

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

August 14, 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 July 10, 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, August 7, 2014, at 8:30 a.m. The meeting was attended by Commission members: Will Berkley, Karen Mundy, Joe Smith 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, Dave Jarman, Denise Bullock, Barbara Rackers, Traci Wade, Cheryl Gallt and Kelly Hunter, as well as Tracy Jones, Department of Law, and Greg Lengal and Joshua Thiel, Division of Fire and Emergency Services. 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 2014-49F: PINEHURST SUBDIVISION, LOT 33 (AMD) (10/5/14)*** - located at 153 Beverly Avenue.
(Council District 6) **(Foster-Roland)**

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

The Subdivision Committee Recommended: **Postponement**. There were some questions regarding the sanitary sewer connection and the adequacy of the existing 50' access easement.

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

1. Urban County Engineer's acceptance of drainage and 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.

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

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 the Capacity Assurance Program requirements, prior to plan certification.
 8. Addition of tree protection information.
 9. Addition of the purpose of amendment note.
 10. Increase font size for notes and certifications.
 11. Addition of name and address of property owner and developer.
 12. Addition of adjacent property information.
 13. Identify adjacent property lines with dashed lines.
 14. Addition of private access easement maintenance note.
 15. Correct length of street (lot frontage) in site statistics.
 16. Identify street trees required for each lot.
 17. Resolve proposed widening on all street frontages or dedication of right-of-way.
 18. Discuss access to property and adequacy of existing easement to provide public service.
 19. Discuss sanitary sewer connection locations.
- b. PLAN 2014-50F: DISTILLERY, LLC PROPERTIES (AMD) (10/5/14)* - located at 1170 Manchester Street.
(Council District 2) **(2020 Land Surveying)**

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

The Subdivision Committee Recommended: **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.
 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 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: This property shall be developed in accordance with the approved final development plan.
 10. Denote property owner and developer's information on plan.
 11. Denote dashed line for 1178 address (unless its part of this plat).
 12. Denote 30' utility easement from previous plan.
 13. Discuss status of private sewer system and possible need for a waiver.
- c. PLAN 2014-51F: JOHNSON SUBDIVISION, LOT 26 (AMD) (10/5/14)* - located at 455-457 N. Martin Luther King Boulevard. (Council District 1) **(Randy Martin)**

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 and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Addressing Office's approval of street names and addresses.
 4. Urban Forester's approval of tree protection area(s) and required street tree information.
 5. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 6. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 7. Denote date of plan preparation.
 8. Denote addresses on lots.
 9. Denote the front yard building line per the Zoning Ordinance.
 10. Document existence of separate sewer laterals prior to certification.
 11. Increase size of street cross-section (for legibility).
 12. Denote that the structure will be a duplex (one unit per lot).
 13. Document compliance with building code for separation prior to certification.
 14. Addition of storm water easement.
- d. PLAN 2014-52F: GRASMER SUBDIVISION, UNIT 5 (10/5/14)* - located at 916 Bravington Way.
(Council District 9) **(Banks Engineering)**

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

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.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Addition of utility and street light 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. Identify all adjacent property with dashed lines.
10. Denote proposed and existing easements and building lines.
11. Addition of private utilities on plat.
12. Denote alluvial soils on rear of lot.
13. Denote tree protection areas.
14. Denote steep slopes.
15. Resolve timing of right-of-way closure and rejection from both adjoining properties prior to plan certification.
16. Resolve limits of proposed buildable area.

- e. PLAN 2006-240F: NEWMARKET, PH I, UNIT 1E (10/28/14)* - located at 1201 Deer Haven Lane (a portion of).
(Council District 12) **(Vision Engineering)**

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Approval of street addressing by e911 staff.
5. Urban Forester's approval of tree preservation areas.
6. Label Tree Protection Area (TPA) per conditional zoning restrictions.

Section 1 of this plan was recorded on September 9, 2009.

Note: The Planning Commission reapproved this plan on October 13, 2011, subject to the original conditions above, revising the following:

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

The Planning Commission reapproved this plan again on July 11, 2013, subject to the original conditions from the November 9, 2006, meeting, as well as the revised conditions from the October 13, 2011, meeting.

The applicant now requests reapproval of Section 2 on the plan (the unrecorded portion – 2 lots).

The Subdivision Committee Recommended: **Reapproval of Section 2**, subject to the original conditions, and the revised conditions, as previously noted.

- f. PLAN 2014-57F: KIRKLEVINGTON HILLS APARTMENTS (AMD) (10/28/14)* - located at 3050 Kirklevington Drive.
(Council District 4) **(Vision Engineering)**

Note: The purpose of this amendment is to add easements and to revise the front building setback line.

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.
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 the Capacity Assurance Program requirements, prior to plan certification.
8. Addition of plan preparation date.
9. Addition of survey monument information per Article 6 requirements.
10. Correct owner's certification.
11. Correct surveyor's certification.
12. Correct Urban County Engineer's certification.

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13. Addition of lot frontage for Bates Creek, Kirklevington & Macadam to site statistics.
14. Addition of floodplain notes from DP 2014-27.
15. Addition of all maintenance notes per Article 5-4(g) of the Land Subdivision Regulations.
16. Review by Technical Committee prior to plan certification.

2. **DEVELOPMENT PLANS** – (Tentatively scheduled for the August 14, 2014, Planning Commission Meeting).

- a. DP 2014-59: APIARY PROPERTY, LLC (AMD) (10/5/14)* - located at 218 Jefferson Street.
(Council District 1) **(Wheat & Ladenburger)**

Note: This property requires the posting of a sign and an affidavit of such. The purpose of this amendment is to cover two patios.

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

1. Urban County Engineer's acceptance of drainage, and 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 cross-sections through Miller Street and Jefferson Street.

- b. DP 2014-60: DEERFIELD SHOPPING CENTER (OLLEY'S TROLLEY) (AMD) (10/5/14)* - located at 205 Southland Drive. (Council District 3) **(Vision Engineering)**

Note: The purpose of this amendment is to add a one-story, 4,000 sq. ft. office building.

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

1. Urban County Engineer's acceptance of drainage, and 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. Certification of final record plat amending the 50' building line prior to plan certification.

- c. DP 2014-62: DISTILLERY DISTRICT WEST, UNIT 1 (AMD) (10/5/14)* - located at 1170 Manchester Street.
(Council District 2) **(2020 Land Surveying)**

Note: This property requires the posting of a sign and an affidavit of such. The purpose of this amendment is to remove a note referring to the required LOMR (from FEMA).

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. 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. Denote developer's information on plan.
8. Addition of conceptual plan inserts.
9. Addition of lot lines from Final Record Plat.
10. Addition of purpose of amendment note.
11. Correct note #5 to include Article 16 reference.
12. Resolve status of private sanitary sewer system.

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- d. DP 2014-63: LYNN GROVE ADDITION (10/5/14)* - located at 186 Simpson Avenue; 1101-1111 Fern Avenue (odd only); and 1100-1110 Stillwell Avenue (even only). (Council District 3) **(Barrett Partners)**

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

1. Urban County Engineer's acceptance of drainage, and 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. Move dumpster location to match approved preliminary development plan.

- e. DP 2014-64: SOUTH BROADWAY PLACE (PHASES IIA & III), LYNN GROVE ADDITION (AMD) (10/5/14)* - located at 107, 116, 118, 201 & 203 Simpson Avenue; 1100-1110 Prospect Avenue; and 99-103 & 109-119 Burley Avenue. (Council District 3) **(Barrett Partners)**

Note: The purpose of this amendment is to revise the development of South Broadway Place, Lynn Grove Addition Townhouse (R-1T) area and redevelopment of R-4 areas of Lynn Grove Addition.

The Subdivision Committee Recommended: **Postponement**. There were some questions about the storm drainage improvements that might be necessary.

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

1. Urban County Engineer's acceptance of drainage, and 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. Correct reference in note #20 to "Division of Waste Management."
11. Denote street cross-sections through Export Street and Simpson Avenue.
12. Denote existing easements on face of plan.
13. Clarify lot lines, and add calls & distances at north edge of property.
14. Revise notes to include all relevant notes from approved plan.
15. Denote BOA approval of variance and delete note #17.
16. Denote closure of Simpson Avenue and Prospect Avenue and cite Council ordinance.
17. Denote source of contour data on plan.
18. Denote front building lines on Lots 14-19 & 20-25.
19. Discuss status and timing of proposed pedestrian access across railroad right-of-way.
20. Discuss compliance with note #24 on approved plan.
21. Discuss compliance with note #25 on approved plan.
22. Discuss emergency vehicle access in area adjacent to Burley Avenue.

- f. DP 2013-5: MANCHESTER DEVELOPMENT (AMD) (11/4/14)* - located at 922, 926 and 930 Manchester Street. (Council District 2) **(Barrett Partners)**

Note: This property requires the posting of a sign and an affidavit of such. The purpose of this amendment is to add 922, 926 and 930 Manchester Street for a new building as part of this Adaptive Reuse Project. The Planning Commission originally approved this plan on January 17, 2013, subject to the conditions listed below:

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

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

7. Division of Fire, Water Control Office's approval of fire hydrants, fire department connections and fire service features locations.
8. Division of Waste Management's approval of refuse collection.
9. Clarify site statistics, including required and provided parking.
10. Clarify proposed uses, including square footage and parking requirements.

Note: Commission approval has since expired, and the applicant has requested a reapproval of this plan.

The Staff Recommends: **Reapproval**, subject to the original conditions.

- 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. **APPOINTMENT OF FLOODPLAIN APPEALS COMMITTEE MEMBERSHIP** - The staff will request that the Commission take action to formally reappoint members to the Floodplain Appeals Committee. The current membership of the Committee is as follows: David Holmes, Commissioner of Public Works; Mike Owens; Fred Eastridge; Doug Myneer; and Bill Hodges. Staff recommends the reappointment of Fred Eastridge and Doug Myneer for committee membership. Terms of this Committee are four years in duration.
- B. **PFR 2014-5: LFUCG COMPRESSED NATURAL GAS FUELING FACILITY** - a Public Facility Review for a compressed natural gas fueling facility for Lexington-Fayette Urban County Government vehicles at 675 (aka 669) Byrd Thurman Drive.

SUMMARY FINDINGS: There are no Goals or Objectives of the Comprehensive Plan that are in opposition to the installation of a CNG fueling facility on the LFUCG Division of Waste Management/Fleet Services property. It is supported by the 2013 *Comprehensive Plan's* Mission Statement, as well as text, goals and objectives. Although the 2013 Plan has no generalized land use map with individual property recommendations, the proposal is in compliance with the Land Use Element of the 2007 Plan (which recommended **Other Public Uses** for the property, based on the fact that the property has been owned and operated by the Urban County Government for several years). It is in also in compliance with the Zoning Ordinance, which now permits a CNG fueling facility as a principal use in an I-1 zone. Additionally, there is a high level of support for the project in *Destination 2040*, which was written as the community's vision, with recommendations as to how to achieve that vision.

Although there is a FEMA flood hazard area on the property, the fueling facility will be at least 340 feet from the floodplain; and being at least 460 feet from the nearest property line, there is little to no likelihood that there will be any disturbance to adjoining property owners. Fleet Services already has a conventional fueling facility on the property, and the proposed CNG facility will be installed and maintained by a nationally known and leading provider of compressed natural gas.

According to Clean Energy and the EPA, natural gas is domestically sourced, and it is estimated that there will be a plentiful supply for at least the next 120 years. Because it is supplied in this country and is a clean-burning fuel, causing little to no greenhouse gas emissions, it will contribute to air quality attainment and environmental protection, both of which are endorsed by the Comprehensive Plan.

VII. **STAFF ITEMS**

- A. **PUBLIC HEARING FOR MARC 2014-1: BOONE CREEK PROPERTIES, LLC** – The staff has received a request by this applicant, dated August 4th, to reactivate this application, which had been indefinitely postponed earlier this year. They have asked that the requisite public hearing on this zone change and Conditional Use Permit be held on Thursday, August 28. However, there are already a number of items on that agenda. The staff would ask the Commission whether they wish to schedule this hearing on this date, or on another date next month.

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)	August 27, 2014
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	August 28, 2014
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	September 4, 2014
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building).....	September 4, 2014
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	September 11, 2014

X. **ADJOURNMENT**