/30/13)\* - located at 274, 280 & 286 McConnell's Trace. (Council District 2)  
**(EA Partners)**

Note: The purpose of this amendment is to reconfigure the lots and access easements. This plan was approved by the Planning Commission at its July 12, 2012, meeting, subject to the following conditions:

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

Note: On July 12, 2012, the Planning Commission recommended approval of the waiver to allow recordation of the plat prior to completion of any asphalt courses, for the following reasons:

1. The bonding of the asphalt portion of the access easements will insure their timely completion and will pose no problems for public health and safety in compliance with the intent of the Subdivision Regulations, so long as occupancy of the dwelling units are tied to their completion.
2. Not granting the waiver for the asphalt portion of the construction of the access easements would constitute a hardship for the applicant based on the cost and time involved in constructing the access easements, only to have significant portions of them removed and reconstructed after the installation of the utilities.

This recommendation is made subject to the following additional requirement:

- a. Denote: None of units 38-50 may be issued an Occupancy Permit until the asphalt layers have been completed on the access easements serving them.

Note: The applicant now requests approval of a one-year extension for this plan.

The Staff Recommended: **Approval of a one-year extension**, subject to the original conditions, as previously noted on today's agenda.

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**3. DEVELOPMENT PLANS**

- a. ZDP 2012-76: DEERFIELD SHOPPING CENTER (6/13/13)\* - 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; April 11, 2013 and May 9, 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.
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 2013-57: JONES SUBDIVISION (9/1/13)\* - located at 1167 Appian Crossing Way.  
(Council District 8) (Rob Sims)

The Subdivision Committee Recommended: **Postponement**. The adopted conditional zoning restricts the use of this property to a total of 17 units.

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 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. Dimension exterior dimensions of buildings.
10. Denote proposed building height in feet.
11. Remove group residential project references in site statistics.
12. Dimension access points proposed.
13. Dimension parking lot, aisles and spaces.
14. Denote Jones Trail as public right-of-way and revise cross-section (1/2 section).
15. Addition of north arrow.
16. Delete side and rear yard setback reference.
17. Add property owners and Planning Commission certifications per Article 21 requirements.
18. Revise note #5 to include required reference to Article 16.
19. Addition of required Engineering Manual note.
20. Clarify existing tree canopy to be preserved, including locations.
21. Denote construction entrance.
22. Reduce number of units to 17.

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

**3. PLAT REVOCATION**

- a. Note: The following plan is requested for revocation pursuant to KRS 100.285.

PLAN 90-150C: GOODRICH PROPERTY - located at 6080 Winchester Road. (Revocation Plat).  
(Council District 12) **(Bailey Surveying)**

The Subdivision Committee Recommended to approve the plat revocation.

- 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. PFR 2013-3: FAYETTE COUNTY PUBLIC SCHOOLS** – a Public Facility Review of construction of a permanent storage building for Henry Clay high School at 2100 Fountain Road. (Council District 5).

The staff will report at the meeting.

- B. ELECTION OF OFFICERS** – The Commission's By-laws state that at the first regular meeting in July, the Commission shall elect a Chairperson, Vice-Chairperson, Secretary, and Parliamentarian. The nominating committee will present its slate for consideration by the Planning Commission. Nominations may also be made from the floor.

The current officers are as follows:

|                  |   |                |
|------------------|---|----------------|
| Chairperson      | - | Mike Owens     |
| Vice Chairperson | - | Mike Cravens   |
| Secretary        | - | Vacant         |
| Parliamentarian  | - | William Wilson |

- C. DELEGATION OF SECRETARY'S DUTIES** – The Commission's past procedure for carrying out the Secretary's duties, except for signing minutes, has been to delegate that authority to the Director of the Division of Planning and his staff. The Chair will request the Commission consider taking action on this matter.

**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 <sup>nd</sup> Floor Council Chambers .....                            | July 18, 2013         |
| Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) .....               | July 24, 2013         |
| <b>Zoning Items Public Hearing</b> , Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers .....     | <b>July 25, 2013</b>  |
| Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) .....              | August 1, 2013        |
| Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building).....                    | August 1, 2013        |
| <b>Subdivision Items Public Meeting</b> , Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers..... | <b>August 8, 2013</b> |

**X. ADJOURNMENT**