

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

December 8, 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** – The minutes of the November 10, 2016, 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, December 1, 2016, at 8:30 a.m. The meeting was attended by Commission members: Frank Penn, Karen Mundy, Carolyn Plumlee, Will Berkley, Joe Smith and Mike Owens. Committee members in attendance were: Vaughan Adkins, Division of Engineering; and Casey Kaucher and Steve Parker, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee; Tom Martin; Denise Bullock; Chris Bronczyk; Cheryl Gallt; Captain Greg Lengal and Lieutenant Joshua Thiel, Division of Fire & Emergency Services; and Tracy Jones 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 2013-129P: WOODWARD COURT SUBDIVISION (2/8/17)*** - located at 690 Woodward Lane.
(Council District 6) **(Age Engineering Services)**

Note: The Planning Commission approved this plan at their January 30, 2014, meeting, subject to the following conditions:

1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Building Inspection's approval of landscaping.
5. Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of tree protection area(s) and required street tree information.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.

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

8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Denote timing of proposed improvements to Woodward Lane, including fence relocation.
10. Denote that existing easement conflicts with proposed right-of-way, detention and lots will be resolved at time of Final Record Plat.
11. Move the construction access point to Checkerberry Drive.

Note: This plan was certified on January 27, 2015, meeting all conditions of approval. The applicant now requests a one-year extension of the Commission's original approval.

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

1. Under Article 4-4(d) of the Subdivision Regulations, the plan will not expire until January 30, 2019.
2. Neighbors have requested notification for this plan, and there is no documentation that this notice has been provided.

2. **FINAL SUBDIVISION PLANS**

- a. PLN-MJSUB-16-00015: STOREY BUSINESS SUBDIVISION, LOT 6 (AMD) (1/29/17)* - located at 353 Waller Avenue.
(Council District 3) **(EA Partners)**

Note: The purpose of this amendment is to amend the building line.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection area(s) and required street tree information.
 6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 8. Denote: This property shall be developed in accordance with the approved final development plan.
 9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 10. Denote control monuments, per Article 6.
 11. Denote variances approved by the Planning Commission on plan.
 12. Remove existing building line.
 13. Resolve proposed cross-section and sidewalk locations approved on Final Development Plan.
 14. Resolve engineering certification(s) and public improvements (if proposed).
- b. PLN-MJSUB-16-00016: TURFLAND MALL, OUTLOT H (AMD) (1/29/17)* - located at 2195 Harrodsburg Road.
(Council District 11) **(EA Partners)**

Note: The purpose of this amendment is to subdivide Outlot H from Tract 2.

The Subdivision Committee Recommended: **Postponement**. There were some questions regarding the proposed use of this lot, given the development plan for the property.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Denote reciprocal parking agreement between properties.
10. Clarify address for Tract 2.
11. Discuss the need to amend the development plan.
12. Discuss the timing of the proposed sanitary sewer waiver.

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

- c. PLN-MJSUB-16-00017: TUSCANY, UNIT 9A (1/29/17)* - located at 1864 Battery Street (a portion of).
(Council District 6) **(EA Partners)**

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. 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. Addition of steep slope note to the approval of the Department of Environmental Quality.
9. Correct T.P.A on Lots 58 & 59 to match the approved Preliminary Subdivision Plan.
10. Correct cul-de-sac detail to remove "7' utility easement" from right-of-way.
11. Resolve conditional zoning restrictions.
12. Addition of drainage easement, as required to the approval of Division of Water Quality.
13. Denote no driveway access from Lot 1 to Battery Street.
14. Denote tree protection, which is shown on the Preliminary Subdivision Plan.
15. Resolve proposed geometrics (Lots 64 & surrounding) noncompliance with Article 6-4(b) of the Land Subdivision Regulations.
16. Remove Lot 205 from plat recordation.

- d. PLN-MJSUB-16-00018: HARVEY PROPERTY, LOT 2, SECTION 2 (1/29/17)* - located at 4500 Old School House Lane.
(Council District 10) **(EA Partners)**

Note: The purpose of this amendment is to create lots and dedicate public right-of-way and utility easements.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. 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. List private utilities.
11. Addition of spring protection information from preliminary subdivision plan, or as approved by the Department of Environmental Quality.
12. Revise cross-section to denote waiver requirements on Tracery Oaks Drive.
13. Resolve possible right-of-way dedication across greenway/open space lot.

- e. PLN-MJSUB-16-00019: TUSCANY, UNIT 9C (1/29/17)* - located at 1864 Battery Street (a portion of).
(Council District 6) **(EA Partners)**

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. 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. Resolve conditional zoning restrictions.
9. Correct numbering of HOA lot.
10. Denote that there will be no access to Meeting Street from Lots 24-31.
11. Correct T.P.As on Lots 29-31 to match the approved Preliminary Subdivision Plan.

- f. PLN-MJSUB-16-00020: TUSCANY, UNIT 3B (1/29/17)* - located at 1970 Winchester Road (a portion of).
(Council District 6) **(EA Partners)**

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

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

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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 radii on corners.
8. Denote no driveway access to Lots 1 & 94 from Villa Medici Pass.
9. Addition of benchmark information, subject to approval by the Division of Engineering.

- g. PLN-MJSUB-16-00021: TUSCANY, UNIT 9B (1/29/17)* - located at 1864 Battery Street (a portion of).
(Council District 6) **(EA Partners)**

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. 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. Addition of steep slope note to the approval of the Department of Environmental Quality.
9. Resolve conditional zoning restrictions.
10. Denote drainage easement as needed to the approval of Division of Water Quality.
11. Denote no access to Meeting Street from Lots 17-23.
12. Correct T.P.A on Lots 19-22 to match the approved Preliminary Subdivision Plan.
13. Correct cul-de-sac detail to remove "7' utility easement" from right-of-way.

- h. PLN-MJSUB-16-00022: MEADOWTHORPE COMMUNITY BUSINESS CENTER, UNIT 1 (AMD) (1/29/17)* - located at 1447 Antique Drive. (Council District 2) **(Endris Engineering)**

Note: The purpose of this amendment is to delete note #4 from the previous plan regarding the required parking space; and to reflect the release of an easement on Lot 1 and to create an easement as shown.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s).
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Correct the numbering on plan notes.
8. Correct note #3 to indicate Planning Commission's approval of a dimensional variance.
9. Complete or revise easement release information, prior to recordation.
10. Resolve the need for off-street parking easement near the intersection of Antique Drive and N. Forbes Road.

- i. PLAN 2008-138F: MEADOW OAKS, UNIT 1-A (ASHFORD OAKS) (2/28/17)* - located at 3414 Feliciana Lane.
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on November 13, 2008, 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 required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection areas.
6. Addition of utility and streetlight 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. Clarify label of cross-section for "G-G."
9. Denote private street maintenance responsibilities.
10. Verify exaction information to the approval of the Division of Planning.
11. Clarify public versus private right-of-way dedication.
12. Addition of conditional zoning notes and development standards from approved development plan.
13. Resolve possible conflicts between development standards and plan notes.

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

Note: On February 12, 2009, the Planning Commission granted a waiver to Article 4-7(d)(9)(c) of the Land Subdivision Regulations (regarding private street sureties), for the following reasons:

1. The bonding of sidewalks on private streets has been agreed to by the Urban County Government Division of Engineering in the past in the defined Expansion Area, and will still allow the collection of a surety to ensure completion of all the sidewalk improvements to this subdivision.
2. Strict adherence with the Subdivision Regulations would create an undue hardship to the developer, requiring heavy construction equipment for home construction to drive over sidewalks, which could damage the sidewalks, resulting in the need to repair or replace an otherwise new sidewalk.

Approval of the waiver was subject to the following condition being added to the Final Record Plats, in addition to those originally approved by the Planning Commission on November 13, 2008:

- a. Collection of a financial surety by the Division of Engineering for the ultimate construction of sidewalks not initially constructed on private streets, to ensure their completion, subject to the approval of the Law Department.

Approval of the waiver was subject to the following condition also being added to the Final Record Plat, in addition to those originally approved by the Commission on November 13, 2008:

- a. Denote: No certificate of occupancy shall be issued for any dwelling unit until the sidewalks are constructed in conjunction with the required concrete driveway apron.

Note: The Planning Commission reapproved this plan at their June 10, 2010, meeting, subject to the previous conditions; granted a **one-year extension** on June 9, 2011; and reapproved this plan at their June 14, 2012, meeting, subject to the previous conditions, one additional condition, and modifying one condition:

3. Building Inspection's approval of landscaping ~~and required street tree information.~~
14. Urban Forester's approval of required street tree information.

Note: The Planning Commission reapproved Section 2 on July 11, 2013, subject to the original conditions, as previously noted on today's agenda.

A portion of this plat (Section 1 & 2) has been recorded. The applicant now requests a reapproval for the remaining portion of this plan.

The Staff Recommends: **Reapproval of the remaining Unrecorded Sections**, subject to the same conditions as previously required by the Commission, also noting approval of a Waiver to Article 4-7(d)(9)(c) of the Land Subdivision Regulations.

- j. PLAN 2008-140F: MEADOW OAKS, UNIT 1-C (ASHFORD OAKS) (2/28/17)* - located at 3414 Feliciana Lane. (Council District 12) **(EA Partners)**

Note: This plan was approved by the Planning Commission at its November 13, 2008, 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 and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection areas.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
8. Denote: This property shall be developed in accordance with the approved final development plan.
9. Verify exaction information to the approval of the Division of Planning.
10. Addition of conditional zoning restrictions and development standards from approved development plan.
11. Denote the sanitary sewer easement across the greenway.
12. Resolve the extent and timing of the greenway dedication.

Note: On February 12, 2009, the Planning Commission granted a waiver to Article 4-7(d)(9)(c) of the Land Subdivision Regulations, for the following reasons:

1. The bonding of sidewalks on private streets has been agreed to by the Urban County Government Division of Engineering in the past in the defined Expansion Area, and will still allow the collection of a surety to ensure completion of all the sidewalk improvements to this subdivision.
2. Strict adherence with the Subdivision Regulations would create an undue hardship to the developer, requiring heavy construction equipment for home construction to drive over sidewalks, which could damage the sidewalks, resulting in the need to repair or replace an otherwise new sidewalk.

Approval of the waiver was subject to the following condition being added to all the Final Record Plats, in addition to those originally approved by the Commission on November 13, 2008:

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

- a. Collection of a financial surety by the Division of Engineering for the ultimate construction of sidewalks not initially constructed on private streets, to ensure their completion, subject to the approval of the Law Department.

Note: The Planning Commission reapproved this plan at their June 10, 2010, meeting, subject to the previous conditions; granted a **one-year extension** on June 9, 2011; and reapproved this plan at their June 14, 2012, meeting, subject to the previous conditions, one additional condition and modifying one condition:

3. Building Inspection's approval of landscaping ~~and required street tree information.~~
13. Urban Forester's approval of required street tree information.

Note: The Planning Commission reapproved this plan at their July 13, 2013, subject to the original conditions, as previously noted on today's agenda, adding one additional condition:

14. Revise boundary of Lot 61 to account for Consolidation Plat involving Lots 12-16.

Note: The applicant now requests a reapproval for this plan.

The Staff Recommends: Reapproval, subject to the same conditions as previously required by the Commission, also noting approval of a Waiver to Article 4-7(d)(9)(c) of the Land Subdivision Regulations.

3. DEVELOPMENT PLANS

- a. PLN-MJDP-16-00037: HASH AND HOUNSHELL PROPERTY (1/1/17)* - located at 1411 Greendale Road.
(Council District 2) **(Vision Engineering)**

Note: The Planning Commission postponed this item at their November 10, 2016, meeting.

The Subdivision Committee Recommended: Postponement. There were some questions regarding the proposed street system for the townhouse area.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree preservation plan.
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
 8. 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. Denote 10' townhouse building line proposed.
 13. Denote building heights in feet.
 14. Denote proposed and existing easements on plan.
 15. Denote the Royal Springs Aquifer Committee's consideration and/or approval prior to certification.
 16. Detail proposed private open space area for townhouse ~~and~~ units.
 17. Align Lucille Drive street connection to the north.
 18. Provided the Planning Commission makes a finding for the access easement, per Article 6-8(m) of the Land Subdivision Regulations, or convert to private street.
 19. Discuss proposed street system for townhouses in southwest area of the development.
 20. Discuss landscaping at cul-de-sac roundabout.
- b. PLN-MJDP-16-00041: BELLEAU WOODS SHOPPING CENTER (TATES CREEK CENTER), LOT 6 (1/29/17)* - located at 4153 Tate's Creek Centre Drive. (Council District 4) **(The Roberts Group)**

Note: The purpose of this amendment is to add a seven-island fuel center on Lot 6, and to revise the site statistics.

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.

* - 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 on Lot 6.
 9. Denote 25' floodplain setback on detail for on Lot 6.
- c. PLN-MJDP-16-00042: SAYRE CHRISTIAN VILLAGE, PHASE 3 (AMD) (1/29/17)* - located at 3816 Camelot Drive.
(Council District 4) **(Banks Engineering)**

Note: The purpose of this amendment is to add 11 units to Phase 3 area.

The Subdivision Committee Recommends: **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. Document compliance with the required landscaping, per DP 2010-83.
 11. Clarify sidewalk proposed to gazebo in courtyard.
 12. Clarify the number of floors proposed "1 story addition with basement" on Lot 2C.
 13. Addition of applicable parking stall information from the previous Final Development Plan DP 2010-83).
 14. Resolve landscaping shown on front of property from previous plans, versus actual plantings.
- d. PLN-MJDP-16-00048: BOSTON ROAD DEVELOPMENT, LLC (AMD) (1/29/17)* - located at 3823 Dylan Place.
(Council District 9) **(The Roberts Group)**

Note: The purpose of this amendment is to add 14 townhouse units and revise the 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 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. Denote responsibility for maintenance of detention basin.
 10. Correct notes #4 & #5.
 11. Revise townhomes facing east to meet Article 8-10(o)(1) of the Zoning Ordinance, and to implement note #10.
 12. Denote Final Record Plat information for property in title block.
 13. Resolve sidewalk along Nadia Lane and angled parking areas.
 14. Resolve proposed townhouse dimensions and typical provided.
- e. PLN-MJDP-16-00050: STONEWALL SHOPPING CENTER (AMD) (1/29/17)* - located at 3197 Clays Mill Road.
(Council District 9) **(Vision Engineering)**

Note: The purpose of this amendment is to depict new development of a convenience store and 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 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.

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9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 10. Addition of tree protection areas on plan, or/and clarify new street tree planting plants in "tree canopy statistics."
- f. DP 2015-112: NATIONAL STATION, LLC (FKA BEECHLAND SUBDIVISION, BELLEDALE ADDITION & EAST END ADDITION) (2/28/17)* - located at 949 National Avenue & 334, 340, 342 and 346 Richmond Avenue.
(Council District 3) **(Myke Robbins)**

Note: The Planning Commission approved this plan at their November 12, 2015, 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 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 additional topographical elevations at 1' or 2' contours, per Article 21-4.
11. Denote TPA information on plan (as required buffer to existing residential area).
12. Denote Board of Adjustment approval of conditional use permit for 340 Richmond Avenue.
13. Correct zoning information shown in site statistics.
14. Correct plan title block information to denote name and address of plan preparer.
15. Correct parking and floor area site statistics, per the Preliminary Subdivision Plan.
16. Review by Technical Committee prior to plan certification.
17. Denote construction and composition of sound attenuation wall.
18. Resolve possible need for additional landscape buffering adjacent to residential areas.
19. Resolve joint parking agreement referenced in note #8.

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

The Staff Recommends: Postponement. Sign posting is required for this type of Adaptive Re-use Project, and no documentation has been provided that the required sign has been erected for the required time at this location.

- g. DP 2015-74: CAVE HILL TOWNHOMES (2/28/17)* - located at 2236 Cave Hill Place.
(Council District 10) **(Vision Engineering)**

Note: This plan was approved by the Planning Commission at its September 24, 2015, 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 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 existing and proposed easements (per Can "I" Sld 120 & DP 89-133).
11. Document lot coverage, floor area in site statistics per Art. 21 of the Zoning Ordinance.
12. Complete tree protection areas information per Art. 26.
13. Correct plan title by adding "Amended".
14. Revise construction of sidewalks along Cave Hill Lane.
15. Denote landscape buffer from previous DP 89-133: WELLS PROPERTY.

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

The Staff Recommends: Postponement. This plan requires that a legal ad be published in the local newspaper prior to the Commission hearing. It was filed with the staff the day after the ad was published for today's meeting.

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

C. MINOR PLANS

- a. PLN-MNSUB-16-00035: GESS PROPERTY, UNIT 8 – located at 840 Hays Boulevard and 4115 Sperling Drive.
(Council District 7) **(EA Partners)**

The planning staff is referring this plat to the Planning Commission for their consideration (12/8/16 meeting) based on Articles 2-3(a) and 3-2(b) of the Land Subdivision Regulations.

The staff will report at the meeting.

- D. 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.

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

1. **SRA 2016-4: AMENDMENT TO ARTICLE 4-7 OF THE LAND SUBDIVISION REGULATIONS** - to alter the allowable sureties acceptable by the Urban County Government.

REQUESTED BY: Urban County Planning Commission

PROPOSED TEXT: (Text ~~dashed through~~ indicates a deletion, and text underlined indicates an addition to the existing Land Subdivision Regulations.)

4-7(d)(9) PERFORMANCE / WARRANTY SURETY - The developer shall post a combination performance and warranty surety, which shall be both to ensure the completion of public improvements, as indicated by the punch list, and for the repair of infrastructure that is found to be defective due to improper workmanship or defective materials.

4-7(d)(9)(a)ACCEPTABLE SURETIES - Acceptable sureties shall generally be an irrevocable letter of credit in favor of the Urban County Government from a bank with offices in Lexington-Fayette County. For sureties less than \$5,000, cash, certified check, or money order is acceptable. For sureties greater than \$5,000, cash, certified check, money order, or other surety is acceptable.

4-7(d)(9)(b)DETERMINATION OF THE AMOUNT OF THE SURETY - The total amount of the combination surety shall be ten percent (10%) of the total cost of the installed infrastructure, including roads, sanitary sewer system and storm water facilities, plus one hundred percent (100%) of the cost of the items included on the punch list of incomplete work. Where the sanitary sewer pumping station has been constructed, and all pumping equipment installed, but electrical service has not been provided to the facility, the entire cost of the pumping station shall be included in the surety. The cost of roads, sanitary sewers, storm water facilities and the punch list items shall be based upon the unit cost of each construction item which is a part of the plan. The unit costs for public improvement construction items shall be determined ~~annually in conformance with the procedure established in the Procedures Manual and shall be available from the~~ by Division of Engineering. The surety shall also include an additional twenty percent (20%) of the amounts listed above to provide for inflation and administrative costs, should the surety be called; and the Urban County Government must cause the work to be constructed or repaired, as appropriate.

4-7(g) NO OCCUPANCY PERMIT - No person shall allow occupancy of any building until the Division of Building Inspection has verified that the private utilities (water, electricity, telephone, and, where applicable, sanitary sewers, access to a public street or private street or access easement, stormwater infrastructure and natural gas), or public sanitary sewer pumping station, are completed in such a fashion that such utilities are available for use on the property in question.

4-8(c) COMPLETION OF UTILITIES AND FINAL COURSE OF ASPHALT ~~Only when all utilities have been installed, the base courses of the roadway have been completed for at least one year and the project engineer has certified the same to the Division of Engineering, shall the developer install the final course of asphalt. Any defective areas of the base courses of pavement must be identified by the project engineer and corrected or reconstructed, including removal of portions of the pavement in order to obtain a uniformly compacted base prior to the installation of the final surface. Completion of utilities and final course of asphalt shall be in conformance with the current edition of the Procedures Manual. Upon installation of the final surface, the amount of the surety may be reduced by an amount equal to 10% of the cost of the base courses; but in no case shall the reduction be more than 10% of the cost of the final surface.~~

4-8(d) RENEWAL OF THE SURETY - When requested by the developer, the Urban County Engineer shall renew the surety for uncompleted items for one additional year, beyond the three years otherwise provided. As a condition of renewals for sureties older than 3 years, the Division of Engineering will require recalculation of the amount of the surety based on the current unit prices. Any further renewals or extensions of the surety may only be granted by the Planning Commission upon a finding that there are conditions that prevent the timely completion of the public improvements. As a condition to the extension or renewal, the Planning Commission may require recalculation of the amount of the surety when there has been a significant increase in the cost of the items that are not completed.

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

4-8(e) FINAL REDUCTION / RELEASE OF SURETY - When the developer has completed all required improvements, and the final course of asphalt has been applied for at least one year, the developer may request a final release of the surety. When so requested, the Division of Engineering will conduct a final inspection within thirty (30) days. Upon determination by the Division of Engineering that all improvements have been properly constructed in conformance with the requirements of these Subdivision Regulations, the Zoning Ordinance, the Division of Engineering ~~Technical~~ Manuals and the Division of Engineering Standard Drawings, the Urban County Engineer shall, in writing, notify the Planning Commission, which shall release the surety.

4-8(f) Surety Forfeitures-If a surety is forfeited or called by the Urban County Government, the Corporation, Corporation Principal(s) or developer will be prohibited from submitting a surety to the Urban County Government for a period of three years from the date of forfeiture.

The Subdivision Committee made no recommendation.

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

1. The proposed text amendment is a timely improvement to the Land Subdivision Regulations that will improve compliance with the public improvements requirements of the regulations.
2. The proposed text amendment is consistent with the public health and safety provisions inherent in the Land Subdivision Regulations.

VII. STAFF ITEMS – The Chair will announce that any item a Staff member would like to present will be heard at this time.

VIII. AUDIENCE ITEMS – Citizens may bring a planning related matter before the Commission at this time for general discussion or future action. Items that will NOT be heard are those requiring the Commission's formal action, such as zoning items for early rehearing, map or text amendments; subdivision or development plans, etc. These last mentioned items must be filed in advance of this meeting in conformance with the adopted filing schedule.

IX. NEXT MEETING DATES

Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	December 14, 2016
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	December 15, 2016
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	January 5, 2017
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building).....	January 5, 2017
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	January 12, 2017
Planning Commission Work Session , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	January 19, 2017
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	January 26, 2017

X. ADJOURNMENT