

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

June 9, 2016

- 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 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, June 2, 2016, at 8:30 a.m. The meeting was attended by Commission members: Frank Penn, Karen Mundy, Mike Owens and Joe Smith. 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; Denise Bullock; Kelly Hunter; Dave Jarman; Captain Greg Lengal and Lieutenant Joshua Thiel, Division of Fire & Emergency Services; and Andrea Brown, 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. PRELIMINARY SUBDIVISION PLANS

- a. **PLAN 2016-47P: HILLENMEYER & SFH PROPERTIES (AMD) (7/31/16)*** - located at 2373 and 2405 Sandersville Road. (Council District 2) **(EA Partners)**

Note: The purpose of this amendment is to combine and correct three previously adjacent preliminary subdivision plans and to revise the street alignment and 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 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.

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

8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Clarify cross-sections for cul-de-sac streets (Corsage, Calista, Cravat, etc.)
11. Addition of required landscape buffers adjacent to railroad and A-U zones.
12. Clarify note #13.
13. Addition of tree protection area along north property line (detention basin).
14. Resolve Sandersville Road improvements.
15. Resolve access to Lot 387 (1.04 ac. detention lot), and side yard setbacks on adjacent lots (66 & 67).
16. Resolve tree protection areas along property boundaries.
17. Resolve sinkhole note from PLAN 2006-250P.
18. Resolve note #17 from PLAN 2012-99P.

b. PLAN 2003-209P: MASTERSON HILLS & MASTERSON STATION, UNIT 10 (8/22/16)* - located at 2900-2918 and 3000 Spurr Road. (Council District 2) **(EA Partners)**

Note: The Planning Commission originally approved this plan on October 9, 2003 and was certified on January 16, 2004. The Commission's approval expired and the applicant requested, and was granted a reapproval on August 9, 2012, 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 plan and required street tree information.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Denote source of contours.
8. Addition of proposed utilities and utility provider information.
9. Addition of average lot size in site statistics.
10. Denote 50' "No Disturbance" area around the cemetery (per Article 3-7(b)(1)).
11. Submittal of cemetery map per Article 3-7(b)(4) of the Zoning Ordinance prior to plan certification, and revise lotting, as necessary.
12. Denote Article 3-7(b)(2), Article 3-7(b)(5) and Article 3-7(b)(6) requirements (for screening, landscaping, fencing and maintenance) on plan.
13. Denote that excessively deep lotting proposed will be reviewed with any Final Record Plat.

This plan was certified on September 28, 2012, and the Commission's approval has since expired one again. The applicant has now requested another reapproval of this plan.

The Subdivision Committee Recommended: **Reapproval**, subject to the conditions originally approved by the Commission and one additional condition:

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

c. PLAN 2012-113P: TUSCANY, UNIT 9 (8/22/16)* - located at 1970 Winchester Road (a portion of). (Council District 6) **(EA Partners)**

Note: The Planning Commission originally approved this plan on August 9, 2012, 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. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Resolve timing of street connectivity to Battery Street.

Note: This plan was certified on March 8, 2013, and the Commission's approval has now expired. The applicant has requested a reapproval of the plan.

The Subdivision Committee Recommended: **Reapproval**, subject to the conditions originally approved by the Commission and one additional condition:

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

2. FINAL SUBDIVISION PLANS

- a. PLAN 2016-33F: WYNNDALE SUBDIVISION, LOT 1 (AMD) (7/3/16)* - located at 3757 Kings Glen Park.
(Council District 9) **(EA Partners)**

Note: The Planning Commission postponed this item at their May 12, 2016, meeting. The purpose of this amendment is to create 22 townhouse lots and a non-buildable lot.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection area(s) and required street tree information.
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. 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. Denote: This property shall be developed in accordance with the approved final development plan.
 11. Addition of arterial screening along Man o' War Boulevard as required by Article 6-8 of the Land Subdivision Regulations.
 12. Addition of 10' building lines on all lots.
 13. Denote floodplain protection note on Lots 4-9.
 14. Denote Lot 23 as "non-buildable."
- b. PLAN 2013-127F: TUSCANY, UNIT 3-A (8/23/16)* - located on Old Rosebud Road.
(Council District 6) **(EA Partners)**

The Planning Commission originally approved this plan on December 12, 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.
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. Denote that there will be only one single family unit per lot.

Note: This plan was granted a one-year extension by the Commission on December 11, 2004. However, the Commission's approval has since expired. The applicant now requests reapproval of this plan.

The Subdivision Committee Recommended: **Reapproval**, subject to the conditions originally approved by the Commission.

3. DEVELOPMENT PLANS

- a. DP 2016-29: TUSCANY, UNIT 1, LOT 169 (YMCA PROPERTY) (AMD) (6/9/16)* - located at 2681 Old Rosebud Road.
(Council District 6) **(Brandstetter Carroll)**

Note: The Planning Commission postponed this item at their April 14, 2016 and May 12, 2016, meetings. The purpose of this amendment is to alter the location of one entrance to Old Rosebud Road.

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. Greenspace Planner's approval of the treatment of greenways and greenspace.
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. Denote name and address of developer on plan.
10. Depict information for adjacent Lot 168 on plan, per approved BOA site plan.

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11. Correct Commission's certification, per Article 21-6(a)(16) requirements.
 12. Addition of bike and pedestrian easement on plan.
 13. Correct note #9 to reference stormwater management.
 14. Resolve need for drainage easement from Pascoli Place.
- b. DP 2016-55: BRIGHTON PLACE SHOPPES, PHASE II (GILLIS PROPERTY) (7/31/16)* - located at 3080 Old Todds Road. (Council District 7) **(Midwest Engineering)**

Note: The purpose of this amendment is to depict the proposed parking lot for the adjacent commercial properties.

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 sidewalks 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. Denote written scale on plan.
 9. Correct Old Todds Road cross-section on plan, to include curb and sidewalk.
 10. Remove "Purpose of Plan" note.
 11. Denote drive aisle width on plan.
 12. Correct owner's certification title.
 13. Correct Planning Commission's certification.
 14. Remove note #12.
 15. Provide sidewalk connection to proposed building.
 16. Resolve continuity of pedestrian access into existing commercial lots and along Todds Road.
 17. Resolve the need for signage directing two-way/one-way traffic flow.
 18. Resolve lack of tree preservation (in site statistics) along residentially zoned property.
- c. DP 2009-75: NDC PROPERTY, UNIT 5D, PH II (WELLINGTON) (8/23/16)* - located at 501 West Reynolds Road and Vincent Way. (Council District 9) **(Sherman/Carter/Barnhart)**

Note: The Planning Commission originally approved this plan on May 12, 2011, 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 protection plan.
6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire's approval of emergency access and fire hydrant locations.
8. Division of Waste Management's approval of refuse collection.
9. Correct note #5 to reference the Code of Ordinances.
10. Denote utility easement along western boundary of property (per Plat L-918).
11. Document compliance with private open space requirements per R-1T zone.
12. Clarify "private access easement ~~street~~ responsibilities" note.
13. Extend sidewalk on Vincent Way to Unit #10.
14. Addition of landscape buffer details along western property line (including tree information).
15. Revise location of Units #3 & #4 to indicate 6' from access easement.
16. Revise location of Unit #15 to indicate 10' from access easement.

Note: This plan was approved on May 12, 2011, and later certified, but the Commission's approval has expired. The applicant has recently requested a reapproval of the Commission's prior approval.

The Subdivision Committee Recommended: **Reapproval**, subject to the conditions originally approved by the Commission and two additional conditions:

17. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
18. Addition of an additional Planning Commission certification.

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.

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

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, May 5, 2016, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Mike Cravens, David Drake, Carolyn Richardson, and Bill Wilson. The Committee members reviewed applications and made recommendations as noted.

A. PUBLIC HEARING ON ZONE MAP AMENDMENT

The procedure for these hearings is as follows:

- Staff 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) (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)
- Hearing closed and Commission votes on zone change petition and related plan(s)

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 hearing. The Chair will announce its decision at the outset of the hearing.

1. WHAYNE SUPPLY COMPANY ZONING MAP AMENDMENT & WHAYNE SUPPLY ZONING DEVELOPMENT PLAN

- a. MAR 2016-15: WHAYNE SUPPLY COMPANY (7/3/16)* – petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Light Industrial (I-1) zone, for 1.47 net (2.03 gross) acres, for property located at 2201 Georgetown Road.

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 Comprehensive Plan identifies the need to protect and provide readily available economic development land to meet the need for jobs (Theme C: Creating Jobs and Prosperity), as well as encouraging development in a compact and contiguous manner (Theme E: Maintaining a Balance Between Planning for Urban Uses and Safeguarding Rural Land).

The petitioner proposes a Light Industrial (I-1) zone in order to develop a 1½-acre lot into a light industrial use, with associated off-street parking.

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

The Subdivision Committee Recommended: **Approval**, for the following reasons:

1. The requested Light Industrial (I-1) zone is appropriate and the existing Agricultural Urban (A-U) zone is no longer appropriate for the subject property, for the following reasons:
 - a. The 2013 Plan's Theme C: "Creating Jobs and Prosperity" identifies the need to protect and provide readily available economic development land to meet the need for jobs. This A-U zone is not appropriate for job creation.
 - b. The proposed I-1 zone is better able to fulfill the goal of increasing opportunities for employment locations within the Urban County.
 - c. The west side of the Georgetown Road corridor is primarily industrial in nature, and a significant portion of the land between Georgetown Road and the Norfolk-Southern railroad line, between New Circle Road and Spurr Road, is prime "jobs land" that is either developed or is in the process of being developed; thus, demand does exist for light industrial zoning and land use in the immediate area.
 - d. The proposed Light Industrial (I-1) zone is appropriate and is compatible with the adjoining zoning and land uses.
 - e. The subject property has been recommended for Light Industrial land use for the past four decades.
2. This recommendation is made subject to the approval and certification of ZDP 2016-51: Wayne Supply, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restriction(s) should be put into effect for the subject property:
 - a. No lighting may be directed toward any adjacent property located in either an Agricultural or Residential zone.

This restriction is necessary to prevent any intrusion of light from this industrial site to non-industrial locations along US 25.

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

- b. ZDP 2016- 51: WHAYNE SUPPLY (7/3/16)* - located at 2201 Georgetown Road.

(Arnold Consultants)

Note: This plan was postponed by the Commission at its May 28, 2016, meeting.

The Subdivision Committee Recommended: Postponement. There are questions regarding the proposed access to the subject site, and the possible incorporation of this development with the adjoining property.

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

1. Provided the Urban County Council rezones the property I-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. Urban Forester's approval of tree inventory map.
5. Department of Environmental Quality's approval of environmentally sensitive areas.
6. Denote: No building permit shall be issued unless and until a final development plan is approved by the Planning Commission.
7. Addition of building coverage and floor area site statistics, as required by Article 21-6(b)(13) of the Zoning Ordinance.
8. Addition of tree inventory and species information, as required by Article 26 of the Zoning Ordinance.
9. Addition of adjoining property owner's information on plan.
10. Denote existing and proposed (requested) zoning in site statistics.
11. Denote that protection measures for the Royal Spring Aquifer shall be determined at the time of the Final Development Plan.
12. Discuss expanding the plan to include the proposed and the approved adjoining development.
13. Discuss access to adjoining development per notes #11 and #12.

B. FULL PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMEMENDMENT

1. ZOTA 2016-1: AMENDMENTS TO ARTICLES 7, 23, AND 26 FOR ENVIRONMENTALLY SENSITIVE AREAS – petition for a Zoning Ordinance text amendment to Articles 7, 23, and 26 to strengthen oversight by the Urban County Board of Adjustment for the protection of environmentally sensitive areas (ESAs) within the community.

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT: *COPIES OF TEXT ARE AVAILABLE UPON REQUEST*

The Zoning Committee Recommended: Referral to the full Commission.

The Subdivision Committee Recommended: Approval, for the following reasons:

1. The proposed text amendment will help to guide the Board of Adjustment in their review of conditional use permit applications, specifically for properties that may be environmentally sensitive and could be impacted by a future land use, and will strengthen the Board's oversight of our environmentally sensitive land in Fayette County.
2. The 2013 Comprehensive Plan's Goals and Objectives related to protection of environmentally sensitive land are advanced by implementing the proposed text amendments. If approved, the Board of Adjustment will be able to assist in promoting the protection of natural features and landscapes prior to development (Theme A, Goal #3c. and Theme B, Goal #3a.); reducing the community's carbon footprint (Theme B, Goal #1); encouraging environmentally sustainable uses of natural resources (Theme B, Goal #1b.); and protecting and enhancing the natural, cultural, historic, and environmental resources of the Rural Service Area and rural farmland (Theme E, Goal #2b.).
3. The proposed text amendment will correct outdated references to the Land Subdivision Regulations as it relates to environmentally sensitive areas and geologic hazard areas.

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.

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

IX. NEXT MEETING DATES

Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	June 23, 2016
Annual Planning Law Review – APA Conference, Wednesday, 4:00 p.m., Planning Division Office (Phoenix Bld)	June 29, 2016
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	June 29, 2016
Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers	June 30, 2016
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	July 7, 2016
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	July 7, 2016
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	July 14, 2016

X. ADJOURNMENT

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