

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

November 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 October 9, 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, November 6, 2014, at 8:30 a.m. The meeting was attended by Commission members: Will Berkley, Karen Mundy, Joe Smith, Frank Penn, Carolyn Plumlee, 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 Gallt, Dave Jarman, Denice Bullock, Kelly Hunter and Barbara Rackers, as well as Captain Greg Lengal and Lieutenant Joshua Thiel, 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 PLANS

- a. **PLAN 2014-70F: SAMS PROPERTY & LARKIN PROPERTY (KENTUCKY EAGLE, LOT 1) (AMD)**
(12/1/14)* - located at 2640 and 2580 Spurr Road. (Council District 2) **(Stuart Spencer)**

Note: The Planning Commission postponed this item at their October 9, 2014, meeting. The purpose of this amendment is to subdivide one lot into two lots and reconfigure Lot 2.

The Subdivision Committee Recommended: Postponement. There are concerns with the street improvements and sanitary sewer connections.

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.

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

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 (Georgetown Aquifer).
 7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 8. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 10. Remove man-made farm pond from plan face.
 11. Discuss sanitary sewer service and OPSS.
 12. Discuss street improvements to Spurr and Greendale Roads and/or access restrictions.
 13. Discuss Lot 1-B septic system and drain field relative to Lot 1-A.
- b. PLAN 2014-93F: HARVEY PROPERTY (1/21/15)* - located at 4500 Old School House Lane.
(Council District 10) **(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 protection area(s) 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. Greenspace Planner's approval of the treatment of greenways and greenspace.
 9. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 10. Revise note #7 to indicate "Lot 1".
 11. Delete "varies" information from cross-section "C-C" and provide information from location shown.
 12. Resolve timing of public infrastructure improvements and their dedication.
- c. PLAN 2014-94F: COVENTRY (BELMONT FARM) (1/25/15)* - located at 2350 and 2400 Georgetown Road.
(Council District 2) **(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 protection area(s) and required street tree information.
 6. Department of Environmental Quality's approval of environmentally sensitive areas (Royal Spring Aquifer).
 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. Provided the Planning Commission grants a waiver to Article 4-7 of the Land Subdivision Regulations.
- d. PLAN 2014-95F: ELLERSLIE PLACE (MIDLAND CROSSING) (AMD) (1/27/15)* - located at 222 Midland Avenue and 225 Walton Avenue. (Council District 3) **(Milestone Design Group)**

Note: The purpose of this amendment is to subdivide two lots into 13 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. 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. Denote: This property shall be developed in accordance with the approved final development plan.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Correct engineer's and surveyor's certification per Article 5-4(h)(3) of the Land Subdivision Regulations.

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10. Addition of note from previous plat (prohibited uses and general notes).
11. Addition of building lines.
12. Review by Technical Committee prior to plan certification.
13. Resolve easement release on 25' drainage to utility easement on Lot 1.
14. Resolve variable easement on Lots 1 and 2.

2. DEVELOPMENT PLANS

- a. DP 2014-86: MORNINGSIDE MARKET (AMD) (1/4/15)* - located at 737, 739 & 801 National Avenue.
(Council District 3) **(The Roberts Group)**

Note: This property requires the posting of a sign and an affidavit of such. The purpose of this amendment is to increase the building square footage and parking; and to reflect a release of easement.

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. Addition of all existing and proposed easements on plan.
 11. Denote land lease information for CSX railroad property.
 12. Denote that all required public improvements and amenities per the previously approved adaptive re-use requirements shall be completed at the time a building permit is issued for 737 National Avenue.
- b. DP 2014-87: MILLER-BIRD COMMERCIAL PARK, UNIT 2 (1/4/15)* - located at 2532 Regency Road.
(Council District 10) **(Mark McCain)**

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. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 8. Correct description of property in title block.
- c. DP 2014-88: JAMES PROPERTY, LOTS 2 & 3 (AMD) (1/4/15)* - located at 3025 Blake James Drive.
(Council District 7) **(Abbie Jones)**

Note: The purpose of this amendment is to add a building addition on Lot 2.

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. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
8. Darken contour lines to improve legibility.
9. Correct note #6 to reference Art. 16. of the Code of Ordinances.
10. Denote height of new building, in feet.
11. Clarify building square footage shown vs. calculated dimensional square footage.
12. Update Lot 2 statistics to reflect added building area.
13. Update parking statistics for Lot 2 to reflect added building area.

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14. Denote name and address of developer on plan.
15. Denote BOA approval of conditional use.
16. Addition of easement.
17. Discuss need for exterior pedestrian access to or from new building addition.

- d. DP 2014-89: HAMBURG EAST, LOT 2 (2/3/15)* - located at 2500 Polo Club Boulevard.
(Council District 12) **(Vision Engineering)**

Note: This property requires the posting of a sign and an affidavit of such.

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. Greenspace Planner's approval of the treatment of greenways and greenspace.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Denote lot development standards per the EAMP – CC Zone requirements.
10. Delete notes #6, #10 and #12.
11. Provided the Planning Commission makes a finding that the development plan complies with the EAMP.
12. Denote exactions to the approval of Division of Planning.
13. Resolve Vehicular Use Area adjacent to the Polo Club Boulevard.

- e. DP 2014-90: WILLIAMS PROPERTY, LOT 1 (1/4/15)* - located at 3400 Todds Road.
(Council District 7) **(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 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. Provide the anticipated lotting information per Preliminary Subdivision Plan requirements.
11. Denote Kentucky Transportation Department approval of Todds Road access.
12. Dimension buildings.
13. Denote proposed and existing easements.
14. Addition of private access easement maintenance note.
15. Denote provided open space per lot, prior to certification.
16. Discuss requested waiver(s) to Article 6 of the Subdivision Regulations.

- f. DP 2014-91: PROVIDENCE MONTESSORI SCHOOL (AMD) (1/4/15)* - located at 519 W. Fourth Street.
(Council District 1) **(EA Partners)**

Note: The purpose of this amendment is to add an entrance on Pilgrim Court, add parking spaces and revise the dumpster location.

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. Correct purpose of amendment note to reflect change in total acres.
9. Provided the Commission approves a waiver to Article 6-8(f) of the Subdivision Regulations.

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- g. DP 2014-98: GRIFFIN GATE FARM (AMD) (1/13/15)* - located at 1800 Newtown Pike.
(Council District 2) **(Brett Construction Company)**

Note: The purpose of this amendment is to add a storage building, depict existing buildings and provide access from Coleman Court.

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. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Complete Coleman Court access information to "area of amendment."
10. Addition of contour lines in area of amendment.
11. Correct Commission's certification.
12. Correct note #5.
13. Review by Technical Committee prior to plan certification.

- h. DP 2014-99: COVENTRY, LOT 5 (BELMONT FARM) (1/27/15)* - located on Remington Way.
(Council District 2) **(Accurus Engineering, LLC)**

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. Department of Environmental Quality's approval of environmentally sensitive areas (Royal Spring Aquifer).
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 #6 to reference the Chapter 16 of the Code of Ordinances.
11. Denote overall height of building in feet.
12. Addition of building coverage/floor area.
13. Include Phase Two (future) development in current plan and site statistics.

- i. DP 2014-100: BRIGHTON PLACE SHOPPES, LOT 2 (AMD) (1/27/15)* - located at 3090 Helmsdale Place.
(Council District 6) **(Wheat & Ladenburger)**

Note: The purpose of this amendment is to enclose an existing patio area and adjust the parking accordingly.

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. 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. Addition of written scale.
10. Correct floodplain information.
11. Correct total number of required parking spaces in site statistics.

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- 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, October 2, 2014, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Patrick Brewer, Mike Cravens, David Drake, Carolyn Richardson, and Bill Wilson. The Committee reviewed applications, and made recommendations on zoning items as noted.

A. **PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS**

Note: The Planning Commission continued this item from the October 23, 2014, meeting.

1. **ZOTA 2014-4: RECREATION AND TOURISM LAND USES** – petition for a Zoning Ordinance text amendment to address recreation and tourism land uses in all zones, in order to implement the recommendations of the Recreation ZOTA Work Group.

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT: *(Available upon request, and at:*
<http://www.lexingtonky.gov/Modules/ShowDocument.aspx?documentid=28457>)

The Zoning Committee **made no recommendation** on this request.

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

1. The 2013 Comprehensive Plan recommends “strengthening regulations and policies that propel the agricultural economy; including, but not limited to, local food production and distribution, agritourism, and the equine industry that showcase Lexington-Fayette County as the Horse Capital of the World” (Theme C, Goal #1, Obj. B); “encouraging the development of appropriate attractions and supporting uses that promote and enhance tourism” (Theme C, Goal #1, Obj. E); and “providing entertainment and other quality of life opportunities that attract young professionals and a workforce of all ages and talents to Lexington” (Theme C, Goal #2, Obj. D). The proposed text amendment improves the opportunities for recreation and tourism-related land uses throughout Fayette County, to the benefit of all residents.
2. The *Rural Land Management Plan* (1999) acknowledged that “the best preservation tools for the rural service area are those that keep the agricultural economy viable and strong” (page I-4), and called for greenways, staging areas and trails, as well as public access to the community’s unique resources. This all suggests some level of access for recreational enjoyment and possibly tourism.
3. The proposed changes and additions to the definitions in Article 1 of the Zoning Ordinance will provide guidance and clarification to the Board of Adjustment and the Planning Commission in reviewing development applications. This text amendment adds or modifies 38 definitions related to recreation and tourism-related uses.
4. The proposed changes and additions to land use regulations in Articles 8, 11, and 23 will implement the recommendations of the 2013 Comprehensive Plan related to tourism and improving the community’s overall quality of life.

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

- A. **DISTRIBUTION OF 2015 MEETING & FILING SCHEDULE** - The staff will present copies of the adopted “Official Meeting and Filing Schedule for 2015” for use by the Planning Commission and the general public. The Board of Adjustment adopted the 2015 schedule at their meeting on October 31st.

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**

Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	November 20, 2014
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	November 26, 2014
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	December 4, 2014
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building).....	December 4, 2014
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	December 11, 2014

X. **ADJOURNMENT**