

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

July 12, 2018

- 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 June 14, 2018, 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, July 5, 2018, at 8:30 a.m. The meeting was attended by Commission members: Karen Mundy, Carolyn Plumlee, Frank Penn, Mike Owens and Headley Bell. Committee members in attendance were: Hillard Newman, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: Jim Duncan, Traci Wade; Tom Martin; Cheryl Gallt; Hal Baillie; Denise Bullock; Keyu Yan; Captain Greg Lengal, Division of Fire & Emergency Services; and Andrea Brown 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 Subdivision Committee 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 PLAN

- a. **PLAN 2013-64F: LAKEVIEW ESTATES, UNITS 2B & 2E (AMD) (9/25/18)*** - located at 519 LAKETOWER DRIVE LEXINGTON KY.
Council District 5
Project Contact: Barrett Partners

Note: The purpose of this amendment is to subdivide one lot into eight lots. The Planning Commission originally approved this plan on July 11, 2013, 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 and Pedestrian Planner's approval of bike trails and pedestrian facilities.

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

7. Clarify notes for Lot 2 relative to acreage.
8. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
9. Terminate floodplain setback at property line.
10. Provided the Planning Commission makes a finding on the use of the proposed access easement as sole access to these lots.

As part of the Planning Commission's approval on July 11, 2013, the Commission also made a finding on the use of the proposed access easement as sole access to these lots. The approved findings for appropriateness of access easements as sole access for certain lots are as follows:

1. Allowing these townhouse lots to be accessed only via an access easement is appropriate for the proposed development and is consistent with the previously approved final development plan.
2. The use of the access easement will not negatively impact public health and safety, which is consistent with the intent of the Land Subdivision Regulations.

The Planning Commission reapproved this plan on August 22, 2013, subject to the original conditions with the following additional condition:

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

The applicant is now requesting a reapproval.

The Subdivision Committee Recommends: **Reapproval**, subject to the conditions previously approved by the Planning Commission on August 22, 2013, changing the following condition:

3. ~~Building Inspection's~~ Landscape Examiner's approval of landscaping and landscape buffers.

2. PRELIMINARY SUBDIVISION PLAN

- a. PLN-MJSUB-18-00017: EASTLAND PARKWAY SUBDIVISION, TRACT 1-C, BLOCK B, LOT 2 (9/2/18)* - located at 1540 EASTLAND PARKWAY, LEXINGTON, KY
Council District 6
Project Contact: ECSI

Note: The Subdivision Committee recommended postponement at their July 5, 2018, meeting.

The Technical Committee and Staff 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. Addressing Office's approval of street names and addresses.
4. Urban Forester's approval of tree preservation plan and required street tree information.
5. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
6. Denote access point for construction vehicles on plan.
7. Denote name and address of public utility companies.
8. Denote maintenance responsibility note for the existing and proposed access easement.
9. Addition of access easement cross-section for Lots 1 & 2.
10. Addition of cross-section for New Circle Road ramp.
11. Clarify "***" denoted on plan.
12. Discuss the need for two utility and sanitary sewer easements through Lots 2 and 3.
13. Discuss proposed access easement vs. public street.
14. Discuss note #11 about detention on each lot.
15. Discuss sanitary sewer easement on Lot 5.
16. Discuss access spacing with existing and proposed lots and existing access easement.
17. Discuss access to frontage road on Lot 6.

3. DEVELOPMENT PLANS

- a. PLN-MJDP-18-00047: CAVE HILL PLACE TOWNHOMES (AMD) (8/5/18)* - located at 2236 CAVE HILL LANE, LEXINGTON, KY
Council District 10
Project Contact: Vision Engineering

Note: The Planning Commission postponed this item at their June 14, 2018, meeting. The purpose of this amendment is to revise the entrance and parking.

The Subdivision Committee Recommended: **Postponement**. There were some questions regarding the proposed location of the access.

* - 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. Landscape Examiner's approval of landscaping and landscape buffers.
4. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
5. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
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 parking requirement.
10. Discuss proposed shift in access point.
11. Discuss solid waste service.

- b. PLN-MJDP-18-00050: CHESAPEAKE EQUINE (AMD) (9/2/18)* - located at 1024 GREENDALE ROAD, LEXINGTON, KY
Council District 2
Project Contact: EA Partners

Note: The purpose of this amendment is to add a picnic shelter and increase the lot coverage by 390 square feet.

The Subdivision Committee Recommends: **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. Department of Environmental Quality's approval of environmentally sensitive areas.
4. Depict onsite conditions.
5. Resolve compliance with VUA requirements in Article 18 of the Zoning Ordinance.
6. Resolve pedestrian access to the proposed picnic shelter.

- c. PLN-MJDP-18-00051: SUNNY SLOPE, UNIT 1-A (AMD) (9/2/18)* - located at 3765 WINTHROP DRIVE, LEXINGTON, KY
Council District 9
Project Contact: EA Partners

Note: The purpose of this amendment is to increase the lot coverage by 250 sq. ft. for a storage building, add four carports, revise the parking layout, reflect the release of the sanitary sewer force main easement along Waveland Museum Lane and to revise Note #12 permitting the Division of Engineering to approve the construction access locations.

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. Landscape Examiner's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Department of Environmental Quality's approval of environmentally sensitive areas.
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. Addition of conservation greenway note.
10. Resolve construction vehicle access and transferring authority to the Division of Engineering to alter access.

- d. PLN-MJDP-18-00052: RICE, BRENT & HAFLEY PROPERTY (THE HUMAN BEAN) (AMD) (9/2/18)* - located at 1946 HARRODSBURG ROAD, LEXINGTON, KY
Council District 11
Project Contact: The Roberts Group

Note: The purpose of this amendment is to denote redevelopment of the property.

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. Landscape Examiner'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.

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

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 100' residential setback.
11. Addition of steep slope note.
12. Replace "Forest" with "Tree Canopy" on face of plan.
13. Clarify applicability of restrictive notes to this site.
14. Correct note #7, per Article 21-6(a)(14) of the Zoning Ordinance.

4. **PLAT REVOCATION**

Note: The following plan is requested for revocation pursuant to KRS 100.285.

- a. PLAN 78-253F: MARY JANE GALLAHER - located between West Second and Third Streets (aka 451 W. Second Street), LEXINGTON, KY
Council District 1

Note: The Planning Commission approved this plan at their January 18, 1979, meeting, subject to the following conditions:

1. Provided the Planning Commission grants waivers for access-street frontage (Article 5.15).
2. Addition of utility easements as recommended by the utility companies.
3. Addition of street address.
4. Addition of building lines (discuss and define front, side, and rear yards).

The Planning Commission granted the waiver to Article 5.15 of the Land Subdivision Regulations (requiring a lot to abut an approved street) under the powers granted the Planning Commission by the Land Subdivision Regulations Article 6.41 for the following reasons:

1. The physical location of this property relative to the developed portion of the lot to which it is attached renders it of no substantial benefit or use to the total property.
2. The division of the property to permit construction of a one or two family residence will not be detrimental to the public good. No traffic, drainage or other problems will result from the proposed subdivision.
3. The construction of a public or private street to serve this one property would constitute an undue hardship in the such a street would be an excessive requirement given the location of the property and the nature of the proposed development.

On January 20, 1983, *Northside Neighborhood Association, ET AL. V. Mary Jane Gallaher, ET AL* (No. 79-CI-374), Judge Meade, Fayette Circuit Court, reversed the Planning Commission's decision citing that there was not substantial evidence on which to grant the variance.

The Law Department will report at the meeting.

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

- A. **ELECTION OF OFFICERS** – The Commission's By-laws state that at the first regular meeting in July, the Commission shall elect a Chairperson, Vice-Chairperson, Secretary, and Parliamentarian. The Nominating Committee was named at the June 14th Commission meeting and has presented its slate for consideration by the Planning Commission. Nominations may also be made from the floor.

The current officers are as follows:

Chairperson	-	William Wilson
Vice Chairperson	-	Frank Penn
Secretary	-	Carolyn Plumlee
Parliamentarian	-	Karen Mundy

The Nominating Committee will report at the meeting.

- B. **DELEGATION OF SECRETARY'S DUTIES** – The Commission's past procedure for carrying out the Secretary's duties, except for signing minutes, has been to delegate that authority to the Director of the Division of Planning and his staff. The Chair will request that the Commission consider taking similar action at this time.

- VI. **STAFF ITEMS** – The Chair will announce that any item a Staff member would like to present will be heard at this time.
- VII. **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.
- VIII. **NEXT MEETING DATES**
- | | |
|---|-----------------------|
| Work Session, Thursday, 1:30 p.m., 3 rd Floor Phoenix Building | July 19, 2018 |
| Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) | July 25, 2018 |
| Zoning Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers..... | July 26, 2018 |
| Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) | August 2, 2018 |
| Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building) | August 2, 2018 |
| Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers | August 9, 2018 |
- X. **ADJOURNMENT**

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