MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS

January 15, 2015

I. **CALL TO ORDER** - The meeting was called to order at 1:31 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.

Planning Commission members present - Mike Owens, Chair; Carolyn Plumlee; Bill Wilson; Will Berkley; David Drake; Patrick Brewer (arrived at 1:32 p.m.) and Karen Mundy. Mike Cravens; Frank Penn; Joseph Smith and Carolyn Richardson were absent.

Planning staff members present – Bill Sallee; Barbara Rackers; Tom Martin; Cheryl Gallt; Kelly Hunter; Dave Jarman and Denice Bullock. Other staff members in attendance were: Hillard Newman, Division of Engineering; Casey Kaucher, Division of Traffic Engineering; Tim Queary, Department of Environmental Policy; Captain Greg Lengal and Lieutenant Joshua Thiel, Division of Fire and Emergency Services; and Andrea Brown, Department of Law.

II. **APPROVAL OF MINUTES** – There were no minutes to be considered at this time.

III. **POSTPONEMENTS OR WITHDRAWALS** – The Chair asked for requests for postponement and withdrawal to be considered at this time.

a. DP 2015-1: SIKURA-JUSTICE PROPERTY, UNIT 6 (POLO CLUB CENTER) (AMD) (3/24/15)* - located at 2945 Polo Club Boulevard. (Council District 12) **(CMW, Inc.)**

Note: The purpose of this amendment is to add an office building and revise the layout of the townhouse area.

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.
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. Provided the Planning Commission makes a finding that the plan complies with the EAMP.
12. Revise note #7.
13. Revise townhouse dumpster location.
14. Resolve note #13.
15. Resolve building envelope conflicts and proposed dwelling unit size.
16. Resolve townhouse access, parking, circulation and driveway locations.

Representation – Brad Boaz, CMW, Inc., was present representing the applicant, and requested postponement of DP 2015-1: SIKURA-JUSTICE PROPERTY, UNIT 6 (POLO CLUB CENTER) (AMD) to the January 29, 2015, meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Berkley, seconded by Ms. Plumlee and carried 6-0 (Brewer, Cravens, Penn, Smith and Richardson absent) to postpone DP 2015-1: SIKURA-JUSTICE PROPERTY, UNIT 6 (POLO CLUB CENTER) (AMD) to the January 29, 2015, meeting.

Note: Mr. Brewer arrived at this time.

b. PLAN 2014-101F: LONG VALLEY FARM, KY, INC., UNIT 2-B (AMD) (2/1/15)* - located at Long Valley Lane and Russell Cave Road. (Council District 12) **(Randy Martin)**

Note: The Planning Commission postponed this item at their December 11, 2014, meeting. This plan requires the posting of a sign and an affidavit of such. The purpose of this amendment is to subdivide a 124-acre tract into a 40-acre tract and an 84-acre tract.

The Subdivision Committee Recommended: **Postponement**, due to the failure of posting the sign on the property, as required by Article 6-4(j)(6) of the Land Subdivision Regulations.

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

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

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. Addition of 300' building line.
8. Denote non-buildable areas.
9. Denote access easement locations and maintenance responsibility.
10. Addition of detail for adjacent corner monuments.
11. Addition of general notes required by the Subdivision Regulations.
12. Correct Urban County Engineer's certification.
13. Health Department approval for septic facilities prior to plan certification.
14. Discuss possible need for a waiver to Art. 6-4(c) of the Subdivision Regulations.
15. Discuss proposed access per prior plat note on Cabinet/Slide I-544.
16. Discuss access easement standards required by Art. 6-4(j)2(a) of the Subdivision Regulations.

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant, requesting postponement of PLAN 2014-101F: LONG VALLEY FARM, KY, INC., UNIT 2-B (AMD) to the February 12, 2015, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Ms. Mundy, seconded by Ms. Plumlee and carried 7-0 (Cravens, Penn, Smith and Richardson absent) to postpone PLAN 2014-101F: LONG VALLEY FARM, KY, INC., UNIT 2-B (AMD) to the February 12, 2015, Planning Commission meeting.

IV. LAND SUBDIVISION ITEMS - The Subdivision Committee met on Thursday, January 8, 2015, at 8:30 a.m. The meeting was attended by Commission members: Karen Mundy, Joe Smith, Carolyn Plumlee, and Mike Owens. Committee members in attendance were: Hillard Newman, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering. Committee members Will Berkley and Frank Penn were absent. Staff members in attendance were: Bill Sallee, Tom Martin, Cheryl Gallt, Dave Jarman and Kelly Hunter, as well as Captain Greg Lengal and Lieutenant Joshua Thiel, Division of Fire & 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. CONSENT AGENDA - 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 is in agreement with the Subdivision Committee recommendation and the 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.

Requests can be made to remove items from the Consent Agenda:
(1) due to prior postponements and withdrawals,
(2) from the Planning Commission,
(3) from the audience, and
(4) from Petitioners and their representatives.

Mr. Sallee identified the following items appearing on the Consent Agenda, and oriented the Commission to the location of these items on the regular Meeting Agenda. He noted that the Subdivision Committee had recommended conditional approval for most of these items, as well as recommending reapproval of one item. (A copy of the Consent Agenda is attached as an appendix to these minutes).

1. PLAN 2015-1F: DENTON FARM, INC., UNIT 1-G, BLOCK J, LOT 32 (AMD) (3/17/15)* - located at 493 Weston Park. (Council District 7) **(John Hill)**

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

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

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

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. Denote applicable exactions to the approval of the Division of Planning.
9. Correct Urban County Planning Commission's certification.
10. Correct Land Surveyor's certification.
11. Addition of survey monument description and detail.
12. Increase font size for notes to at least match those on the parent plat (Cab. N, Sl. 961).
13. Correct survey notes and plan title plat references (Cab. M, Sl. 832).
14. Review by Technical Committee prior to plan certification.

2. DP 2007-134: SAND LAKE & ESTES PROPERTY (AMD.) (2/22/15)* - located at Richmond Road and South Eagle Creek Drive. (Council District 7) **(EA Partners)**

Note: The Planning Commission postponed this item at their December 11, 2014, meeting. The purpose of this amendment is to revise the development and the layout of buildings, reduce the number of lots, and reduce the public streets and rights-of-way.

At the February 28, 2008, meeting the Planning Commission approved this plan and granted the requested waivers to the Land Subdivision Regulations, for the following reasons:
1. The modified cross-section is the result of the site's topography and the requirement that the street be constructed totally within the required 50' right-of-way. The fact that the new street must be constructed at acceptable grades and must tie into the planned intersection with Sand Lake Drive results in a significant grade difference between the finished grade of the street and the adjacent undeveloped property. Therefore, a retaining wall was required, which had to be constructed 11'-12' away from the adjacent property to ensure that the wall's footer, forms, and bracing were totally within the right-of-way. As a result, the road itself also had to shift 11'-12'.
2. The modified cross-section is substantially the same as shown at Exhibit 6-3 because 31' of pavement will be provided. Additionally, curbs, gutters, and a 6' sidewalk will be provided on the northwest side. On the southeast side will be a 4' sidewalk and a 5.5' utility strip, a portion of which will be in an easement on adjoining property owned by Developer.
3. Denial of the waiver would be an undue hardship on the Developer in that the wall was constructed, at substantial cost to the Developer, based on grading plans submitted to and accepted by the Division of Engineering. Furthermore, without the wall it is physically impossible to construct the street within the established 50' right-of-way.

And adding the following proposed note #15 to the plan:

15. The properties at 3292 and 3270 Richmond Road shall be permitted to have vehicular and pedestrian access to the private access easement, which immediately adjoins those properties. This shall be denoted on the final record plat of the property. The owners of said lots shall provide notice to the Developer 21 days prior to the public hearing for a preliminary or final development plan, including amendments, and/or for a preliminary or final subdivision plat for said lots.

Note: The applicant now requests a reapproval of this development plan.

The Subdivision Committee Recommended: **Reapproval**, subject to the original condition previously required by the Planning Commission on February 28, 2008, and two additional conditions:
1. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
2. Addition of a second "Planning Commission Certification" to the plan.

3. DP 2015-2: ZANDALE SHOPPING CENTER & GREENLEAF MOTOR LODGE (AMD) (2/22/15)* - located at 2220 and 2280 Nicholasville Road. (Council District 4) **(Wheat & Ladenburger)**

Note: The purpose of this amendment is to add commercial floor area and a restaurant.

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.

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

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. Denote name and address of developer.
11. Clarify the boundaries on Lot 1.
12. Addition of record plat designations (in title block).
13. Denote the access point for construction.
14. Denote the height of two new buildings, in feet.
15. Addition of note from previous plan regarding stormwater quality and detention basin maintenance.
16. Addition of adjacent property information from previous plan.
17. Correct note #9 to void and supersede DP 2002-70.
18. Clarify required parking in site statistics.
19. Resolve "Future" buildable area and associated note.
20. Resolve potential parking conflicts along the service road.

4. DP 2015-3: MAN O' WAR DEVELOPMENT, UNIT 2A (HARLEY DAVIDSON) (AMD) (2/22/15)* - located at 2073 Bryant Road. (Council District 6) **(Summit Engineering)**

Note: The purpose of this amendment is to add a 6,000 sq. ft. 2-story 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. 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. Remove purpose of amendment note from title block and place on drawing.
10. Addition of height of building, in feet.
11. Identify dimensions of canopies on proposed building.
12. Addition of owner/developer's name and address on plan.
13. Addition of record plat (Cab. L, Sl. 224) information in the title block.
14. Addition of surrounding property owner information on plan.
15. Correct owner's certification.
16. Clarify extent of pavement and parking proposed on the rear of the property.
17. Correct notes # 6 & 14.
18. Resolve status and timing of all easements needing to be released.

5. DP 2015-4: BEAUMONT FARM, UNIT 1, SECTION 4, LOT 8 (AMD) (3/17/15)* - located at 961 Midnight Pass. (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 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. Addition of record plat designation for 961 Midnight Pass on plan.
12. Denote construction access point location.
13. Denote area of detention (off site) on plan.
14. Addition of interior V.U.A. landscaping area in site statistics on plan, and denote compliance with Art. 18-3(b) landscaping requirements.
15. Review by Technical Committee prior to plan certification.
16. Resolve proposed access, internal circulation and drive-through stacking.

In conclusion, Mr. Sallee said that the items identified on the Consent Agenda could be considered for approval at this time by the Commission, unless there was a request for an item to be removed from consideration by a member of the Commission, or the audience, in order to permit further discussion.

Consent Agenda Discussion – The Chair asked if anyone in the audience or on the Commission desired further discussion of any of the items listed on the Consent Agenda. There was no response.

Action - A motion was made by Mr. Wilson, seconded by Mr. Brewer and carried 7-0 (Cravens, Penn, Smith and Richardson absent) to approve the items listed on the Consent Agenda, as recommended by the Subdivision Committee.

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 2007-197P: MASTERSON HILLS, UNIT 1 (AMD #3) (4/8/15)* - located at 3000 Spurr Road (a portion of). (Council District 2) **(EA Partners)**

Note: The purpose of this plan is to revise the street and lotting layout. The Planning Commission approved this plan at their October 11, 2007 meeting, 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 required street tree information.
4. Approval of street names by e911 staff.
5. Urban Forester's approval of tree preservation plan.
6. Greenspace Planner's approval of the treatment of greenways.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Environmental Planner's approval of environmentally sensitive areas.
9. Division of Fire's approval of emergency access and fire hydrant locations.

The plan was certified on December 27, 2007. The Commission reapproved this plan at their October 13, 2011, meeting, subject the original conditions, revising two of 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 plan was again certified on October 21, 2011, with the added requirements. The ability of the developer to submit Improvement Plans to the Division of Engineering (under Article 4-4(d)(1) of the Land Subdivision Regulations) expired last October. Thus, the developer has requested another reapproval of this plan.

The Staff Recommends: Reapproval, subject to the same conditions as required by the Commission on October 13, 2011, with one additional condition:
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.

Staff Presentation – Mr. Martin directed the Commission's attention to the amended preliminary subdivision plan for Masterson Hills, Unit 1, located on a portion of 3000 Spurr Road. He oriented the Commission to the surrounding area and street system on the plan rendering, and briefly explained that the subject property is situated behind the new elementary school on Sandersville Road. He said that the Planning Commission previously reviewed an amended development plan for the property; and, at that time, the amendment was due

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

to the new elementary school site and the discovery of a cemetery on a small portion of the land in part of this unit. With both of these changes, it prompted the redesign of the layout of the lots and the street system.

Mr. Martin explained that the Planning Commission originally approved this plan at their October 11, 2007 meeting, subject to the original conditions listed on today's agenda, and granted a reapproval on October 13, 2011, which included the revision of two of the original conditions. He said that the developer has requested another reapproval of this plan, and the staff is in agreement with the request. He noted that the reapproval is recommended subject to the same conditions as previously stated, with one additional condition:

10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.

Representation – Rory Kahly, EA Partners, was present representing the applicant. He indicated that they were in agreement with the staff's recommendations and requested reapproval.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Mr. Brewer, and seconded by Ms. Mundy, and carried 7-0 (Cravens, Penn, Smith and Richardson absent) to reapprove PLAN 2007-197P: MASTERSON HILLS, UNIT 1 (AMD #3), as recommended by the staff.

C. PERFORMANCE BONDS AND LETTERS OF CREDIT – A motion was made by Mr. Berkley, seconded by Ms. Mundy, and carried 7-0 (Cravens, Penn, Smith and Richardson absent) to approve the release and call of bonds as detailed in the memorandum dated January 15, 2015, from Barry Brock, Division of Engineering.

VI. COMMISSION ITEMS – The Chair reminded the Commission members of the upcoming work session scheduled for January 22, 2015.

VII. STAFF ITEMS – No such items were presented.

VIII. AUDIENCE ITEMS – No such items were presented.

IX. NEXT MEETING DATES

Work Session, Thursday, 1:30 p.m., 2nd Floor Council Chambers.. **January 22, 2015**
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) .... .January 28, 2015
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers .... **January 29, 2015**
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) ....February 5, 2015
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)............................... ..February 5, 2015
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers…………………..**February 12, 2015**

X. ADJOURNMENT - There being no further business, the Chair adjourned the meeting at 1:41 PM.

____
Mike Owens, Chair

____
Will Berkley, Secretary

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