

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

January 16, 2014

- 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 November 14, 2013, meeting 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, January 9, 2014, at 8:30 a.m. The meeting was attended by Commission members: Eunice Beatty, Will Berkley and Mike Owens. 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 Galt, Dave Jarman, Kelly Hunter, Denise Bullock, Jimmy Emmons, Scott Thompson and Cindy Deitz, as well as Lieutenant Greg Lengal, 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 PLAN

- a. **PLAN 2014-1F: EASTLAND SHOPPING CENTER, LOT 4 (AMD) (2/23/14)*** - located at 1311 Winchester Road. (Council District 5) **(Midwest Engineering)**

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. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
6. Complete vicinity map information (north of US 60).

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

7. Correct note #7.
8. Denote adjacent property using dashed lines.
9. Denote Winchester Road right-of-way and cross-section cut.
10. Denote address on lot.
11. Denote listing of utility providers.
12. Correct LFUCG Engineer's certification.
13. Denote that there will be no access to Winchester Road.

2. DEVELOPMENT PLANS

- a. DP 2013-96: HARVEY PROPERTY (2/2/14)* - located at 4500, 4524 and a portion of 4574 Old Schoolhouse Lane.
(Council District 10) **(EA Partners)**

Note: The Planning Commission postponed this plan at their December 12, 2013, meeting.

The Subdivision Committee Recommended: Postponement. There were some questions regarding access to the greenway, location of the pre-Columbian burial ground and adequate spring protection.

Should this plan be approved, the following requirements 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.
 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 of the Capacity Assurance Program requirements, prior to plan certification.
 12. Denote lot information per Subdivision Regulations for single family area.
 13. Clarify extent of street construction and tree protection area in and near floodplain.
 14. Discuss proposed tree protection area for Bur Oak.
 15. Discuss location of pre-settlement cultural site.
 16. Discuss access to greenway area.
 17. Discuss improvements needed to Old Schoolhouse Lane, including sidewalk.
 18. Discuss incorporation of spring into greenway or other protection measures, including maintenance.
 19. Discuss requested waivers, and the height of proposed retaining walls.
- b. DP 2014-1: LOCUST HILL SHOPPING CENTER (PARCEL 1, LOT 1, BLOCK A) (AMD) (2/23/14)* - located at 3101 Richmond Road. (Council District 7) **(The Roberts Group)**

Note: The purpose of this amendment is to increase buildable area for a new restaurant location and revise the outlot at 3035 Richmond Road.

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. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 9. Resolve removal of trees along south edge of retention area and resulting impact on canopy coverage.
 10. Discuss vehicular circulation, including entry/exit from the proposed outlot developments.
- c. DP 2014-2: FRITZ FARM, LLC (SUMMIT LEXINGTON BAYER PROPERTY) (2/23/14)* - located at 4100 Nicholasville Road. (Council District 4) **(HDR)**

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.

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3. Building Inspection's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree preservation plan.
 6. 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 the Capacity Assurance Program requirements, prior to plan certification.
 10. Correct note #7.
 11. Delete note #11.
 12. Provided the Planning Commission grants a waiver to Art. 6-8(q)(2) of the Land Subdivision Regulations.
 13. Graphically depict compliance with Art. 28-6(c)(1) and (2) of the Zoning Ordinance.
 14. Remove MU-3 zoning "requirements" for parking.
 15. Denote bicycle parking per Art. 28-6(f) of the Zoning Ordinance.
 16. Clarify pedestrian system connection from Tangleway Way and Tavistock Drive.
 17. Denote compliance with lighting per Art. 28-6(g) of the Zoning Ordinance.
 18. Denote KTC approval of access and traffic signal.
 19. Denote conditional zoning restrictions.
 20. Denote adjoining property information.
 21. Addition of private street/access easement maintenance responsibilities.
 22. Document compliance with the tree canopy requirements.
 23. Identify number of mixed-income housing units on plan.
 24. Discuss building orientation and parking lot orientation to arterial streets.
 25. Discuss road improvements proposed.
 26. Discuss timing of residential development.
 27. Discuss vehicular use area in relation to residential zone and buffer areas.
 28. Discuss residential building "FF" in relation to residential zone.
 29. Discuss landscaping to be provided along arterials and tree preservation areas adjacent to residential zones.
 30. Discuss building "CC" (retail use) conflict with 100' utility easement.
 31. Discuss "construction entrance" proposed at Tavistock Drive.
 32. Discuss timing of development under the Capacity Assurance Program limitations.
- d. DP 2013-29: HEADLEY, NIVEN & VANCE PROPERTY, LOTS 1, 2 & 3 (AMD) (3/13/14)* - located at 1500 Russell Cave Road and 295 West New Circle Road. (Council District 1) **(Vision Engineering)**

Note: The purpose of this amendment is to revise the development on Lot 1 and include Lot 2 in the development. The Planning Commission originally approved this plan on May 9, 2013, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Kentucky Transportation Cabinet's approval of access to Russell Cave Road.
10. Clarify restaurant seating to include outdoor patio area (and any related off-street parking).
11. Correct, delete and consolidate notes #9 - #13 to the approval of the Urban Forester.
12. Denote that the proposed construction access from Russell Cave Road cannot be built or utilized except with the issuance of a permit for Building 1.
13. Label existing and proposed access points to Russell Cave Road.
14. Denote: No building permit shall be issued for Building 1 until the existing access (#2) to Russell Cave Road is closed. The new access shall be constructed to the approval of the Division of Traffic Engineering and the Division of Engineering.
15. Signage for right turn only at access #3.

Note: The applicant has requested a continued discussion of this plan to ask for the removal of condition #12 of the Planning Commission's approval granted at the meeting held on May 9, 2013.

The Subdivision Committee Recommended: Postponement. There are concerns with the applicant's request to delete condition #12 that addresses the proposed access point to Russell Cave Road.

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The Staff Recommends: **Disapproval** of this request for the following reasons:

1. The original approval by the Planning Commission was appropriate and consistent with the intent of Article 21 of the Zoning Ordinance and the Land Subdivision Regulations in protecting public health and safety.
2. There have been no changes in the traffic patterns or volume in the area in the past 8 months that would justify the removal of the condition.
3. The proposed drive-through facility on Lot 1 heightens the safety concerns with the proposed access with both the Division of Traffic Engineering and the KYDOT.

- e. DP 2014-4: LANSBROOK PLAZA SHOPPING CENTER (4/3/14)* - located at 3501 Lansdowne Drive.
(Council District 4) **(J. Kingston)**

Note: The purpose of this amendment is to add buildable area to building #3 and revise the parking area on that lot.

The Subdivision Committee Recommended: **Postponement**. The submitted plan filing does not appear to meet the limits of the variance approved for this location in 2000.

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. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
8. Clarify existing parking per GIS photograph for building #3.
9. Clarify purpose of amendment note.
10. Revise note #6 to include reference to Art. 16 of the Code of Ordinances.
11. Clarify site statistics, and update restaurant seating statistics for building #3.
12. Review by Technical Committee prior to plan certification.

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

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

- 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**

Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) January 29, 2014
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers **January 30, 2014**
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) February 6, 2014
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)..... February 6, 2014
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers..... February 13, 2014

X. **ADJOURNMENT**

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