

**AGENDA  
URBAN COUNTY PLANNING COMMISSION  
SUBDIVISION ITEMS**

**March 13, 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 January 30, 2014 and February 20, 2014, 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, March 6, 2014, at 8:30 a.m. The meeting was attended by Commission members: Carolyn Plumlee, Frank Penn, Will Berkley, Karen Mundy 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: Chris King, Bill Sallee, Tom Martin, Jimmy Emmons, Traci Wade, Cheryl Gallt, Dave Jarman, Kelly Hunter, Barbara Rackers, Denice Bullock and Scott Thompson, as well as Captain Greg Lengal and Lieutenant Joshua Thiel, Division of Fire & Emergency Services; Lieutenant David A. Lyons, Police; 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 2014-11F: TUSCANY, UNIT 10 (5/4/14)\*** - located at 1970 Winchester Road.  
(Council District 6) **(EA Partners)**

The Subdivision Committee Recommended: Postponement. There were some questions regarding the need for a preliminary subdivision plan and the timing and construction of public infrastructure in the area.

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.
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.

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

6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
  7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
  8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
  9. Denote right-of-way width of Winchester Road at cross-section location.
  10. Addition of building line along Meeting Street.
  11. Discuss extension of Meeting Street and timing of its approval for construction.
  12. Discuss access proposed to Winchester Road.
  13. Discuss sanitary sewers necessary to serve lot.
  14. Discuss need for preliminary subdivision plan.
  15. Discuss Urban County Engineer's and engineer's certifications.
- b. PLAN 2014-12F: HOLLOW CREEK SUBDIVISION, UNIT 1 & WILLIAM SHELBY SUBDIVISION, UNIT 2 (AMD) (5/4/14)\* - located at 1501 Russell Cave Road. (Council District 1) (Wes Witt)

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

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
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 the Capacity Assurance Program requirements, prior to plan certification.
8. Addition of new access easement to serve Lot 2.
9. Addition of maintenance note 5-4(h)(1) for new access easement.
10. Provided the Planning Commission approves a finding for Article 6-8(m) for use of an access easement.
11. Addition of a note for reciprocal access and parking, or an access easement to serve Lot 2.

## 2. DEVELOPMENT PLANS

- a. 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 Planning Commission postponed this plan at their January 16, 2014 and February 13, 2014, meetings. 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.

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

Note: The Planning Commission postponed this plan at their January 16, 2014 and February 13, 2014, meetings. 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 in 2000 for this location.

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. DP 2012-105: PARK HILLS SHOPPING CENTER, LOT 1 (AMD) (5/7/14)\* - located at 3100 Pimlico Parkway.  
(Council District 8) **(GRW)**

Note: The Planning Commission continued this item at their February 13, 2014, meetings. The purpose of this amendment is to add a new restaurant with a drive-through facility. The Planning Commission originally approved this plan on December 13, 2012, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Division of Fire's approval of emergency access and fire hydrant locations.
7. Division of Waste Management's approval of refuse collection.
8. Denote as a "Final Development Plan" in plan title.
9. Identify B-6P/P-1 zoning boundary and denote 60' building line from that line.
10. Resolve owners' signatures for all lots affected.

Note: The Commission's approval has since expired. The applicant now requests a reapproval of this plan.

The Staff Recommends: **Postponement**. The applicant submitted a different mylar to the staff for certification a few weeks ago. The previously approved plan does not match the mylar recently submitted to the staff.

- d. DP 2014-12: JAMES W. ATKINS PROPERTY (5/4/14)\* - located at 3939 Tates Creek Road.  
(Council District 4) **(Vision Engineering)**

The Subdivision Committee Recommended: **Postponement**. There are questions regarding the traffic circulation throughout the property, as well as the turning radius near the bank drive-through at the rear of the property.

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.

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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. Discuss note #17 and the need for additional timing information.
11. Discuss need for pedestrian access to Tates Creek Road sidewalk.
12. Discuss extent of improvements to Wilson-Downing Road and need for additional island(s).
13. Discuss internal circulation conflict areas.
14. Discuss open area/patio adjacent to proposed coffee shop.

- e. DP 2014-13: GROWTH PROPERTIES (AMD) (5/4/14)\* - located at 100 Goodrich Avenue.  
(Council District 3) **(Vision Engineering)**

Note: The purpose of this amendment is to depict a single family residence at 100 Goodrich Avenue, the line separating it from the B-1 zone, and to revise plan notes.

The Subdivision Committee Recommended: Postponement. There are concerns regarding the suitability of the proposed single family use and the historic storm water flooding conditions.

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. Correct typographical errors throughout plan notes.
9. Restore access restrictions from previous note #11.
10. Discuss need to establish a finished floor elevation for proposed residence on 100 Goodrich Avenue.
11. Discuss possible 25' building line at 100 Goodrich Avenue.

- f. DP 2014-14: MILLER-BIRD COMMERCIAL PARK, UNIT 1-B (AMD) (5/4/14)\* - located at 189-199 Moore Drive.  
(Council District 10) **(Strand Associates)**

Note: The purpose of this amendment is to demonstrate eligibility for designation as a Flex Space project and to depict existing conditions on the site.

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. 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. Provided that the Commission finds that this plan complies with the "flex space project" provisions of the B-4 zone.
11. Correct note #3.
12. Denote height of building on plan, in feet.

- g. DP 2014-15: FOUNTAIN PLAZA-EAGLE CREEK OFFICE PARK, LOTS 5 & 6 (AMD) (5/4/14)\* - located at 151 and 161 North Eagle Creek. (Council District 7) **(Barrett Partners)**

Note: The purpose of this amendment is to add additional parking to the existing office development.

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

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. Label all existing and proposed easements.
10. Resolve the 25' floodplain setback conflict with dumpster enclosure.
11. Denote compliance with Article 19 of the Zoning Ordinance for Special Use Permit in the floodplain.
12. Clearly denote Phase II line.
13. Denote that no Phase II work shall began until permit is granted in compliance with Article 19 of the Zoning Ordinance.

- h. DP 2014-16: CHANCELLOR SUBDIVISION (THE SPRINGS) (AMD) (5/4/14)\* - located at 2000-2020 Harrodsburg Road. (Council District 11) **(Vision Engineering)**

Note: The purpose of this amendment is to redevelop Parcel C.

The Subdivision Committee Recommended: **Postponement**. There were some questions regarding the traffic impacts, storm water management and compliance with the tree canopy requirements.

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 of the Capacity Assurance Program requirements, prior to plan certification.
11. Remove building envelope notation from parcel C-2.
12. Denote height of proposed buildings, in feet.
13. Clarify vehicle stacking area near proposed buildings.
14. Discuss storm water management and water quality measures.
15. Discuss traffic circulation and parking conflicts.
16. Discuss need for traffic generation study.
17. Discuss drive-through speakers and related restrictions.
18. Discuss traffic circulation and possible prohibition of direct access to Mitchell Avenue.
19. Discuss traffic calming improvements for Mitchell Avenue.
20. Discuss timing of construction of deceleration lane.
21. Discuss compliance with tree canopy requirements.

- i. DP 2014-22: PARK HILLS SHOPPING CENTER (LOT 2) (AMD) (5/27/14)\* - located at 3110 Pimlico Parkway. (Council District 8) **(Barrett Partners)**

Note: The purpose of this amendment is to add a 3' landscape buffer along the eastern property line of Lot 2 and to reduce the space available for access and parking.

The Subdivision Committee Recommended: **Postponement**. There are some questions regarding the revised parking and access conflicts with the Final Record Plat, as well as conflicts with "on-the-ground" existing conditions.

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. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.

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7. Division of Waste Management's approval of refuse collection locations.
8. Clarify metes and bounds on property.
9. Denote construction access point location on plan.
10. Correct purpose of amendment note.
11. Addition of topography for Lot 2.
12. Clarify tree canopy and tree preservation information on area of amendment.
13. Clarify all dimensions on area of amendment.
14. Review by Technical Committee prior to plan certification.
15. Discuss the conflict with the revised access and parking with the note on the Final Record Plat.
16. Discuss inconsistencies with plan and existing parking spaces and drive aisles.

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

A. **BOAR 2013-2: ALEX DONOGHUE** – an appeal of the denial of a Certificate of Appropriateness for changes to property located at 981-983 Fincastle Road.

The Staff Recommends: **Disapproval**, and that the decision of the BOAR be upheld, for the following reasons:

1. Denial of a Certificate of Appropriateness by the Board of Architectural Review for some of the proposed (as well as the already completed) changes is consistent with their charge in determining appropriateness of a request, based on the Design Guidelines established by the LFUCG Historic Preservation Commission. In this case, all of the Guidelines specifically cited by the Historic Preservation staff in its report to the BOAR are applicable, appropriate, and support the BOAR's decision to disapprove portions of the request.
2. One of the appellant's stated justifications for this appeal is the timing of the H-1 overlay designation relative to the changes to the property. However, the permit that was issued the same day as the actual implementation of the H-1 overlay (1/22/13) did not reference bricking in any openings – only replacement of windows. If closing/bricking in openings had been requested from Building Inspection at the time the building permit was issued, it would have been noted on the permit. Therefore, because there is no indication that that was part of the request, it can only be construed as not allowed/not grandfathered, although the replacement of windows was allowed; and that the work done by the appellant to brick in the windows and the other opening is in violation of the Design Guidelines, as well as the process.

B. **BOAR 2014-1: JOSEPH H. CLARK/JOSEPH P. CLARK** – an appeal of the denial of a Certificate of Appropriateness for changes to property located at 458 W. Third Street.

The staff will report at the meeting.

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) ..... March 26, 2014  
**Zoning Items Public Hearing**, Thursday, 1:30 p.m., 2<sup>nd</sup> Floor Council Chambers ..... **March 27, 2014**  
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) ..... April 3, 2014  
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)..... April 3, 2014  
**Subdivision Items Public Meeting**, Thursday, 1:30 p.m., 2<sup>nd</sup> Floor Council Chambers..... **April 10, 2014**

X. **ADJOURNMENT**