

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

September 12, 2013

- I. **CALL TO ORDER** - The meeting will be called to order at 1:30 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.
- II. **APPROVAL OF MINUTES** – The minutes of the June 27, 2013 and July 25, 2013, meetings will be considered by the Planning Commission at this time.
- III. **POSTPONEMENTS OR WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.
- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, September 5, 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 Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Cheryl Gallt, Dave Jarman, Kelly Hunter, Scott Thompson, Denice Bullock and Joey David, as well as Captain Charles Bowen & Lieutenant Greg Lengal, Division of Fire & Emergency Services; Craig Prather, Division of Sanitary Sewers 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 2013-95F: SOUTH BROADWAY PLACE, PHASE 3, LOT 1 (AMD) (CARL B. WHITE PROPERTY) (11/3/13)* -
located at 1000 Export Street. (Council District 3) **(Endris Engineering)**

Note: The purpose of this amendment is to reduce the building line, to release an easement and to reduce the width of a landscape buffer easement.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
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. Addition of general notes from the previous plat.
7. Clarify street cross-sections.
8. Denote compliance with Article 8 of the Zoning Ordinance.
9. Denote compliance with required Article 18 adjacent to R-4 zone and railroad, prior to certification.

- b. PLAN 2013-96F: HILLENMEYER PROPERTY – WEST & GREENDALE HILLS, UNIT 2 (11/3/13)* - located at 2801 Sandersville Road. (Council District 2) **(Hall-Harmon)**

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and minimum flood elevations.
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 under the Capacity Assurance Program requirements, prior to plan certification.
8. Denote flood protection elevation for Lots 18 and 19 with an asterisk.
9. Correct easement at rear of Lot 20 to read "15' U.E."
10. Correct plan title to read "Hillenmeyer Property-West & Greendale Hills, Unit 2."

- c. PLAN 2013-97F: MASTERSON HILLS, UNIT 1-B (11/3/13)* - located at 3000 Spurr Road. (Council District 2) **(EA Partners)**

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Documentation of Division of Water Quality's approval under the Capacity Assurance Program requirements, prior to plan certification.
9. Clarify status and maintenance of Lot 5.
10. Provide flood protection elevation note to the approval of Division of Engineering.
11. Resolve ADA compliant access to Lot 5 to the approval of Traffic Engineering.
12. Indicate driveway location on corner lots to the approval of Traffic Engineering.

- d. PLAN 2013-98F: MASTERSON HILLS, UNIT 1-C (11/3/13)* - located at 3000 Spurr Road. (Council District 2) **(EA Partners)**

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Documentation of Division of Water Quality's approval under the Capacity Assurance Program requirements, prior to plan certification.
9. Provide flood protection elevation note to the approval of the Division of Engineering.
10. Denote "3' drainage easement maintenance responsibility for 10' cemetery lot proposed."
11. Indicate driveway location on corner lots to the approval of Traffic Engineering.
12. Discuss whether or not cemetery lot should be included in this unit.
13. Discuss side yards for Lots 107 & 108.

- e. PLAN 2013-99F: WILLOW GLEN, UNIT 4 (AMD) (11/3/13)* - located at 216 Old Mt. Tabor Road. (Council District 5) **(EA Partners)**

Note: The purpose of this amendment is to revise the plat restrictions for access to Mt. Tabor Road.

The Subdivision Committee Recommended: **Postponement**. There were some questions regarding the access to Mt. Tabor Road.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. 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 under the Capacity Assurance Program requirements, prior to plan certification.
8. Addition of existing 5' wall and maintenance easement, or revise purpose of amendment note.
9. Discuss note #7.
10. Discuss access.

- f. PLAN 2013-106F: SOUTH BROADWAY PLACE, LOT 3 (AMD #2) (11/26/13)* - located at 201 Simpson Avenue.
(Council District 3) **(EA Partners)**

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. Department of Environmental Quality's approval of environmentally sensitive areas.
7. List private utilities provided.
8. Addition of owner/developer information.
9. Denote location of nearest survey monument.
10. Correct spelling of "Norfolk Southern Railroad."
11. Addition of note for maintaining drainage and/or other easements.
12. Review by Technical Committee prior to plan certification.

2. **DEVELOPMENT PLANS**

- a. 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)**

Note: The Planning Commission postponed this plan at their August 8, 2013 and August 22, 2013, meetings.

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 distance 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.

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

- b. 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: The Planning Commission postponed this plan at their August 8, 2013 and August 22, 2013, meetings. 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.

- c. DP 2013-71: THE COACH HOUSE-SOUTH BROADWAY PROPERTY (AMD) (11/3/13)* - located at 855 South Broadway. (Council District 11) **(Commercial Site Design)**

Note: The purpose of this amendment is to redevelop Lot 1 and add a drive-through facility.

The Subdivision Committee Recommended: **Postponement.** The plan submitted does not meet the minimum requirements of Article 21-6(a) of the Zoning Ordinance, regarding the content for development plans.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval under the Capacity Assurance Program requirements, prior to plan certification.
11. Complete adjacent property information for Lot 2 dimensions (from previous development plan DP 2002-54).
12. Dimension pedestrian walkways and access points to South Broadway.
13. Denote construction access points proposed.
14. Addition of sidewalk dimension to street cross-section for South Broadway at identified location.
15. Addition of required site statistics, per Article 21-6(a)(13) of the Zoning Ordinance.
16. Addition of tree protection plan information.
17. Revise purpose of amendment note.
18. Discuss traffic circulation in front of building for drive-through orders.
19. Discuss existing ingress/egress easement and 25' access easement proposed.
20. Discuss access to South Broadway and need for Kentucky Transportation Cabinet approval.

- d. DP 2013-72: MILLER-BIRD COMMERCIAL, LOT 1-A & OLDSTOWN VILLAGE SUBDIVISION, UNIT 2 (11/3/13)* - located at 161 Moore Drive and 2699 Regency Road. (Council District 10) **(EA Partners)**

Note: The purpose of this amendment is to add access to Regency Road and to add parking.

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

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. 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. Denote the required 20' building line.
9. Denote existing easements from final record plat.
10. Document compliance with interior landscaping and tree canopy requirements.
11. Denote height of building in feet.
12. Clarify required off-street parking statistics.
13. Resolve impact on stormwater management due to additional parking proposed.
14. Resolve proposed access to Regency Road.

- e. DP 2013-73: FAYETTE MALL (AMD #12) (11/3/13)* - located on Nicholasville Road.
(Council District 9) **(EA Partners)**

Note: The purpose of this amendment is to revise buildable area and off-street parking.

The Subdivision Committee Recommended: **Postponement**. The parking layout proposed will impede vehicular circulation at a mall entry point.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval under the Capacity Assurance Program requirements, prior to plan certification.
10. Dimension all buildings and structures on Macy's outlot.
11. Dimension all drive aisles shown in identified "area of amendment."
12. Addition of timing of and method of decommissioning 2nd floor space (Sears).
13. Illustrate compliance with Art. 12-7(b) requirements in "area of amendment."
14. Addition of parking counts from previous development plan.
15. Clarify 72' x 72' addition (not shown) from previous development plan, and add to site statistics.
16. Document compliance with interior landscaping requirements.
17. Resolve timing of construction with removal or release of existing easements.
18. Discuss need for pedestrian access to designated transit stops.
19. Discuss whether the plan must comply with the adopted Big-Box Design Guidelines.

- f. DP 2013-74: GLENN CREEK (DOVE CREEK) (AMD) (11/3/13)* - located at 1145 & 1156 Appian Crossing Way.
(Council District 8) **(Rob Sims)**

Note: The purpose of this amendment is to delete townhouses and add four apartment buildings.

The Subdivision Committee Recommended: **Postponement**. There are concerns with the proposed circulation and access, given the substandard conditions of Jones Trails.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.

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

9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 10. Division of Waste Management's approval of refuse collection locations.
 11. Documentation of Division of Water Quality's approval under the Capacity Assurance Program requirements, prior to plan certification.
 12. Addition of name and address of developer in title block.
 13. Denote record plat designation.
 14. Dimension proposed driveway/access point to Jones Trail.
 15. Dimension proposed walkways.
 16. Addition of street cross-section for Jones Trail.
 17. Dimension apartment buildings and clubhouse.
 18. Denote height of new buildings in feet.
 19. Complete site statistics for buildable and floor area.
 20. Remove from chart "areas of individual lots" that are being deleted from plan.
 21. Delete miscellaneous lot information.
 22. Delete note #13 (redundant).
 23. Resolve timing of water line easement release to remove conflict with proposed building.
 24. Delete Unit 3 typical townhouse information.
 25. Discuss improvements to Jones Trail.
 26. Discuss note #16.
 27. Discuss possible need for a tree preservation area along Jones Trail.
 28. Discuss continued use of pedestrian/emergency vehicle access as a vehicular access by area residents.
 29. Discuss landscape buffer adjacent to parking and compactor along northern property line.
 30. Discuss apartment access proposed through townhouse (H.O.A.) access easements.
- g. DP 2013-19: BROOKHAVEN SUBDIVISION (AMD #10) (11/26/13)* - located at 2434 and 2450 Nicholasville Road.
(Council District 4) **(Wheat & Ladenburger)**

Note: The purpose of this amendment is to add building square footage and revise the parking. The Planning Commission originally approved this plan on March 14, 2013, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection.
8. Label and dimension all internal sidewalks.
9. Denote the height (in feet) of existing and proposed buildings.
10. Denote all proposed and existing easements.
11. Clarify street cross-section information.
12. Remove cross-hatching for "new" sidewalks and depict the same as existing ones along the Rite Aid street frontage.
13. Identify existing and/or proposed dumpster and loading dock information at the rear of building.
14. Denote proposed outdoor seating in site statistics for restaurant "A."
15. Delete "optional" on parking north of new building.
16. Addition of street frontage in site statistics.
17. Revise plan to demonstrate compliance with the minimum required off-street parking.

Note: The applicant has requested a continued discussion of this plan to allow a larger athletic club facility and to eliminate the previously approved restaurant and office space from the development.

The Subdivision Committee Recommended: **Approval**, subject to the original conditions 1-13 & 16; and adding the following new conditions:

14. Denote as "10th Amendment" in title block.
15. Complete numbering of general notes.
17. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.

- h. DP 2013-79: INTERSTATE REALTY, LOT 1 (AMD) (11/26/13)* - located at 833-837 Lane Allen and 1910 Garden Springs Drive. (Council District 11) **(Barrett Partners)**

Note: The purpose of this amendment is to increase the buildable area and add parking.

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

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

2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval under the Capacity Assurance Program requirements, prior to plan certification.
10. Denote construction access.
11. Denote cross-sections through streets on face of plan.
12. Denote height of building in feet.
13. Clarify existing vs. new building square footage proposed.
14. Verify removal or status of underground waste oil tank and gas storage tank identified on previous development plan.
15. Complete dimensions on Lot 1 building.
16. Revise purpose of amendment note.
17. Review by Technical Committee prior to plan certification.

- i. DP 2013- 80: ELLERSLIE PLACE, LOTS 2 & 2A (MIDLAND CROSSING) (AMD) (11/26/13)* - located at 222 Midland Avenue and 225 Walton Avenue. (Council District 3) **(Milestone Design Group, Inc.)**

Note: The purpose of this amendment is to revise the site for proposed apartments on Lot 2 and the combination of apartments vs. commercial on Lot 2A.

The Subdivision Committee Recommended: **Postponement**. There were questions regarding the notification of the nearby neighborhood associations and compliance with Art. 28-6 of the Zoning Ordinances.

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. 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 under the Capacity Assurance Program requirements, prior to plan certification.
9. Correct plan title to read "Ellerslie Place, Lots 2 & 2A (Midland Crossing) (AMD)".
10. Addition of record plat designation.
11. Denote cross-sections for new street/access easements.
12. Dimension proposed townhouse buildings.
13. Denote width of parking spaces.
14. Denote number of bedrooms per unit.
15. Revise note #14.
16. Correct garage parking in site statistics (56 vs. 65).
17. Review by Technical Committee prior to plan certification.
18. Discuss proposed building on Lot 2A conflict with 15' and 25' easements.
19. Discuss status of preliminary subdivision plan and required information under the Land Subdivision Regulations.
20. Discuss compliance with Art. 28-6 provisions.
21. Discuss whether access easements/streets are to be public or private.
22. Discuss timing of new mixed-use building versus new townhouse development.

- C. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – Any bonds or letters of credit requiring Commission action will be considered at this time. The Division of Engineering will report at the meeting.

- V. **ZONING ITEMS** - The Zoning Committee met on Wednesday, September 5, 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. **ZONING ORDINANCE TEXT AMENDMENT**

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

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.

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

8-16(d) Conditional Uses

~~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 Recommended: **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 ITEM** – The Chair will announce that any item a Commission member would like to present will be heard at this time.

- a. **PFR 2013-6: FAYETTE COUNTY PUBLIC SCHOOLS** – a Public Facility Review of Fayette County Public Schools' purchase of a property for a new elementary school, at 1150 Passage Mound Way (Council District 12).

STAFF RECOMMENDATION: The Staff finds this to be in compliance with the Goals and Objectives of the 2007 *Comprehensive Plan*, as well as text, and one Objective of the 2012/2013 *Comprehensive Plan*. Because the design of the school and the layout of the property have not yet been completed, it is recommended that the trail connection, which bounds the property to the immediate west (as shown on the Trail/Path Map contained in the *Greenway Master Plan* for the immediate area), be included as part of the design of the property. This will allow a recommended trail connection to be made, and will help to implement the *Expansion Area Master Plan*, as well as the *Greenway Master Plan*, both of which are adopted elements of the 2007 *Comprehensive Plan*.

- b. **PFR 2013-8: FAYETTE COUNTY PUBLIC SCHOOLS** – a Public Facility Review for the construction and use of a permanent band tower located at 1111 Centre Parkway (Council District 8).

STAFF RECOMMENDATION: The Staff finds this to be in compliance with the text, Goals and Objectives of the 2007 *Comprehensive Plan*, as well as one Objective of the 2012 Plan. Only one recommendation is made, which relates to public health, safety and welfare:

1. Even though the Fayette County Public School System is exempt from Zoning Ordinance requirements, it must still comply with State Building Code requirements. It is therefore recommended that any applicable permits be obtained from the Division of Building Inspection prior to commencing construction and prior to use of the band tower.

VII. **STAFF ITEMS** – The Chair will announce that any item a Staff member would like to present will be heard at this time.

VIII. **AUDIENCE ITEMS** – Citizens may bring a planning related matter before the Commission at this time for general discussion or future action. Items that will **NOT** be heard are those requiring the Commission's formal action, such as zoning items for early rehearing, map or text amendments; subdivision or development plans, etc. These last mentioned items must be filed in advance of this meeting in conformance with the adopted filing schedule.

IX. **NEXT MEETING DATES**

Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers	September 19, 2013
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	September 25, 2013
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	September 26, 2013
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	October 3, 2013
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	October 3, 2013
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	October 10, 2013

X. **ADJOURNMENT**