

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION & ZONING ITEMS – COMBINED MEETING**

August 22, 2013

- I. **CALL TO ORDER** – The meeting will be called to order at 1:30 p.m. in the Council Chamber, 2nd Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.
- II. **APPROVAL OF MINUTES** – The minutes of the June 13, 2013; June 27, 2013; July 11, 2013; July 25, 2013; and August 8, 2013, meetings will be considered by the Planning Commission at this time.
- III. **POSTPONEMENTS AND WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.
- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, August 1, 2013, at 8:30 a.m. The meeting was attended by Commission members: Mike Owens, Carolyn Plumlee, Frank Penn, Eunice Beatty and Karen Mundy. Committee members in attendance were: Hillard Newman, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Denise Bullock, Dave Jarman, Kelly Hunter, Scott Thompson and Cheryl Gallt, as well as Jacob Walbourn, 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.*

1. FINAL SUBDIVISION PLANS

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

Note: The Planning Commission postponed this plan at their July 11, 2013 and July 25, 2013, meetings. 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.
- b. **PLAN 2013-81F: BLUEGRASS BUSINESS PARK, LOT 7** (9/29/13)* - located at 2381 Innovation Drive.
(Council District 2) **(EA Partners)**

Note: The purpose of this amendment is to add an access easement to the adjacent property.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.

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

6. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
 7. Label 20' building line.
 8. Denote access easement construction specifications to the approval of Traffic Engineering and the Division of Engineering.
 9. Clarify tree protection area along Curtsinger property.
- c. PLAN 2013-82F: TUSCANY, UNIT 8-A (9/29/13)* - located at 2445 Patchen 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.
 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. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
 8. Delete conditional zoning restrictions.
- d. PLAN 2013-83F: MAHAN PROPERTY, UNIT 2-B (9/29/13)* - located at 2980 Man o' War Boulevard.
(Council District 4) **(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. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
 7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 8. Clarify tree canopy information or clarify extent of tree protection areas.
 9. Clarify asterisk shown on street cross-section (min. flood protection).
 10. Eliminate duplicate note about overflow swale construction.
- e. PLAN 2013-84F: MAHAN PROPERTY, UNIT 2-C (9/29/13)* - located at 2980 Man o' War Boulevard.
(Council District 4) **(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. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
 7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 8. Correct tree canopy information or clarify tree protection areas on plan.
 9. Addition of Man o' War Boulevard cross-section.
- f. 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 Planning Commission originally approved this plan on July 11, 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.

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

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.

Note: As part of the Planning Commission's approval on July 11th, the Commission also made a finding on the use of the proposed access easement as sole access to these lots. The findings for appropriateness of access easements as sole access for certain lots are as follows:

1. Allowing these townhouse lots to be accessed only via an access easement is appropriate for the proposed development and is consistent with the previously approved final development plan.
2. The use of the access easement will not negatively impact public health and safety, which is consistent with the intent of the Land Subdivision Regulations.

Note: The applicant is now requesting a continued discussion to further subdivide the property into a total of nine lots.

The Subdivision Committee Recommended: **Approval**, subject to the conditions listed on today's agenda, with one additional condition:

11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.

2. **DEVELOPMENT PLANS**

- a. DP 2013-57: JONES SUBDIVISION (9/1/13)* - located at 1167 Appian Crossing Way.
(Council District 8) (Rob Sims)

Note: The Planning Commission postponed this plan at their July 11, 2013, meeting.

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. Label 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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- b. DP 2013-61: LAKEVIEW INDUSTRIAL SUBDIVISION, UNIT 3, LOTS 1-A & 1-B (WYATT ANN PROPERTIES, LLC) (9/25/13)* - located at 2553 and 2555 Palumbo Drive.
(Council District 7) **(Summit Engineers)**

The Subdivision Committee Recommended: **Postponement**. There were some questions regarding the circulation pattern and width of the access for the larger vehicles.

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. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 6. Division of Waste Management's approval of refuse collection locations.
 7. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
 8. Complete bearings and distances on Lot 2-B.
 9. Remove hatching on easements other than "proposed" 25' access easement.
 10. Correct Commission's certification date.
 11. Denote Board of Adjustment's approval on plan (from plat), including case reference number.
 12. Correct note #4 to replace "storm sewers & storm water detention with Stormwater Management."
 13. Discuss proposed circulation on the property per Technical Committee concerns.
 14. Discuss stormwater detention and relevant notes from current Final Record Plat.
- c. DP 2013-62: WILLOW OAK SHOPPING CENTER (MILLPOND CENTER) (AMD 19) (9/29/13)* - located at 730 Millpond Road. (Council District 9) **(Wheat & Ladenburger)**

Note: The purpose of this amendment is to add Lots 12A and 12B and to add a pool cover to the existing in-ground pool.

The Subdivision Committee Recommended: **Approval**, subject to the following revised 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. Greenspace Planner's approval of the treatment of greenways and greenspace.
 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. Denote 1-story building on Lot 12B as "existing".
 10. Denote floor area of existing building on lot 12A in the site statistics.
 11. Correct owners' certification to read: "We are the only owners of Lots 12A and 12B, shown hereon..."
 12. Resolve maintenance of medians on Millpond Road.
- d. DP 2013-63: GESS PROPERTY, UNIT 1 (AMD) (10/29/13)* - located at 435, 481 and 529 Hays Boulevard. (Council District 7) **(EA Partners)**

Note: This plan requires the posting of a sign and an affidavit of such. The purpose of this amendment is to add 35 parking spaces and to depict current lot lines.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Denote construction access.
8. Denote locations of cross-sections cut through street.
9. Denote width of access at main entry point from Hays Boulevard.
10. Denote two storm sewer easements along Hays Boulevard.
11. Denote 15' sanitary sewer easement and 20' utility easement from Hays Boulevard to east end of property.

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

12. Provided the Planning Commission makes a finding that the plan is in compliance with the EAMP.
 13. Resolve lotting information.
 14. Addition of 30' utilities easement on southwest boundary of Lot 1.
 15. Resolve the relationship of the building envelopes along front elevation lot lines.
- e. DP 2013-64: KINGSTON HALL, UNIT 2 (EAST BRIDGEFORD LAND & DEV. CO.) (AMD) (10/29/13)* - located at 2356 Newtown Pike. (Council District 12) **(Vision Engineering)**

Note: This plan requires the posting of a sign and an affidavit of such. The purpose of this amendment is to revise the proposed building and parking area.

The Subdivision Committee Recommended: **Postponement**. The Text amendment to permit this use and lessen off-street parking has not yet been approved by the Urban County Council.

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. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
 9. Division of Waste Management's approval of refuse collection locations.
 10. Denote purpose of amendment.
 11. Denote final record plan information on plan.
 12. Denote KY Transportation Cabinet's approval of proposed right turn taper.
 13. Clarify lot line and right-of-way limits on Newtown Pike frontage.
 14. Delete 50' setback on Newtown Pike frontage.
 15. Provided the Planning Commission makes a finding that the plan complies with the EAMP.
 16. Resolve buffer (loss of tree canopy) adjacent to the Poole property.
 17. Resolve location proposed for ½ cul-de-sac.
- f. DP 2013-65: DENTON FARM (ELLERSLIE AT DELONG) (AMD) (10/29/13)* - located at 3950 Richmond Road. (Council District 7) **(Barrett Partners)**

Note: This plan requires the posting of a sign and an affidavit of such. The purpose of this amendment is to add Phase 2 condominium and townhome developments and to revise single family residential 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 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. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
 9. Improve text legibility.
 10. Clarify site statistics on Phase 2 to state 124 units.
 11. Provided the Planning Commission makes a finding that the plan complies with the EAMP.
 12. Document compliance with open space in the Special Design Area, prior to plan certification.
- g. DP 2013-66: LAKEVIEW ESTATES, UNIT 2B, BLK I, LOT 7 & BLK K, LOT 3 (AMD) (9/29/13)* - located at 519 Laketower Drive. (Council District 5) **(Barrett Partners)**

Note: The purpose of this amendment is to add one townhouse unit and to reduce off-street parking.

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

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

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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. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
 9. Remove building envelope conflict with 25' floodplain setback.
 10. Resolve size of both 15'x15' pavilions proposed.
- h. DP 2013-67: WILHITE PARK, UNIT 1-B, SECTION 2, LOT 1 (AMD) (9/29/13)* - located at 3500 Arbor Drive.
(Council District 8) **(Banks Engineering)**

Note: The purpose of this amendment is to create 19 new single family residential lots.

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. 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. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
 10. Denote that no building permit shall be issued for Lots 4 & 5 until the detention easement is reconfigured and a minor plat certified.
 11. Provided that the existing conditional use permit is revised by the Board of Adjustment prior to plan certification.
 12. Provided the Planning Commission makes a finding on the use of the proposed access easement.
- i. DP 2013-68: BLUEGRASS BUSINESS PARK, LOT 7 (9/29/13)* - located at 2381 Innovation Drive.
(Council District 2) **(Banks Engineering)**
- The Subdivision Committee Recommended: **Approval**, subject to the following conditions:
1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 6. Division of Waste Management's approval of refuse collection locations.
 7. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
 8. Denote storm water run-off and aquifer protection notes per the final record plat and notes in effect on adjacent property (DP 2010-18).
 9. Denote access easement construction specifications to the approval of the Divisions of Traffic Engineering and Engineering.
 10. Denote height of building in feet.
 11. Denote road frontage in linear feet in site statistics.
 12. Denote construction entrance.
 13. Clarify T.P.A adjacent to Curtsinger property.
 14. Clarify off-street parking (required and proposed) to account for office uses proposed.
- j. DP 2013-70: DEERFIELD SHOPPING CENTER (HAMPTON INN) (10/22/13)* - located at 1949 Nicholasville Road and 145 Collins Lane. (Council District 3) **(Vision Engineering)**

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.

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

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. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
 9. Division of Waste Management's approval of refuse collection locations.
 10. Division of Water Quality's approval of the proposed water quality features.
 11. Division of Water Quality's approval of sewer capacity prior to plan certification.
 12. Resolve the encroachment into the Nicholasville Road right-of-way.
 13. Delete note #10.
 14. Denote access easement maintenance responsibility.
 15. Denote architectural features per zoning development plan approval.
 16. Denote landscaping features per zoning development plan approval.
 17. Denote canopy height in feet.
 18. Review by Technical Committee prior to plan certification.
 19. Resolve parking area orientation/buffer relative to Nicholasville Road per zoning development plan.
- k. DP 2012-45: PIERSON & TRAPP COMPANY/DAWAHARE'S ASSOC. (GARDENSIDE SHOPPING CENTER) (AMD)
(10/30/13)* - located at 1805-1865 Alexandria Drive. (Council District 11) **(Jerry Herndon)**

Note: The purpose of this amendment is to add a one-story tent, delete the outbuilding from the previous plan and to revise the parking layout. 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 and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire's approval of emergency access and fire hydrant locations.
8. Division of Waste Management's approval of refuse collection.
9. Addition of record plat designation.
10. Complete adjacent property information (Plat Cabinet "C" Slide 147 (C-147)).
11. Addition of general notes from previous plan, including note on Darien Drive (private drive).
12. Complete site statistics and verify parking provided.
13. Addition of Board of Adjustment approval information (and access restrictions).
14. Denote new vehicular use screening location on plan.

Note: The applicant now requests reapproval of the plan.

The Staff Recommends: **Reapproval**, subject to the original conditions listed on today's agenda.

- l. DP 2002-70: ZANDALE SHOPPING CENTER (AMD.) (10/30/13)* - located at 2200-2290 Nicholasville Road.
(Council District 4) **(Wheat & Ladenburger)**

Note: The purpose of this amendment is to add buildable area and parking. This plan was approved by the Planning Commission at its August 8, 2002, meeting; reapproved on June 12, 2003; and granted a one-year extension on June 10, 2004, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of parking, circulation, street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Urban Forester's approval of tree preservation plan.
5. Clarify purpose of amendment note.
6. Resolve building versus easement conflicts prior to plan signature.
7. Complete building lines.
8. Denote: This plan voids and supercedes DP 2001-102, which was previously approved by the Planning Commission.
9. Review by the Technical Committee prior to plan certification.

Note: The Planning Commission reapproved this plan on July 14, 2005, subject to the first eight conditions listed above, and adding the following conditions:

9. Remove the off-street parking area along the existing service road within 250' of Zandale Drive, and relabel dimension of planting area.

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10. Posting of a bond, in an amount agreeable to the Division of Traffic Engineering, to construct a median prohibiting left turns in and out of the service road onto Lowry Lane, if required by warrants of five correctable crashes in a one-year period from issuance of final occupancy permits, with the bond to be valid for a two-year period.

Note: This plan was certified on October 21, 2005, but building permits were not obtained within five years from that date. Subsequently, DP 2013-13 was approved for this site, but that plan has been withdrawn by the applicant. The applicant now requests reapproval of the plan.

The Staff Recommends: **Reapproval**, subject to the original conditions listed on today's agenda, revising two conditions and two additional conditions:

3. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree preservation plan and required street tree information.
11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
12. Denote: This plan voids and supercedes DP 2013-13, which was previously approved by the Planning Commission.

- V. **ZONING ITEMS** - The Zoning Committee met on Wednesday, August 1, 2013, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Carla Blanton, Patrick Brewer, Mike Cravens, and Bill Wilson. The Committee reviewed applications, and made recommendations on zoning items as noted.

A. FULL PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

1. **ZOTA 2013-8: AMEND THE DEFINITION OF VEHICLE STORAGE YARD** – petition for a Zoning Ordinance text amendment to Article 1-11 to amend the definition of "vehicle storage yard" to allow inoperable vehicles to be stored no longer than 60 days in a vehicle storage yard.

REQUESTED BY: L. Roberts Properties, LLC

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

ARTICLE 1: GENERAL PROVISIONS AND DEFINITIONS

1-11 DEFINITIONS

VEHICLE STORAGE YARD – A place where vehicles which bear a current license plate in accordance with state law and not used in the conduct of a trade, business, or profession are kept for 24 hours or longer. A vehicle storage yard does not include a yard for storage of dismantled or partially dismantled automobiles, storage of inoperable vehicles for longer than 60 days, a parking lot, truck terminal, automobile wrecking, or junk yards.

STAFF ALTERNATIVE TEXT:

VEHICLE STORAGE YARD – A place where vehicles which have a current vehicle registration and bear a current license plate in accordance with state law and not used in the conduct of a trade, business, or profession are kept for 24 hours or longer. A vehicle storage yard does not include a yard for storage of dismantled or partially dismantled automobiles, storage of inoperable vehicles for longer than 60 days, a parking lot, truck terminal, automobile wrecking, or junk yards.

The Zoning Committee Recommended: **Approval of the Staff Alternative text**, for the reasons provided by staff.

The Staff Recommends: **Approval of the staff alternative text**, for the following reason:

1. The proposed text amendment to modify the definition of "vehicle storage yards" to permit temporary storage of inoperable vehicles for a maximum of 60 days is logical and consistent with state law, as well as community and national business practices.

D. ZONING ORDINANCE TEXT AMENDMENT REFERRAL FROM THE URBAN COUNTY COUNCIL

1. **ZOTA 2012-9: AMENDMENTS TO ARTICLES 1, 8 & 12 FOR MODIFICATIONS TO THE B-1 ZONE** – petition for a Zoning Ordinance text amendment to Articles 1, 8 and 12 to make various modifications to the B-1 zone, including the addition of several new definitions.

Referral back to the Planning Commission to reconsider regulations of rehabilitation homes and tattoo parlors.

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TATTOO PARLORS

ARTICLE 8: SCHEUDLE OF ZONES

8-19 LEXINGTON CENTER BUSINESS (B-2B) ZONE

8-19(d) Conditional Uses

11. Tattoo parlors.

8-19(e) Prohibited Uses

13. Tattoo parlors.

REHABILITATION HOMES

ARTICLE 8: SCHEDULE OF ZONES

8-15 PROFESSIONAL OFFICE (P-1) ZONE

8-15(b) Principal Uses

~~20. Assisted living facilities and rehabilitation homes, but only when more than five hundred (500) feet from a residential zone.~~

8-15(d) Conditional Uses

~~5. Assisted living facilities and rRehabilitation homes, when located closer than five hundred (500) feet from a residential zone.~~

8-16 NEIGHBORHOOD BUSINESS (B-1) ZONE

8-16(b) Principal Uses

~~16. Rehabilitation homes, but only when more than five hundred (500) feet from a residential zone.~~

Re-number remaining section

~~10. 11. Assisted living facilities and rRehabilitation homes, but only when more than five hundred (500) feet from a residential zone.~~

ARTICLE 12: PLANNED SHOPPING CENTER (B-6P) ZONE

~~12-512-4~~ — CONDITIONAL USES

~~f. Assisted living facilities and rRehabilitation homes, when located closer than five hundred (500) feet from a residential zone.~~

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

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

1. The staff would like the opportunity to meet with the Department of Law in order to discuss the possible implications of making rehabilitation homes a conditional use in every instance.

VI. COMMISSION ITEMS

- A. REQUEST FOR INITIATION OF A CHANGE TO CONDITIONAL ZONING RESTRICTIONS** – Rosenstein Development has requested Planning Commission initiation of a Zoning Map Amendment to change conditional zoning restrictions on private property located at 760 & 789 Newtown Springs Drive and 1433 & 1445 Newtown Center Way to:
- i. Change the required 4-plank fence to a 3-plank fence along the Newtown Pike frontage, and
 - ii. Allow the existing landscaping planted along the Legacy Trail to replace the previous tree planting requirements.

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

The Zoning Committee Recommended: **Approval** of this request.

- B. PFR 2013-5: LEXINGTON-FAYETTE COUNTY AIRPORT BOARD** – A Public Facility Review of new construction of airport hangars and a fueling & washing facility, at 4444 - 4484 Gumbert Road (off Versailles Road) (Council District 12)

SUMMARY FINDINGS: The Land Use Element, the text and the Goals and Objectives of the 2007 Comprehensive Plan, as well as the Goals and Objectives of the 2012/2013 Plan, clearly support the proposed improvements to the Blue Grass Airport property. Although not totally in agreement with the Land Use Element (because a portion of the development will not be within the Rural Activity Center), the proposal is in substantial agreement, as most of the new construction and expanded use will be located within the RAC boundary. The Goals, Objectives and text that reference environmental stewardship and protection, as well as those that reference economic development, will be enhanced by the proposed additional use of the property, provided Best Management Practices are used during construction of the proposed buildings; and the character of the Versailles Road corridor will not change as a result of the new construction, as the hangars will be architecturally enhanced to blend with surrounding properties, including the Keeneland Race Track.

STAFF RECOMMENDATION: Approval, as requested. Although exempt from zoning regulations, safety, health and environmental health issues must be considered when doing any type of construction, particularly when it is for the purpose of human habitation/use. It is therefore recommended that any permits that would generally be applicable to construction, including a building (and any other applicable) permit from the State, and an inspection by Lexington-Fayette County's Fire Marshall, be obtained prior to construction and/or occupancy of the building.

- C. PFR 2013-7: BLUEGRASS DOMESTIC VIOLENCE PROGRAM** – A Public Facility Review of new construction of six duplexes to be used as transitional housing, at 4400 Briar Hill Road (Council District 12).

The staff will report at the meeting.

VII. STAFF ITEMS

A. Planning Services Activity Report

- During the month of July, the Planning Services staff processed 5 zoning map amendments and 6 text amendments to the Zoning Ordinance. Also, 4 Board of Adjustment cases were processed for the Board's July meeting. Some 52 subdivision and development plans were also processed and reviewed by Planning Services staff in July. All of the new staff reports for these items were forwarded to those appellants at least five working days in advance of scheduled public meetings and public hearings.
- Processing of the above items included attendance and/or preparation of materials and presentations for the following: Technical, Subdivision and Zoning Committee meetings, one Planning Commission public hearing, one Planning Commission public meeting, one Planning Commission work session and one Board of Adjustment public hearing. In addition, the staff held 3 pre-application conferences for zoning applications, and several other pre-application meetings for subdivision plans, development plans and various appeals to the Planning Commission and Board of Adjustment.
- In July, there were 16 updates made to the Registered Neighborhood Association data base, and Planning Services staff assisted 182 unscheduled "walk-in" visitors to the office, all of which was served within 15 minutes of their arrival. Those office visitors were placed with a professional planning staff member in an average of 1.58 minutes. Much of the remainder of the staff's time was spent answering numerous telephone and e-mail inquiries from people concerning zoning regulations, subdivision plans, Board of Adjustment (BOA) appeals, development plans and related items, or posting applications and submitted plans on the Division of Planning web-page.
- Administrative Officer Barbara Rackers, Senior Planner Traci Wade and Planner Cheryl Gallt of Planning Services staff received training on July 12th regarding the Sanitary Sewer Capacity Assurance Program (CAP). The new computer program and the new responsibilities of the Division of Planning for data entry were outlined in this session.
- Planning Services continues to prepare a draft text amendment reflecting the work of the Recreation ZOTA Task Force. The draft will be completed very soon, and will be initially presented to Task Force Chair, Don Robinson, and Vice-Mayor Linda Gordon for review.
- Several members of Planning Services, along with members of the Zoning Enforcement Section, attended the Sign Review Committee on July 22nd to provide background information, and details about the pending zoning enforcement action about the first requested landmark sign in the community. The Committee approved the existing large fork at the Forcht Bank at 3358 Bates Creek Road as Lexington-Fayette County's first landmark sign.

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- On July 24th, several Planning Services staff members attended a workshop sponsored by the Division of GIS with ESRI, the GIS software company. Staff members were provided with detailed information about how GIS is currently utilized, and expressed desires about future projects to improve our management of data and its dissemination to the public.

B. Zoning Enforcement Activity Report

- During the month of July 53 new complaints were received about zoning issues. Those new cases were in addition to 57 unresolved complaints that were carried over from June. Of the 110 complaint cases worked on in July 17 were determined not to involve any zoning violations. A total of 44 cases were resolved, meaning that the necessary actions were taken by a property owner and/or tenant to bring a property into compliance.
- July was a fairly typical summer month, with several new complaints responded to relating to impairment of driver visibility from overgrown vegetation at street and driveway intersections. These “sight triangle” violations are a priority with staff because of potential safety issues. While some problems were resolved very quickly, others have lingered due in part to some uncertainty as to what government entity is best suited to respond quickly in situations involving vegetation located within the street right-of-way. Efforts initiated in June to clear up this uncertainty continued in July, focused primarily on identifying the wide range of circumstances at play, such as whether or not informational signage is being blocked (e.g., a stop sign) and what specific arm of government is responsible for right-of-way management at a particular location (e.g., is it a state maintained road).
- Staff continued to monitor all of the major road corridors for the reappearance of illegal feather signs, and also initiated additional corridor surveys to get a better handle on the extent and types of other illegal temporary signage that is in place. At the July 25 Planning Commission meeting concerns were expressed regarding a Zoning Ordinance Text Amendment proposing that permits be required for temporary signs. In response, staff is exploring alternatives to a permitting regulatory approach, and more detailed surveys will be conducted in August to provide necessary background information for evaluating different options on how to best address this thorny issue.
- Considerable effort continued in July monitoring activities at the Boone Creek zip line & canopy tour operation and addressing related legal issues. That facility has, at least from time to time, remained open since the Board of Adjustment upheld, at the May 31 public hearing, the Notice of Violation that was issued in March of this year. A request for injunctive relief that would force the operation to close has been filed with Fayette County Circuit Court, and the judge assigned to that case has determined that a special hearing is in order, which has tentatively been scheduled for August 15.
- A trial was finally held in Fayette District Court on July 15 relating to the junk and storage yard case (in the rural area of eastern Fayette County) that staff has been working on since November of 2011. The six-person jury was unable to reach a unanimous verdict, so the case will have to be re-tried, which has been scheduled for September 18. Observing the dynamics of a zoning issue being addressed in a criminal court setting has been a valuable learning experience for Zoning Enforcement staff, and has raised serious questions as to whether or not such an approach to resolving alleged zoning violations is viable.
- Monitoring of conditional use permits that have been granted by the Board of Adjustment or by the Planning Commission (in conjunction with a zone change request) was continued in July. By law, every conditional use is required to be inspected for compliance at least once per year. During July 69 conditional uses were inspected, and all were determined to be in substantial compliance.

C. Long Range Planning Activity Report

- Bluegrass Regional Planning Council – Staff attended the bimonthly meeting of the Bluegrass RPC at the Bluegrass ADD. David Pike, attorney with Pike Legal Group in Shepherdsville, provided an update on recent court rulings and regulatory changes affecting planning and zoning. Mr. Pike is noted for the training sessions he leads for Kentucky planners and for his work representing cell tower operators.
- GIS Workshop – Staff was invited to attend a workshop led by GIS staff from LFUCG and representatives of ESRI, an international supplier of GIS software and geodatabase management applications. The workshop gave staff an opportunity to discuss how GIS data are used as well as additional needs and uses for data.
- Development Review – Staff conducted a variety of development review duties and meetings, conducted field work, and coordinated greenway and greenspace development issues.
- General Work Activities – Using GIS, and Census data, staff created maps and data sets for the Urban County Council, other LFUCG Departments, and agencies and officials outside the government. Staff also attended LFUCG-sponsored trainings and presentations by other local officials.

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- Administrative Specialist – The Long-Range Planning staff welcomed Laurie Jackson as the new Administrative Specialist. Ms. Jackson previously worked with Zoning Enforcement in the Division of Planning. Her early responsibilities will be to help finish the Comprehensive Plan.

D. Transportation Planning Activity Report

1.1 Surveillance –

- The MPO staff continues to monitor the Comprehensive Plan(s) and land development activities through participation in the LFUCG Division of Planning activities and monitoring Fayette and Jessamine County news media and their respective legal ads on a daily, weekly, and monthly basis.
- As part of the Urban County's community growth, staff researched local laws and regulations pertaining to best practices for driveway and entrance design for the Fritz/Bayer Properties.
- Staff participated in a Statewide Planning conference call.

1.2 Title VI/ADA – No activity this period.

1.3 Participation Process –

- MPO Website Development – In July, the MPO website had 146 unique visitors; 198 visits; and 825 page views. Reviewed and updated the MPO website.
- The MPO's Twitter site increased its followers to 1,558 at the end of July up from 1,545 at the end of June.
- The MPO's Facebook fan page had 544 likes, reached 5,904 unique users and had 1,507 total daily impressions in July.
- The Lexington Area MPO Youtube channel has a total of 29 videos. The videos have had a total of 31,935 lifetime views with 381 views in July.
- Drafted and tested a community transportation survey to inform the Metropolitan Transportation Plan update process.

1.4 Staff Development –

- Attended LFUCG website Content Management System training.

2.1 Congestion Management Process (CMP) –

- Staff continued to work with the Kentucky Transportation Center (KYTC) and Kentucky Transportation Cabinet (KYTC) staff to process the GPS-probe speed data and calculate congestion management criteria and performance measures.
- Staff continued to work on developing the congestion management road segment list and database that are used for documenting corridor congestion management performance measures.
- Staff continued to participate in the administration of the Downtown Traffic Movement and Revitalization Study.

2.2 Transportation Plan Update –

- Staff continued weekly MTP update meetings and started gathering data to highlight transportation trends in the Lexington area.
- Staff participated in KYTC's efforts to develop a District Transportation Plan and prioritized Fayette and Jessamine County projects.

2.3 Air Quality Activities –

- Staff continued to monitor air quality issues.
- Staff continued air quality forecasting and sent out a monthly summary of forecasting results.

3.1 Transportation - Land Use Impact Analysis

- Reviewed two (2) zone changes, and four (4) zoning ordinance text amendments.
- Monitored Urban County Zoning, Subdivision Regulations, and related New Development Manuals as necessary for the Planning Services Section's continual and on-going procedural and infrastructure improvement process; meet once a month to discuss traffic, land-use, on-site/off-site issues, and related regulatory requirements.
- Staff attended the Ball Homes Property Public Hearing on July 25, 2013 and presented the TIS review to the Planning Commission.
- Reviewed the Jessamine Journal's legal ads for Jessamine County, the City of Nicholasville, and the City of Wilmore's proposed land use changes and zoning proposals, and monitored for transportation and related traffic issues in July.
- Traffic counts were provided to two (2) citizens and one LFUCG staff during this period.

3.2 Multimodal / Transportation Enhancement Planning –

- Responded to citizen/agency requests for information on bike and pedestrian issues.

- Responded to citizen/agency requests for bike maps and new bike lanes.
- Responded to citizens concerns over poor repair conditions from utility trenching in bike lanes.
- Observed vehicle behaviors created by new stripping conditions at various locations.
- Addressed safety concerns at Limestone and Vine Street intersection.
- Attended Planning Technical committee meeting to address bicycle and pedestrian circulation for new plans submitted to LFUCG.
- Reviewed and approved Plans for bicycle and pedestrian circulation on plan tracker as sign off for LFUCG division of Planning
- Continued distribution efforts for the Share the Road Campaign in partnership with UK, LFUCG Police, BPAC and County Attorney Office. This included billboards, bus ads, web materials, posters and press outreach.
- Attending Meeting as MPO/LFUCG representative for Arboretum bike trail.
- Meeting onsite with KYTC representative for final improvements for Bolivar Street and Limestone bike lanes and sharrows.
- Continued work on 2040 MTP plan including research, text edits maps and graphs for safety and security section as well as inventory for bike and pedestrian chapters.
- Research on other communities initiatives for promoting bicycling and pedestrian movement and safety.
- Met with Council Member Clarke to discuss bike options in his district.
- Assessed and made recommendations for proposed stripping along 3rd Street for long range planning.
- Attended and provided exhibit at UK Health and Wellness Fair for community outreach.
- BPAC meeting agenda, minutes and preparation of letter of probable impacts for two-way study consultants.
- Research on bicycle usage data tracking phone applications for Fayette and Jessamine County.

3.3 Transit Planning –

- Staff coordinating with KYTC, CDP, and landowners to establish CMAQ funded bus shelter on Southland Drive and Leestown Road to be built in spring 2013. Working with Division of Water Quality on encroachment permit.
- Staff working with KYTC and District 7 officials to obtain encroachment permit for CMAQ bus shelter site on Leestown Rd at Town Center Dr.
- Staff attended Local Food Percolator meetings concerning local food distribution.
- Staff attended LexTran board meeting.
- Staff attended FTSB board meeting as board chair assisting with site visits for possible new property acquisition.
- Staff met with KYTC officials concerning status of LPA projects ongoing.
- Staff attended Model Users Group meeting at KYTC.
- Staff met with HDR consultants at Lextran to discuss Fritz property in relation to transit service.

3.4 Mobility Coordination –

- Staff made and received 28 phone calls this month: 5 vanpools, 4 carpools, 1 Lextran, 1 park and ride, and 17 others.
- Staff sent Vanpool Waiting List to LexTran/Enterprise for their use.
- Continued promotion and site development at www.moveitpeople.com
- Processed a new agreement with Group CJ for mobility office outreach campaign for FY 2013-14.

3.5 Travel Demand Modeling and Project Forecasting –

- Staff continues to maintain the Travel Demand Model and engage the TDM consultant and KYTC in the process of updating the model.
- Staff continued to work with consultants to review the growth projections from 2010 to 2040 for LexMPO area in developing the TDM.

4.1 Program Administration –

- Committee meeting packets were drafted for Transportation Planning/MPO meetings held in the month: the Bicycle Pedestrian Advisory Committee (BPAC), the Transportation Technical Coordinating Committee (TTCC), and the Air Quality Advisory Committee (AQAC).
- Completed Quarterly report for May-July 2013.

4.2 Transportation Improvement Programming (TIP) –

- Staff prepared and distributed TIP Mod #1.
- Staff conducted a Project Coordination Team (PCT) meeting.

4.3 Unified Planning Work Program (UPWP) – No activity this period.

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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 re-hearing, 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. **MEETING DATES FOR SEPTEMBER, 2013**

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	September 5, 2013
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	September 5, 2013
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	September 12, 2013
Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	September 19, 2013
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	September 25, 2013
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	September 26, 2013

X. **ADJOURNMENT**

TLW/TM/CT/BJR/BS/src

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