

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

April 11, 2019

- 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 March 14, 2019, 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, April 4, 2019, at 8:30 a.m. The meeting was attended by Commission members: Carolyn Plumlee, Mike Owens, Frank Penn (departed at 9:45 am), Headley Bell and Karen Mundy. Committee members in attendance were: Josh Dezarn, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: Traci Wade, Tom Martin, Cheryl Gallt, Lauren Hedge, Denise Bullock, Scott Thompson; Captain Greg Lengal and Firefighter Embry Beatty, Division of Fire & Emergency Services; & Tracy Jones and Chad Edwards, 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 PLANS

- a. PLN-FRP-19-00001: RED MILE SQUARE, INC., TRACT D, LOT 3 (AMD) (4/11/19)* - located at 1151 UNITY DRIVE, LEXINGTON, KY.
Council District 11
Project Contact: Endris Engineering

Note: The purpose of this amendment is to subdivide one lot into 17 lots, and create easements as denoted with two asterisks (**) on the plan.

The Subdivision Committee did not review this plan at their February 7, 2019, March 7, 2019, and April 4, 2019 meeting.

The Technical Committee and Staff Recommends: **Postponement**. There was a question regarding compliance with the required open space for the R-1T 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. Landscape Examiner'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 street cross-section on plan.
8. Provided the Planning Commission makes a finding on the access easement.
9. Discuss open space for Lot 31, per Article 8-10(o)(3) of the Zoning Ordinance.

- b. PLN-FRP-19-00005: CROSSROADS CHRISTIAN CHURCH (AMD) (6/2/19)* - located at 4128 TODDS ROAD, LEXINGTON, KY.
Council District 12
Project Contact: EA Partners

Note: This plan requires the posting of a sign and an affidavit of such. The purpose of this amendment is to subdivide one tract into two lots.

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. Landscape Examiner'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. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
9. Discuss sanitary sewer line to A-R lot.
10. Discuss location of proposed access point(s).
11. Discuss right-of-way improvements to Todds Road.

- c. PLN-FRP-19-00007: HAMBURG PLACE FARM, SIR BARTON WAY OFFICE PARK, PHASE 2, LOT 18A (AMD) (6/2/19)* - located at 2540 SIR BARTON WAY, LEXINGTON, KY.
Council District 6
Project Contact: Palmer Engineering

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

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. Addressing Office's approval of street names and addresses.
4. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
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. Addition of Lot 18B to plat for extension of access easement.
8. Complete owner's certification for Lots 18A and 18B.
9. Provided the Planning Commission makes a finding regarding the access easement.
10. Discuss alignment of access easement towards I-75 for future connection under I-75.

2. PRELIMINARY SUBDIVISION PLAN

- a. PLN-MJSUB-19-00006: TUSCANY, UNIT 15 (6/2/19)* - located at 1970 WINCHESTER ROAD (A PORTION OF), LEXINGTON, KY.
Council District 6
Project Contact: EA Partners

The Subdivision Committee Recommends: **Postponement**. There were significant concerns regarding the proposed street system and future connections, and compliance with the preliminary development plan.

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

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

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Landscape Examiner'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.
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. Denote proposed and existing easements.
11. Delete note #12.
12. Depict connection of Eastmont Road to Haymaker Parkway.
13. Depict connection of Haymaker Parkway to Fortune Drive via Trade Center Drive.
14. Include remainder of adjacent land within Tuscany development on this preliminary subdivision plan.
15. Discuss connecting cul-de-sacs to provide a loop street.
16. Discuss shifting Haymaker Parkway closer to greenway to provide access to open space.
17. Discuss compliance with approved preliminary development plan.

3. DEVELOPMENT PLANS

- a. PLN-MJDP-19-00013: PAPPERT PROPERTY (AMD) (6/2/19)* - located at 2811 SPURR ROAD, LEXINGTON, KY.
Council District 12
Project Contact: EA Partners

Note: The purpose of this amendment is to revise the street layout for single-family dwelling.

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. 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.
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. United States Postal Service Office's approval of kiosk locations.
10. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
11. Division of Waste Management's approval of refuse collection locations.
12. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
13. Dimension driveway, walkway and points of egress and ingress in feet on plan.
14. Remove Lot 114 label on plan.
15. Dimension height of apartment buildings and clubhouse in feet on plan.
16. Denote the Royal Springs Aquifer Committee's consideration and/or approval prior to certification.

- b. PLN-MJDP-19-00014: PENMOKEN PARK, LOT P-104 (SOUTHERN & JONES PROPERTIES, LLC) (6/2/19)* - located at 1847 NICHOLASVILLE ROAD, LEXINGTON, KY.
Project Contact: ECSI, LLC
Council District 3

The Subdivision Committee Recommends: **Approval**, subject to the following revised 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. 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.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace Planner's approval of the treatment of greenways and greenspace.
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. United States Postal Service Office's approval of kiosk locations.
12. Delete notes #8 & #9.

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

13. Denote typical lot size.
14. Denote development shall substantially comply with submitted renderings.
15. Denote compliance with private open space requirements per lot by denoting square footage per lot.
16. Resolve timing of relocation of residents.

- c. PLN-MJDP-19-00015: HARPER WOODS (FEATHERSTON PROPERTY, LOT 2) (AMD) (6/2/19)* - located at 2311 ARMSTRONG MILL ROAD, LEXINGTON, KY.
Council District 8
Project Contact: EA Partners

Note: The purpose of this amendment is to enlarge the townhouse and add guest parking.

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. 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.
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. Reference note #17 on the cul-de-sac detail.
12. Resolve townhouse parking area conflict with vegetative buffer.
13. Denote maintenance of shared-use trail.
14. Discuss guest parking along private street.

- 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, April 4, 2019, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members: Carolyn Plumlee, Larry Forester, and Graham Pohl. Staff members in attendance were: Traci Wade; Tom Martin; Hal Baillie; Lauren Hedge; and Debbie Woods; and Tracy Jones and Chad Edwards, Department of Law. The Committee members reviewed applications and made recommendations as noted.

A. **ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS**

The staff will call for objectors to determine which petitions are eligible for abbreviated hearings.

Abbreviated public hearings will be held on petitions meeting the following criteria:

- The staff has recommended approval of the zone change petition and related plan(s)
- The petitioner concurs with the staff recommendations
- Petitioner waives oral presentation, but may submit written evidence for the record
- There are no objections to the petition

- B. **FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS** - Following abbreviated hearings, the remaining petitions will be considered.

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.

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

1. **PLN-MAR-19-00006: DAVID TIPTON** - a petition for a zone map amendment to modify the restrictions of the Neighborhood Design Character (ND-1) Overlay zone in the Single Family Residential (R-1C) zone for 0.1722 net and gross acres, for property located at 422 Dudley Road.

Proposed Design Standard Amendment:

6. ACCESSORY STRUCTURES:

Maximum footprint of 800 square feet for all accessory structures per lot. Maximum ~~22'~~ 23.3' height to roof ridge, maximum 12' height to eave (aka gutter line). No exterior stairs shall be permitted. Maximum 50 percent of roof square footage allowed to be shed dormer. (Eave height measured at top of fascia board and does not apply to dormers, and no minimum roof pitch required on accessory structures)

(NOTE: Underlined text above indicates a proposed addition, while ~~stricken-through~~ text indicates a proposed deletion to the adopted Chevy Chase ND-1 design standards for the subject property.)

The Zoning Committee Recommends: **Disapproval**, for the following reasons:

1. There is no clear delineation of special circumstances that do not generally apply to land in the same ND-1 overlay district, nor would the strict application of the restrictions deprive the applicant of the reasonable use of the land.
2. The applicant has not indicated a clear hardship that would be alleviated by the modification of the ND-1 Overlay standards for this property.
3. Goal #2 of the Chevy Chase ND-1 overlay neighborhood preservation goals specifically references the scale and physical character of the built environment of the area. While the difference in the height of the constructed accessory structure and the plans submitted to Building Inspection is relatively small, the standards were designed in a way to help conserve or promote certain visual characteristics of the neighborhood. The petitioner has not provided an adequate justification as to how these elements would be preserved.
4. Although the applicant has stated they did not intentionally violate the standards, there has been a willful decision by the applicant or their contractor to not follow the approved plans.

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

- A. **2017 & 2018 Annual Report** – the Annual Report depicts the activity level of certain types of applications processed by the Division of Planning during 2017 and 2018.

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	April 18, 2019
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	April 24, 2019
Zoning Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	April 25, 2019
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	May 2, 2019
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	May 2, 2019
Subdivision and Zoning Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	May 9, 2019

IX. ADJOURNMENT