

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

September 11, 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 August 14, 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, September 4, 2014, at 8:30 a.m. The meeting was attended by Commission members: Will Berkley, Karen Mundy, Joe Smith, Frank Penn 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 Saltee, Tom Martin, Barbara Rackers, Denise Bullock, 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. PRELIMINARY SUBDIVISION PLAN

- a. **PLAN 2014-61P: LOCAL ENTERPRISES, INC** (11/2/14)* - located at 4595 Tates Creek Road.
(Council District 4) **(EA 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.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.

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

9. Clarify tree planting and maintenance of trees along USA boundary in Tree Preservation Plan information.
10. Addition of topographic contours and denote source.

2. **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 Planning Commission continued this item from the August 14, 2014, meeting and further consideration was postponed at their August 28, 2014, meeting. 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.
 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 2014-58F: DALLAS PLAZA, UNIT 1, BLOCK A, LOT 1 (PATCHEN PLACE SUBDIVISION, UNIT 1) (AMD) (11/2/14)*** - located at 2800 Richmond Road. (Council District 5) **(Midwest Engineering)**

Note: The purpose of this amendment is to subdivide one lot into three 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. Building Inspection's approval of landscaping.
 4. Addressing Office's approval of street names and addresses.
 5. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 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 "Patchen Place Subdivision, Unit1" in title block.
 9. Depict adjacent property with dashed lines.
 10. Addition of adjacent property information.
 11. Addition of listing of the private utility companies.
 12. Addition of street frontage in site statistics for Richmond Road and Gribbin Drive.
 13. Denote direction of street cross-sections.
 14. Addition of street cross-section for access easement.
- c. **PLAN 2014-59F: SHARKEY PROPERTY, UNIT 2-C, SECTION 1 & UNIT 3, SECTION 4 (AMD) (11/2/14)*** - located at 201 Towne Square Park and Town Square Drive. (Council District 2) **(EA Partners)**

Note: The purpose of this amendment is to revise the sidewalk location and add a 5' sidewalk easement.

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

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

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

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. 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. Denote: This property shall be developed in accordance with the approved final development plan.
9. Addition of all notes from the approved final record plat.

- d. PLAN 2014-60F: LITTLE BEGINNERS CHILD DEVELOPMENT CENTER (FRANCIS SAID PROPERTY) (11/2/14)* - located at 474 Stone Road. (Council District 10) **(Tim Thompson)**

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.
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. Correct plat title to "Final Record Plat for Little Beginners Development Center."
9. Addition of maintenance note for maintaining drainage and other easements.
10. Addition of street frontage in site statistics.
11. Resolve Urban County Engineer's certification.
12. Resolve status of improvements per the approved development plan, prior to plan certification.

- e. PLAN 2013-83F: MAHAN PROPERTY, UNIT 2-B (11/19/14)* - located at 2980 Man o' War Boulevard. (Council District 4) **(EA Partners)**

Note: The Planning Commission originally approved this plan on August 22, 2013, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Clarify tree canopy information or clarify extent of tree protection areas.
9. Clarify asterisk shown on street cross-section (min. flood protection).
10. Eliminate duplicate note about overflow swale construction.

Note: Section 1 of this plan was recorded on March 12, 2014. Commission's approval has since expired for Section 2, and the applicant now requests reapproval of the plan.

The Subdivision Committee Recommended: **Reapproval for Section 2**, subject to original conditions listed on today's agenda, deleting conditions #8, #9 and #10.

- f. PLAN 2014-68F: BROOKHAVEN SUBDIVISION, UNIT 1-F, BLOCK A, LOT 1 (AMD) (11/25/14)* - located at 3050 Kirklevington Drive. (Council District 4) **(Wheat & Ladenburger)**

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

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
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. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
7. Denote reciprocal parking and access.

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

- g. PLAN 2013-98F: MASTERSON HILLS, UNIT 1-C (12/3/14)* - located at 3000 Spurr Road.
(Council District 2) **(EA Partners)**

Note: The Planning Commission originally approved this plan on September 12, 2013, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
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 of 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. Addition of cemetery lot to this plat prior to certification, denoting cemetery protections required by Art. 3-7(b)(1), (2), (5), (6) & (7) of the Zoning Ordinance.
13. Denote on the plan a 5' side yard setback and a 4' fence height restriction on Lots 107 and 108 adjacent to the cemetery lot, prior to certification.

Note: The applicant now requests approval of a one-year extension for this plan.

The Staff Recommends: **Approval of a one-year extension**, subject to the original conditions listed on today's agenda.

3. DEVELOPMENT PLANS

- a. 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 Planning Commission postponed this plan at their August 14, 2014, meeting. 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.

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

- b. DP 2014-70: LYNN GROVE ADDITION, LOTS 8-17 (11/2/14)* - located at 1107, 1109 & 1111 Stillwell Avenue and 201-205 Burley Avenue. (Council District 3)
(Abbie Jones)

The Subdivision Committee Recommended: **Postponement**. This plan does not reflect prior landscaping variances approved previously by the Planning Commission.

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. 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. Delete all final record plat certifications.
 12. Delete site "key notes" and numbers.
 13. Delete existing and proposed zone references in site statistics.
 14. Delete notes #9, #10 and #15.
 15. Delete the word "proposed" from site statistics.
 16. Improve legibility of plan graphics for building.
 17. Denote Planning Commission approved variances and related conditions on plan.
 18. Revise landscaping buffers to match approved variances by the Planning Commission.
 19. Clarify lot coverage and floor area ratio numbers.
 20. Dimension buildings.
 21. Dimension balconies or provide their area (sq. ft.) in site statistics.
 22. Dimension all sidewalks.
 23. Dimension open space areas.
 24. Addition of required Tree Protection Plan per the Zoning Ordinance.
 25. Clarify purpose of dashed lines in vehicular use area.
 26. Dimension typical parking space.
 27. Clarify right-of-way, property line and site improvements along Stillwell frontage, per the approved Zoning Development Plan.
 28. Correct plan title.
 29. Discuss compliance with the Infill Design requirements per Article 15-7(a) and (b) per note #10 on the approved Zoning Development Plan.
- c. DP 2014-71: MAN O' WAR DEVELOPMENT, UNIT 2A, LOTS A-20 & A-21 (AMD) (11/2/14)* - located at 1908 Bryant Road. (Council District 6)
(Vision Engineering)

Note: The purpose of this amendment is to reconfigure the buildable area, the parking and circulation.

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. Resolve the need for documentation of construction proposed on adjacent property.
- d. DP 2014-72: COONS PROPERTY, TRACT 1 (A PORTION OF) (11/2/14)* - located at 4251 Saron Drive. (Council District 8)
(Rich Design Studios)

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

1. Urban County Engineer's acceptance of drainage and storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.

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

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 copyright statement from plan.
12. Delete note #3.
13. Label 100 year floodplain.
14. Delete 10' rear yard and 5' side yard setback notations.
15. Denote building height in feet.
16. Denote lot coverage and floor area ratio in site statistics.
17. Denote Board of Adjustment approval of conditional use permit.
18. Document compliance with Article 21-4(e) of the Zoning Ordinance prior to certification.
19. Discuss closed contour area shown.
20. Discuss proposed construction in storm drainage easement area.
21. Discuss pedestrian access from public sidewalk into building entrance.
22. Discuss access to proposed open space and private park area.

- e. DP 2014-73: PATCHEN WILKES TOWNHOMES (11/2/14)* - located at 1811 Winchester Road.
(Council District 6) **(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 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. Clarify TPA to indicate trees preserved on top of existing berm.
 13. Document approval of dimensional variances prior to plan certification, or shift building locations.
 14. Addition of all required preliminary subdivision information.
 15. Resolve compliance with Article 9 requirements and/or R-1T standards.
 16. Resolve timing of access easement connection to adjoining property.
 17. Resolve intersection alignment proposed at Goodpaster Way.
 18. Resolve internal parking restriction.
 19. Discuss building setbacks from pavements.
- f. DP 2014-78: KIRKLEVINGTON HILLS APARTMENTS – SOUTH (AMD) (11/25/14)* - located at 3050 Kirklevington Drive. (Council District 4) **(Vision Engineering)**

Note: The purpose of this amendment is to revise building location and add 4 additional apartments.

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

1. Urban County Engineer's acceptance of drainage, and 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. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
8. Clarify buildings in stats and on plan face (D-21, D-22, D-25 & D-26).
9. Addition of note #16 from previous plan (DP 2014-27).
10. Recordation of final record plat prior to plan certification.

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

- 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, 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.
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 later 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 Planning Commission approved the applicant's request on September 12, 2013, subject to the original conditions 1-13 & 16; and adding the following revised conditions:

14. ~~Denote proposed outdoor seating in site statistics for restaurant "A."~~ Denote as "10th Amendment" in title block.
15. ~~Delete "optional" on parking north of new building.~~ Complete numbering of general notes.
17. ~~Revise plan to demonstrate compliance with the minimum required off-street parking.~~ Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.

Note: On May 8, 2014, the applicant had requested another continued discussion of this plan requesting to change the layout of the property, reduce the buildable area, and add an access point to Malabu Drive. The Planning Commission approved their request, 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.
8. Denote the height (in feet) of existing and proposed buildings.
9. Denote all proposed and existing easements.
10. Clarify street cross-section information.
11. Remove cross-hatching for "new" sidewalks and depict the same as existing ones along the Rite Aid street frontage.
12. Complete numbering of general notes.
13. Addition of street frontage in site statistics.
14. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
15. Depict lots per Final Record plat (Cabinet N – Slide 30).
16. Addition of building information from previous plan.
17. Correct or delete note #9.
18. Addition of written and graphic scale.
19. Eliminate the proposed access point to Malabu Drive.
20. Resolve note #14 pertaining to "reciprocal access & parking agreement."
21. Resolve possibility of a restaurant use on northeast corner of building.

Note: The applicant has now recently requested a continued discussion of this plan requesting to change the layout of the parking and reconfiguring the buildable area.

* - 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, 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.
- ~~8. Denote the height (in feet) of existing and proposed buildings.~~
8. 9. Denote all proposed and existing easements.
9. 10. Clarify street cross-section information.
10. 11. Remove cross-hatching for "new" sidewalks and depict the same as existing ones along the Rite Aid street frontage.
- ~~12. Complete numbering of general notes.~~
- ~~13. Addition of street frontage in site statistics.~~
11. 14. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
12. 15. Depict lots per Final Record plat (Cabinet N – Slide 30) and denote proposed new lot line. Provided that the plat is recorded to the certification of this plan.
- ~~16. Addition of building information from previous plan.~~
- ~~17. Correct or delete note #9.~~
- ~~18. Addition of written and graphic scale.~~
- ~~19. Eliminate the proposed access point to Malabu Drive.~~
13. 20. Resolve Correct note #14 13, pertaining to "reciprocal access & parking agreement."
- ~~21. Resolve possibility of a restaurant use on northeast corner of building.~~
14. Revise parking to include any proposed patio seating for new restaurants.
15. Prior to plan certification denote proposed new lot lines on final record plat.

4. **MINOR PLAN**

1. DP 2013-87: TODDS TRACE APARTMENTS (PENNINGTON PLACE APART.) - located at 215 Codell Drive. (Council District 7) **(CDP)**

Note: The staff is referring this minor plan to the Commission due to the proposed new access point.

The Staff will report at the meeting.

- 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 Thursday, August 7, 2014, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Mike Cravens, David Drake, Carolyn Richardson, and Bill Wilson. The Committee reviewed applications, and made recommendations on zoning items as noted.

Note: The following item was continued from the August 25, 2014, meeting.

A. **CALLER PROPERTIES, LLC, ZONING MAP AMENDMENT & CHEVY CHASE SHOPPES ZONING DEVELOPMENT PLAN**

1. MAR 2014-16: CALLER PROPERTIES, LLC (10/5/14)* – petition for a zone map amendment from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone, for 0.588 net (0.852 gross) acre, for property located at 626-634 Euclid Avenue.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. The petitioner proposes removing the three structures and replacing them with a 10,000 square-foot commercial building. The petitioner proposes retail sales establishments and restaurants, including a drive-through facility and associated off-street parking.

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

The Staff Recommended: **Approval**, for the following reasons:

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

1. The proposed Neighborhood Business (B-1) zone is in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. The Plan recommends compact, contiguous, and/or mixed-use sustainable development within the Urban Service Area to accommodate future growth needs in order to uphold the Urban Service Area concept (Theme E, Goal #1, Obj. b.). The petitioner's development will be in keeping with the character of the Euclid Avenue corridor, which is a near downtown commercial area that is pedestrian-friendly.
 - b. The Plan recommends identifying opportunities for infill, redevelopment and adaptive reuse that respects the area's context and design features whenever possible (Theme A, Goal #2, Obj. a.). The petitioner desires to redevelop the subject property, which is comprised of three parcels that are considered underutilized along this commercial corridor. The petitioner now proposes a redevelopment that is sensitive to the surrounding properties and will improve the commercial corridor.
 - c. The proposed B-1 zone is compatible with the immediately adjoining B-6P and P-1 zoning.
2. Under the provisions of Article 6-7 of the Zoning Ordinance, the subject property shall be restricted with the following restrictions via conditional zoning:
Prohibited Uses
 - a. Schools for academic instruction.
 - b. Funeral parlors.
 - c. Medical and dental offices, clinics and laboratories.
 - d. Liquor stores.
 - e. Automobile services stations.
 - f. Banquet facilities.
 - g. Cocktail lounges, nightclubs or bars.
 - h. Live entertainment.

These restrictions are necessary and appropriate in order to restrict the most intense land uses on the subject property. Such uses could have a negative impact on the nearby neighborhoods related to noise and/or traffic congestion.

2. ZDP 2014-65: CHEVY CHASE SHOPPES (10/5/14)* - located at 626, 630 and 634 Euclid Avenue.
(Barrett Partners)

The Subdivision Committee Recommended: **Postponement**. There are questions regarding the proposed access to the site and with the building's orientation to Euclid Avenue.

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

1. Provided the Urban County Council rezones the property B-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
7. Discuss proposed dumpster location.
8. Discuss proposed access to Marquis Avenue.
9. Discuss building fenestration along Euclid Avenue.
10. Discuss width of proposed drive-through lane.

VI. COMMISSION ITEMS – 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)	September 24, 2014
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	September 25, 2014
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	October 2, 2014
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	October 2, 2014
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	October 9, 2014

X. ADJOURNMENT

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