

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

June 11, 2015

- 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** – There are no minutes to be considered 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, June 4, 2015, at 8:30 a.m. The meeting was attended by Commission members: Karen Mundy, Joe Smith, and Frank Penn. 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, Kelly Hunter, Denise Bullock and Dave Jarman, as well as Lieutenant Joshua Thiel; C.D. Schnelle, Division of Police and Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.

1. *All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
2. *All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*

- A. **NO DISCUSSION ITEMS** – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

Criteria:

- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda, and
- (2) the Petitioner agrees with the Subdivision Committee recommendation and conditions listed on the agenda, and
- (3) no discussion of the item is desired by the Commission, and
- (4) no person present at this meeting objects to the Commission acting on the matter without discussion, and
- (5) the matter does not involve a waiver of the Land Subdivision Regulations.

- B. **DISCUSSION ITEMS** – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for these hearings is as follows:

- Staff Report(s), including subcommittee reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) proponents (10 minute maximum OR 3 minutes each)
 - (b) objectors (30 minute maximum OR 3 minutes each)
- Rebuttal & Closing Statements
 - (a) petitioner's comments (5 minute maximum)
 - (b) citizen objectors (5 minute maximum)
 - (c) staff comments (5 minute maximum)
- Commission discusses and/or votes on the plan.

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the meeting. The Chair will announce his/her decision at the outset of the hearing.

1. FINAL SUBDIVISION PLANS

- a. **PLAN 2015-48F: GREENDALE HILLS, UNIT 2-B (8/2/15)*** - located at 2930 Spurr Road.
(Council District 2) **(EA Partners)**

Note: The purpose of this plan is to create 43 lots for single-family residential dwellings.

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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.

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

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 flood protection elevation for lots 1 & 2.
10. Denote parent Plat (Cab. R, Sl.133) on face of plan or in title block.

- b. PLAN 2015-49F: COVENTRY (BELMONT FARM), LOT 6 (AMD) (8/2/15)* - located at 2350 Georgetown Road.
(Council District 2) **(EA Partners)**

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. 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. Denote address and/or location of detention basin off site.
7. Addition of note regarding future construction on Lot 6.

- c. PLAN 2015-50F: MAHAN PROPERTY, UNIT 1-L, LOT 23B (AMD) (8/2/15)* - located at 245 Manitoba Lane.
(Council District 9) **(EA Partners)**

Note: The purpose of this plan is to create two lots for single-family residential dwellings.

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. Reference parent Plat (Cab. R, Sl. 284) on face of plan or in title block.

- d. PLAN 2014-32F: THE FAIRWAYS AT ANDOVER, UNIT 1-C (8/17/15)* - located at 3435 McFarland Lane.
(Council District 6) **(EA Partners)**

Note: The Planning Commission approved this plan at their June 12, 2014, meeting, 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. 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. Correct FEMA map reference (2014 map date).
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Denote width of sanitary sewer easement across Lots 9 - 12.
11. Denote width of storm and sanitary sewer easement across Lots 56 - 60.
12. Provided PLAN 2014-31F is recorded prior to this plat.
13. Resolve status of required LOMR.
14. Denote: These lots may need flood insurance until such time the LOMR is completed.

Note: The applicant now requests approval of a one-year extension of the Commission's prior approval.

The Subdivision Committee Recommended: **Approval of a one-year extension**, subject to the conditions previously approved at the June 12, 2014, Planning Commission meeting, revising #14 as follows:

14. Denote that these lots may need flood insurance until such time the LOMR is completed, as necessary.

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

- e. PLAN 2013-53F: 300 WEST VINE, LLC PROPERTY (9/2/15)* - located at 307-315, 317-331 and 343 South Broadway. (Council District 3) **(Strand & Associates)**

Note: The Planning Commission originally approved this plan on June 13, 2013, and granted a one-year extension on June 12, 2014, 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. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
6. Correct vicinity map (northern property).
7. Addition of building lines (10') as required by Article 8-18(h).
8. Addition of survey monument information.
9. Correct Engineer's certification to the approval of the Division of Engineering.
10. Resolve access and pedestrian easements from Lot 1 to serve Lot 2.

Note: The applicant now requests an extension of the Commission's original approval.

The Staff Recommends: **Approval of a one-year extension**, subject to the original conditions.

2. **DEVELOPMENT PLANS**

- a. DP 2015-29: POOLE & JEFFERSON PROPERTY (BRUCE GLEN PROPERTY) (AMD) (7/5/15)* - located at 3390 Richmond Road. (Council District 7) **(Midwest Engineering)**

Note: The Planning Commission postponed this item at their meeting on May 14, 2015. The purpose of this amendment is revise the parking and circulation on Lot 1A and to add square footage on Lot 1B.

The Subdivision Committee Recommended: **Postponement**. There is a significant difference between the plan and the improvements already on the subject site.

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. Addition of bearings and distances for entire property.
11. Correct plan title.
12. Denote name and address of developer on plan.
13. Addition of record plat designation.
14. Clarify area of amendment on vicinity map.
15. Dimension existing access points, driveways and walkways.
16. Denote construction access point location.
17. Denote height of building in feet.
18. Denote use of existing and proposed buildings.
19. Denote both required and proposed parking.
20. Addition of notes #2, #4, #12 & #13 from previous development plan (DP 99-39).
21. Correct Purpose of Amendment note.
22. Discuss existing vehicular use area adjacent to Cove Lake, Unit 2.

- b. DP 2015-30: HIGH POINT SUBDIVISION (MONON, INC.) (7/5/15)* - located at 1123 Winchester Road. (Council District 5) **(Myke Robbins)**

Note: The Planning Commission postponed this item at their meeting on May 14, 2015.

The Subdivision Committee Recommended: **Postponement**. There are concerns that the proposed use may not be allowed in the B-3 zone.

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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. 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 building heights in feet.
10. Denote name and address of developer on plan.
11. Addition of contour intervals.
12. Addition of tree protection plan and tree canopy information.
13. Denote name and address of plan preparer on plan.
14. Remove new pavement/parking areas within 3' of side property lines.
15. Identify interior landscaping areas on the face of plan.
16. Delete parallel parking spaces proposed next to existing building.
17. Dimension entrance details.
18. Discuss compliance with Art. 8-20(b)(28) for proposed uses.
19. Discuss apparent drainage area in rear of property.

- c. DP 2015-39: WILLIAMS PROPERTY, LOT 1 (AMD) (8/2/15)* - located at 3400 Todds Road.
(Council District 7) **(EA Partners)**

Note: The purpose of this amendment is to relocate the access point to Todds Road, and add detached housing.

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. Kentucky Transportation Cabinet's approval of access location to Todds Road.
11. Identify cross-section "C-C" location on plan.
12. Clarify yard requirements and setbacks for detached housing units.
13. Addition of note "No access to Todds Road from Lots 18 & 19".

- d. DP 2015-40: CHESAPEAKE EQUINE (AMD) (8/2/15)* - located at 1024 Greendale Road.
(Council District 2) **(EA Partners)**

Note: The purpose of this amendment is to revise the apartment layout, add two building types, and reduce the number of townhouses.

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. Denote length of street frontage in site statistics.

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11. Improve legibility of contours and intervals on face of plan.
12. Denote spring location on planned site improvements.

- e. DP 2015-41: HARVEY PROPERTY (AMD) (8/2/15)* - located at 2200 Tracery Oaks Drive.
(Council District 10) **(EA Partners)**

Note: The purpose of this amendment is to revise the building footprint and apartment unit mix and to narrow Tracery Oaks Drive.

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. Provided the Planning Commission grants a waiver to Art. 6-8(a).
10. Document apartment open space in site statistics to account for increased lot coverage.

- f. DP 2015-42: WYNNDALE SUBDIVISION, LOT 1 (8/2/15)* - located at 3757 Kings Glen Park.
(Council District 9) **(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, landscape buffers and arterial screening.
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. Document required open space per lot for R-1T zone.
13. Addition of written scale on plan.
14. Addition of sidewalks to Man o' War cross-section.
15. Discuss cul-de-sac design proposed, parking prohibitions, and possible need for a median.

- g. DP 2015-43: KIRKLEVINGTON NORTH, TRACT B (AMD) (8/2/15)* - located at 858 Malabu Drive.
(Council District 4) **(Vision Engineering)**

Note: The purpose of this amendment is to add a building to the site and to add parking.

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, landscape buffers and arterial screening.
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. Document encroachment agreement for building/easement conflict along the lot boundary.

- h. DP 2015-44: THISTLE STATION (8/2/15)* - located at 308-310, 312 and 330 Newtown Pike.
(Council District 2) **(Vision Engineering)**

The Subdivision Committee Recommended: **Postponement**. There were some questions regarding compliance with the supplemental information required in the Special Provisions section of the B-1 zone.

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

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. Delete note #7.
11. Discuss compliance with notes #13, #14 and #15 on the zoning development plan.
12. Discuss compliance with the Newtown Pike Landscape Ordinance.
13. Discuss orientation and access of the development to W. 4th Street.

- i. DP 2015-45: HEADLEY SUBDIVISION, NORTH BROADWAY PARK ADDITION & CARR BUILDERS (EMBRACE UNITED METHODIST CHURCH) (8/2/15)* - located at 1015 N. Limestone.

(Council District 1)

(Vision Engineering)

The Subdivision Committee Recommended: Postponement. There were some questions regarding compliance with the approved conditional zoning restrictions, with Art. 28-6 of the Zoning Ordinance and with the Central Sector Small Area Plan

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. Clarify proposed configuration of building B relative to the approved Preliminary Development Plan, including building height.
11. Clarify location of bike racks shown near existing church building.
12. Clarify painted islands versus landscape islands.
13. Demonstrate compliance with interior landscape requirements in site statistics.
14. Document tree canopy on plan in front of Building B.
15. Clarify termination of sidewalk on 10th Street.
16. Discuss compliance with Art. 28-6 of the Zoning Ordinance for new buildings.
17. Discuss compliance with conditional zoning restrictions on cross access & proposed gate.
18. Discuss parking configuration along North Broadway Park per note #18 on the Preliminary Development Plan.
19. Discuss compliance with the Central Sector Small Area Plan streetscape recommendations on North Limestone Street.

- j. DP 2015-46: WALLER PROPERTY (NORTHWOOD SUBDIVISION) (POPEYE'S) (AMD) (8/2/15)* - located at 115 E. New Circle Road. (Council District 6)

(Civil Engr. Services)

Note: The purpose of this amendment is to add a new restaurant and revise the parking layout.

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.

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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. Clarify site statistics for subject property, and add site statistics from previous plan.
11. Correct note #4 to reflect current requirements.
12. Re-label notes 14-17 as A-D (under note # 13).
13. Provide sidewalk along New Circle Road frontage.
14. Resolve parking circulation between amended area and existing property.

- k. DP 2015-47: EXECUTIVE PARK, LOT 1 (AMD) (8/2/15)* - located at 2845 Palumbo Drive.
(Council District 7) **(Fred Eastridge, P.E.)**

Note: The purpose of this amendment is to add a small office and maintenance building to an existing apartment complex.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Addressing Office's approval of street names and addresses.
3. Urban Forester's approval of tree preservation plan.
4. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
5. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
6. Dimension access points to Palumbo Drive.
7. Denote construction access location on plan.
8. Addition of new building height, in feet.
9. Correct notes #4, #6, #7 and #9.
10. Clarify the difference between the pedestrian facilities on the development plan and the actual site development.
11. Clarify the increase in lot coverage and floor area ratio in the site statistics.

- l. DP 2015-48: SOUTH BROADWAY PLACE (SONIC) (AMD) (8/2/15)* - located at 1026 S. Broadway.
(Council District 3) **(James T. Mann, Arch.)**

Note: The purpose of this amendment is to add building floor area to an outlier.

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. Clarify Virginia Avenue roadway information (from adjoining DP) to the approval of the Division of Traffic Engineering.
10. Remove "Preview Board" from plan.
11. Delete note that requires elevations to be submitted for the proposed building addition (per the note on the approved development plan).

- m. DP 2015-50: JAMES W. ATKINS PROPERTY (8/25/15)* - located at 3939 Tates Creek Road.
(Council District 3) **(Vision Engineering)**

Note: The purpose of this amendment is to revise the building, parking and circulation layout.

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.

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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. Denote plan is "amended" in title block.
12. Denote tree protection areas (per previous plan).
13. Label post-development floodplain and 25' floodplain setback (per previous plan).
14. Denote record plat designation (Cab. J, Sl. 420) on plan or in title block.
15. Denote height of building for credit union, in feet.
16. Denote width of emergency access lane on plan.
17. Review by Technical Committee prior to plan certification.
18. Document that encroachment of building into required front yard meets averaging limitations.
19. Discuss required parking calculations for proposed restaurant (seating) use.
20. Discuss loss of sidewalk connection to Tates Creek Road right-of-way.

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, June 4, 2015, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments filed for the Commission's June hearing. The meeting was attended by Commission members David Drake, Mike Cravens, Carolyn Richardson, and Bill Wilson. The Committee reviewed applications, and made recommendations on zoning items as noted.

- a. **MARV 2015-9: ELIZABETH BROOKS BULLEIT a/k/a BETSY BROOKS BULLEIT** – a petition for a zone map amendment from a restricted Neighborhood Design Character Overlay (ND-1) zone to a modified Neighborhood Design Character Overlay (ND-1) zone, for property located at 810 Montclair Drive. A dimensional variance is also requested.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan no longer makes a specific land use recommendation, but *Chapter 1: Goals and Objectives* does recommend "enabling existing and new neighborhoods to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expanded options for mixed-use and mixed-type housing throughout Lexington-Fayette County. The applicant is requesting that one of the existing Neighborhood Design Character Overlay (ND-1) zone standards (conditional zoning restrictions) be removed from her property in order to install a 6-foot tall fence in the front yard at 810 Montclair Drive.

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

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

1. The requested deletion of the Neighborhood Design Character (ND-1) overlay zone Design Standard #3a for this parcel will not adversely affect the public health, safety or welfare. An existing fence, similar in character, height, materials and location is already standing on property in common ownership. Installing a front yard fence at this location will allow for the continuity of appearance in the neighborhood and will not negatively affect the character of the neighborhood.
2. The special circumstances related to this application are that the subject property is one of three parcels under ownership of the applicant, it remains vacant, and no other 6-foot tall front yard fences exist in the entire neighborhood. This will not set a precedent for other property owners to request special consideration, since it is a truly unique circumstance.
3. Permitting deletion of this design standard for one parcel and allowing extension of a front yard fence will not prevent successfully achieving the Montclair neighborhood's general intent and preservation goals.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restriction is proposed to be modified for the subject property via conditional zoning as follows:
 3. Landscaping Requirements
 - a. Allowable wall/fence materials include, but are not limited to: brick; stone; wood and iron. Chain link fences are prohibited.

Deleting one of the prior fence restrictions is appropriate for the subject property, given the limited impact that continuing an existing fence on property under the same ownership could have on the neighborhood.

b. **REQUESTED VARIANCE**

1. Increase the maximum allowable height of a front yard fence from 4 feet to 7 feet.

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

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

- a. Granting the requested variance will not adversely affect the public health, safety or welfare; nor will it negatively alter the essential character of the general vicinity. The fence will be located outside the required sight triangle; and by

extending the existing fence (both in height and in style), it will create a unified appearance for the properties owned by the applicant.

- b. The special circumstances that apply to this property are: 1) three contiguous lots under the same ownership, developed as a single estate lot; and 2) the existing non-conforming fence on the other two properties owned by the applicant, which justifies the requested fence height variance. This property is located in a relatively small area of the Montclair neighborhood, which has several front yard fences
- c. According to the applicant, strict application of the requirements of the Zoning Ordinance would create an unnecessary hardship because the fence would either have to be built behind the 30-foot building line or limited to a maximum of 4 feet in height, neither of which will accomplish the stated goal of creating a unified appearance for the fence around the lots that the applicant owns.
- d. The requested variance is not an unreasonable circumvention of the Zoning Ordinance due to the attributes of the existing fence, but rather a response to the unique nature of how these lots are owned and utilized.
- e. The circumstances surrounding the requested variance are not the result of prior actions taken by this applicant, as no construction has yet occurred on the subject site.

This recommendation of approval is made subject to the following conditions:

1. Provided the Planning Commission changes the restrictions in the ND-1 zone; otherwise, any Commission action of approval of this variance is null and void.
2. Should the property be rezoned, it shall be developed in accordance with the submitted site plan.
3. The columns shall be allowed to be 7 feet tall, but the average height of the pickets shall not exceed 5.5 feet.

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

Work Session , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	June 18, 2015
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	June 24, 2015
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	June 25, 2015
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	July 2, 2015
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	July 2, 2015
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	July 9, 2015

X. ADJOURNMENT