

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS AND ZONING PUBLIC HEARING**

June 12, 2008

- 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** – Prior Planning Commission meeting minutes of April 10, 2008, will be considered at this time.
- III. **POSTPONEMENTS OR WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.
- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, June 5, 2008, at 8:30 a.m. The meeting was attended by Commission Members: Neill Day, Lyle Aten, James Mahan, Randall Vaughn, Mike Cravens and Carolyn Richardson. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Jimmy Emmons, Denice Bullock, Chris Taylor, Cheryl Gallt, Tom Martin, Frank Boateng and Kenzie Gleason; as well as Rochelle Boland, Department of Law; Captain Charles Bowen, Division of Fire & Emergency Services; and Bob Carpenter, Division of Building Inspection. 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 is in agreement with the Subdivision Committee recommendation and the 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 consideration of these remaining plans is as follows:

- Staff Report(s)
- Petitioner's Report(s)
- Citizen Comments – (a) in support of the request, and (b) in opposition to the request
- Rebuttal – (a) petitioner's comments, (b) citizen comments, and (c) staff comments
- Commission discusses and/or votes on the plan

1. Preliminary Plans

- a. **PLAN 2008-9P: HILLENMEYER PROPERTY (AMD.) (6/12/08)*** - located on Lucille Drive and Sandersville Road.
(Council District 2) **(VanderWier and Associates)**

Note: The Planning Commission postponed this plan at its February 14, 2008; March 13, 2008; April 14, 2008; and May 8, 2008, meetings. The purpose of this amendment is to modify one area of the development from single family detached dwelling units to a townhome development.

The Subdivision Committee Recommended: Postponement. There were questions regarding the density of the townhomes adjacent to a subdivision, as well as the timing of the connection of Sandersville Road.

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 landscape buffers and required street tree information.
4. Approval of street names by e911 staff.
5. Urban Forester's approval of tree preservation plan.
6. Environmental Planner's approval of environmentally sensitive areas.

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

7. Correct note number 14 to include Area C.
 8. Delete note number 20.
 9. Revise purpose of amendment note.
 10. Identify group residential requirements in site statistics.
 11. Include all property from previous plan.
 12. Discuss the density and location of the townhomes.
 13. Discuss the cemetery and timing of street construction.
- b. PLAN 2008-71P: HAMPTON SPRINGS (AMD.) (8/7/08)* - located at 4574 Harrodsburg Road (a portion of).
(Council District 10) **(EA Partners)**

Note: The purpose of this amendment is to revise the development on the property.

The Subdivision Committee Recommended: Postponement. There were questions regarding the proposed street connection, the waiver requests, the lack of street connection to the adjoining Church property, the area of fill proposed and the construction access to the site.

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

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 landscape buffer and required street tree information.
4. Approval of street addressing by e911 staff.
5. Urban Forester's approval of tree preservation plan.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Department of Environmental Quality's approval of environmentally sensitive areas (steep slopes).
9. Correct plan title.
10. Denote HOA dedication to the LFUCG for a greenway.
11. Discuss access to the greenway.
12. Discuss the lack of connection proposed to Rhema Way.
13. Discuss the need for a stub street to the remaining Church property.
14. Discuss the requested waivers to the Subdivision Regulations.
15. Discuss construction access to this area.

2. Final Subdivision Plans

- a. PLAN 2008-24F: THOMAS COMMUNICATIONS, INC., UNIT 1-C (WALNUT GROVE ESTATES) (6/12/08)* –
located at 2236 Walnut Grove (a portion of). (Council District 12) **(EA Partners)**

Note: The Planning Commission postponed this plan at its March 13, 2008; April 14, 2008; and May 8, 2008 meetings.

The Subdivision Committee Recommended: Postponement. There were questions regarding the ability to provide adequate water service and fire protection to this subdivision.

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

1. Urban County Engineer's acceptance of drainage, floodplain, storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscape buffers and required street tree information.
 4. Approval of street names by e911 staff.
 5. Urban Forester's approval of tree preservation plan.
 6. Environmental Planner's approval of environmentally sensitive areas.
 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. Revise unit boundary (with Unit 1-D) to provide lot frontage for that unit.
 10. Delete trees without corresponding Tree Protection Areas (TPA) from plan face.
 11. Addition of "A-A" cross-section on Unit 1-C area.
- b. PLAN 2008-25F: THOMAS COMMUNICATIONS, INC., UNIT 1-D (WALNUT GROVE ESTATES) (6/12/08)* –
located at 2236 Walnut Grove (a portion of). (Council District 12) **(EA Partners)**

Note: The Planning Commission postponed this plan at its March 13, 2008; April 14, 2008; and May 8, 2008 meetings.

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

The Subdivision Committee Recommended: Postponement. There were questions regarding the street frontage and the ability to provide adequate water service and fire protection to this subdivision.

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 landscape buffers and required street tree information.
4. Approval of street names by e911 staff.
5. Urban Forester's approval of tree preservation plan.
6. Environmental Planner's approval of environmentally sensitive areas.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Revise boundary of plan.
9. Discuss lot frontage.

- c. PLAN 2008-44F: HIGH MOUNT SUBDIVISION, UNIT 1, BLOCK A, LOT 17 (AMD) (6/12/08)* – located at 2932 Candlelight Way. (Council District 5) **(CBC Engineers and Associates)**

Note: The Planning Commission postponed this plan at its April 14, 2008; and May 8, 2008, meetings. The purpose of this amendment is to subdivide one lot into two lots.

The Subdivision Committee Recommended: Postponement. There were questions regarding access to the home, driveway and drainage easement conflicts and the street cross-sections.

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 landscape buffers and required street tree information.
4. Approval of street names by e911 staff.
5. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
6. Complete Major Subdivision and Development Plan application.
7. Place site statistics within a box.
8. Addition of frontage dimension.
9. Addition of adjacent property information.
10. Complete the location of the property on the vicinity map.
11. Addition of building lines.
12. Adjust plat size to 17X22.
13. Remove Kentucky Utilities note.
14. Correct Planning Commission certification.
15. Resolve street cross-section for Candlelight Way.
16. Discuss access to duplex units.
17. Discuss driveway/drainage easement conflict.

- d. PLAN 2005-330F: SOUTH HILL GARDENS (8/27/08)* - located at 408 and 426 South Mill Street and 421 through 437 Lawrence Street. **(Wheat and Ladenburger)**

Note: The Planning Commission originally approved this plan on December 8, 2005; and then reapproved it on December 14, 2006 and December 13, 2007, 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 and required street tree information.
4. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
5. Approval of street addresses as per e911 staff.
6. Urban Forester's approval of tree preservation plan.
7. Denote: There shall be no building permits issued until Final Development Plan has been approved.
8. Demonstrate compliance of existing buildings with lot requirements.
9. Increase font size on entire plan.
10. Document the minimum lot size and the square footage requirements.
11. Addition of adjoining property information and zoning.
12. Resolve landscape and buffer area for zone-to-zone screening.
13. The Planning Commission must approve a Final Development Plan prior to recordation of this plat.

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

14. Revise lot layout and add easements, as appropriate, such that the proposed Home Owners Association open space is an accessory rather than principal permitted use.

Note: The applicant now requests a continued discussion to modify the following conditions:

13. The Planning Commission must approve a Final Development Plan prior to recordation of Section 2 (Lots 2, 7-13).
14. Revise lot layout and add easements, as appropriate, such that the proposed Home Owners Association open space is an accessory rather than principal permitted use, as necessary.

The Subdivision Committee Recommended: Approval, subject to the previous conditions listed, changing condition numbers 13 and 14, as requested.

- e. PLAN 2006-236F: COONS PROPERTY, UNIT 11 (AMD.) (9/2/08)* – located at 4268 Saron Drive.
(Council District 12) **(Quest Engineers)**

Note: The Planning Commission originally approved this plan on November 9, 2006; 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 and required street tree information.
4. Approval of street addressing by e911 staff.
5. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
6. Greenspace Planner's approval of pedestrian movement.
7. Addition of adjacent property information.
8. Provided Public Works approves a 5-foot sidewalk, or the widest sidewalk possible without the need for a handrail, which is ever less.

Note: The applicant now requests reapproval, subject to the previous conditions listed.

The Staff Recommended: Approval, subject to the previous conditions listed.

- f. PLAN 2004-310F: MONTMULLIN STREET SUBDIVISION (CHARLES & BETTY GETTINGS PROPERTY) (2/9/05)* - located at 171-173 Montmullin Street. (Council District 3) **(Roger L. Finnie)**

Note: The Planning Commission originally approved this plan on December 9, 2004; and then reapproved this item on July 13, 2006 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 and required street tree information.
4. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
5. Addition of street addresses.
6. Addition of vicinity map.
7. Addition of site statistics.
8. Remove building information from plan face.
9. Complete adjacent property owner information (175 Montmullin).

Note: The applicant now requests reapproval, subject to the previous conditions listed.

The Staff Recommended: Approval, subject to the previous conditions listed, plus one additional condition:

10. Provide documentation of compliance with Article 4-5(a) of the Zoning Ordinance, and document separate utilities for the two structures.

3. **Development Plans**

- a. DP 2008-51: PALUMBO PROPERTY (GARDEN SPRINGS, UNIT 1-S) (AMD. #8) (6/12/08)* - located at 820 Lane Allen Road. (Council District 10) **(Foster - Roland)**

Note: The Planning Commission postponed this plan at its April 14, 2008; and May 8, 2008, meetings. The purpose of this amendment is to add a car wash.

The Subdivision Committee Recommended: Postponement. There was a question regarding whether or not this plan meets the minimum parking requirements of the Zoning Ordinance.

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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 parking, circulation, access and street cross-sections.
3. Building Inspection's approval of landscape buffers.
4. Urban Forester's approval of tree preservation plan.
5. Division of Fire's approval of emergency access and fire hydrant location.
6. Division of Waste Management's approval of refuse collection.
7. Approval of street names and addresses per e911 staff.
8. Correct plan title.
9. Complete adjacent property information.
10. Addition of street cross-sections.
11. Addition of all easements.
12. Addition of building lines.
13. Addition of dimensions for parking spaces, aisles and entrances from the prior development plan.
14. Addition of landscaping information from the previous plan.
15. Provided the Board of Adjustment grants a conditional use request for the car wash.
16. Resolve the proposed car wash impact on sanitary sewer system.
17. Discuss parking requirements versus what is shown on the plan.

- b. DP 2008-60: BLACKFORD TOWN CENTER (7/12/08)* - located at 6600 Man O' War Boulevard.
(Council District 12) **(Rob Sims)**

Note: The Planning Commission postponed this plan at its May 8, 2008, meeting. This plan requires the posting of a sign and an affidavit of such.

The Subdivision Committee Recommended: Postponement. There were questions regarding the street connectivity, floodplain information, landscaping, parking and compliance with Article 23 of the Zoning Ordinance.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
3. Building Inspection's approval of landscape buffers.
4. Urban Forester's approval of tree preservation plan.
5. Greenspace Planner's approval of the treatment of greenways.
6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Department of Environmental Quality's approval of environmentally sensitive areas.
8. Division of Fire's approval of emergency access and fire hydrant location.
9. Division of Waste Management's approval of refuse collection.
10. Approval of street names and addresses per e911 staff.
11. Complete adjacent property information.
12. Addition of building lines.
13. Place site statistics within a box.
14. Improve plan clarity for the building information and contour lines.
15. Replace the tree protection plan with the required tree inventory map information (plan status).
16. Denote proposed building heights.
17. Correct note numbers 4, 5, 8 and 10.
18. Identify bicycle parking area.
19. Addition of dimensions for all structures.
20. Addition of parking dimensions on the main street.
21. Discuss street connectivity and possible need for waivers.
22. Discuss parking and landscaping orientation to Man O' War Boulevard.
23. Discuss the square footage for the residential and commercial uses.
24. Discuss the floodplain.
25. Discuss plan status.
26. Discuss the screening adjacent to the church property.
27. Discuss parking orientation (angled versus parallel) along the main street.

- c. DP 2008-66: MARSHALL PROPERTY, UNIT 2 (6/25/08)* - located at 3000 Leestown Road (McConnells Trace). (Council District 2) **(EA Partners)**

Note: The Planning Commission postponed this plan at its May 8, 2008, meeting.

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

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
3. Building Inspection's approval of landscape buffers.
4. Urban Forester's approval of tree preservation plan.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. United States Postal Service (USPS) approval of mailbox locations.
7. Department of Environmental Quality's approval of environmentally sensitive areas.
8. Division of Fire's approval of emergency access and fire hydrant location.
9. Division of Waste Management's approval of refuse collection.
10. Approval of street names and addresses per e911 staff.
11. Addition of utility easements.
12. Document provision of notice to David Duncan (preliminary development plan discussion).
13. Provided the Planning Commission makes a finding for the access easement.
14. Resolve the screening of vehicular use area (VUA) adjacent to the single family homes.
15. Modify building setbacks at intersection to the approval of Traffic Engineering.

- d. DP 2008-74: SOUTH ELKHORN VILLAGE (AMD.) (8/7/08)* - located at 4375 and 4395 Old Harrodsburg Road.
(Council District 10) **(M2D Design Group)**

Note: The purpose of this amendment is to increase the buildable square footage, and to revise the parking area and site statistics.

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Building Inspection's approval of landscape buffer.
3. Revise the purpose of amendment note.
4. Provided the Board of Adjustment grants a conditional use prior to plan certification.
5. Correct Planning Commission certification.
6. Adjust building envelope to include the patio or remove building envelope.
7. Denote the number of restaurant seats proposed for the outdoor patio area.

- e. DP 2008-75: EAST HILLS SHOPPING CENTER, LOT 3A (AMD.) (8/7/08)* - located at 540 and 544 Eureka Springs Drive. (Council District 7) **(Endris Engineering)**

Note: The purpose of this amendment is to add buildable area, revise the parking circulation and depict the as-built entrances.

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
3. Building Inspection's approval of landscape buffers.
4. Urban Forester's approval of tree preservation plan.
5. Division of Fire's approval of emergency access and fire hydrant locations.
6. Division of Waste Management's approval of refuse collection.
7. Approval of street names and addresses per e911 staff.
8. Delete note number 9.
9. Revise note number 10.
10. Clarify number of children proposed for day-care operation.
11. Addition of dimensions for access points and drive aisles.
12. Secure manhole within play area to the approval of Streets, Roads and Forestry.

- f. DP 2008-76: SHARKEY PROPERTY, UNIT 2D (AMD.) (8/7/08)* - located at 149 Old Towne Walk.
(Council District 11) **(Barrett Partners)**

Note: The purpose of this amendment is to increase the buildable square footage for the pool and the mail building, to revise the carport layout, and to reduce the parking.

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
3. Building Inspection's approval of landscape buffers.
4. Correct the site statistics (coverage).
5. Revise note number 12 (for clarity).

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- g. DP 2008-77: MICHAEL GENTRY PROPERTY (AMD.) (8/7/08)* - located at 3292 Richmond Road.
(Council District 7) **(Vision Engineering)**

Note: The purpose of this amendment is to revise the proposed development for the property.

The Subdivision Committee Recommended: Postponement. There were questions regarding the building proposed in the Richmond Road right-of-way.

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 parking, circulation, access and street cross-sections.
3. Building Inspection's approval of landscape buffers.
4. Urban Forester's approval of tree preservation plan.
5. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
6. Division of Fire's approval of emergency access and fire hydrant locations.
7. Division of Waste Management's approval of refuse collection.
8. Approval of street names and addresses per e911 staff.
9. Correct conditional zoning restrictions.
10. Label building lines.
11. Correct site statistics (square footage).
12. Correct parking statistics.
13. Remove building proposed in the existing Richmond Road right-of-way.

- h. DP 2008-78: LEESTOWN OFFICE PARK, LOT 1 (AMD.) (8/7/08)* - located at 101 Leestown Center Way.
(Council District 12) **(Eagle Engineering)**

Note: The purpose of this amendment is to depict the development of Lot 1.

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
3. Building Inspection's approval of landscape buffers.
4. Urban Forester's approval of tree preservation plan.
5. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
6. Division of Fire's approval of emergency access and fire hydrant locations.
7. Division of Waste Management's approval of refuse collection.
8. Approval of street names and addresses per e911 staff.
9. Provided the Board of Adjustment grants the conditional use approval for a drive-through in a P-1 zone.
10. Addition of all development plan graphics and notes from previous development plan.
11. Resolve drive aisle in landscape buffer area.

- i. DP 2008-79: CARDINAL HILL HOSPITAL (AMD.) (8/7/08)* - located at 1826, 1832 and 2050 Versailles Road.
(Council District 11) **(Carman & Associates)**

Note: The purpose of this amendment is to add a 220,000 square-foot hospital addition, to add a 200,000 square-foot parking garage, and to revise the parking and circulation.

The Subdivision Committee Recommended: Postponement. There were questions regarding the parking in the A-U zone, the access easement, parking garage and easement conflict, sewer capacity, utility relocation, Tree Protection Plan and steep slopes.

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
2. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
3. Building Inspection's approval of landscape buffers.
4. Urban Forester's approval of tree preservation plan.
5. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
6. Department of Environmental Quality's approval of environmentally sensitive areas (bio-hazardous material, and steep slopes).
7. Division of Fire's approval of emergency access and fire hydrant locations.
8. Division of Waste Management's approval of refuse collection.
9. Approval of street names and addresses per e911 staff.
10. Improve plan clarity.

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

11. Addition of dimension for all access points and drive aisles.
12. Addition of tree preservation information in floodplain area.
13. Complete dimensions for proposed and existing buildings.
14. Addition of property boundary information (bearings and distances).
15. Addition of adjoining property information.
16. Correct note number 7.
17. Provided the Board of Adjustment grants the conditional use permit and dimensional variances prior to certification.
18. Denote on plan all proposed areas for detention per Article 21.
19. Discuss access road improvements and proposed canopy building features.
20. Discuss note number 10 (building permit as opposed to plan certification).
21. Discuss release of easement in area of the parking garage prior to the issuance of any building permits.

- j. DP 2008-80: CHEVY CHASE SUBDIVISION, UNIT 19, LOT 7, (WM. T. BURKE PROPERTY) (8/7/08)* - located at 1136 Providence Lane. (Council District 5) **(Foster – Roland)**

The Subdivision Committee Recommended: Postponement. There were questions regarding the location of the utilities and a utility pole, the landscaping buffer and the required notice mailing to nearby property owners.

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

1. Provided the Urban County Council rezones the property R-2; 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 parking, circulation, access and street cross-sections.
4. Building Inspection's approval of landscape buffers.
5. Urban Forester's approval of tree preservation plan.
6. Approval of street names and addresses per e911 staff.
7. Delete note numbers 1 and 2.
8. Addition of standard development plan notes.
9. Correct site statistics.

- k. DP 2007-151: OVERBROOK LAND COMPANY (8/27/08)* – located at New Circle Road and Liberty Road. (Council District 6) **(Vision Engineering)**

Note: The Planning Commission originally approved this plan on December 13, 2007, and again on May 8, 2008, 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 parking, circulation, access and street cross-sections.
3. Building Inspection's approval of landscape buffer.
4. Urban Forester's approval of tree preservation areas.
5. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
6. Division of Fire's approval of emergency access and fire hydrant locations.
7. Division of Solid Waste's approval of refuse collection.
8. Approval of street names and addresses per e911 staff.
9. Correct plan title.
10. Delete extraneous information.
11. Denote: All customer required parking to be marked.
12. Provided the Board of Adjustment grants approval of parking within a Professional Office (P-1) zone.
13. Consolidation plat to be recorded prior to certification of development plan.
14. Denote access and road improvements to Liberty Road.
15. Denote building height and type of uses proposed.
16. Kentucky Transportation Cabinet's approval of access and improvements to New Circle Road.

Note: The applicant now requests a continued discussion to add 7,000 square feet of buildable area.

The Subdivision Committee Recommended: Approval, subject to the previous conditions.

- 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.

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, May 1, 2008, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Ed Holmes, Frank Penn, Randall Vaughn, and Joan Whitman. The Committee reviewed applications, but made no recommendation on the following zoning item, as noted, due to lack of quorum.

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

A. FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS AND RELATED PLANS –

The procedure for this hearing 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. URBAN COUNTY PLANNING COMMISSION ZONING MAP AMENDMENT & SOUTHEND PARK, SECTION 1 ZONING DEVELOPMENT PLAN

- a. MAR 2008-16: URBAN COUNTY PLANNING COMMISSION - petition for a zone map amendment from a Light Industrial (I-1) zone to a Planned Neighborhood Residential (R-3) zone, for 21.13 net (23.02 gross) acres; from a Light Industrial (I-1) zone to a Mixed Use 2 – Neighborhood Corridor (MU-2) zone, for 4.40 net and gross acres; and from a Light Industrial (I-1) zone to a Highway Service Business (B-3) zone with conditional zoning restrictions, for 0.87 net (1.94 gross) acres, for properties located at 709-715 Byars Street; 508-870 DeRoode Street (excluding 757 & 763 DeRoode); 714-726 Deshort Circle; 906 W. High Street (a portion of); 555-561 McKinley Street (portions of odd addresses only); 564-621 McKinley Street; 555-565 Merino Street ; 800-833 Neville Street; 565-637 Patterson Street (portions of odd addresses only); and 812-820 Pine Street.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 5), which incorporates the Newtown Pike Extension Corridor Plan, recommends a combination of High Density Residential (HD), Mixed Use (MU), Public Recreation (PR), and Other Public Uses (OPU) future land use for the subject area. The configuration of these future land uses, as depicted by the Comprehensive Plan, is based on the more detailed *Southend Park Urban Village Plan*, approved by the Planning Commission in November 2003.

The Zoning Committee did not make a recommendation, due to lack of a quorum.

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

1. The proposed Planned Neighborhood Residential (R-3) zone and Mixed-Use 2: "Neighborhood Corridor" (MU-2) zone are in agreement with the 2007 Comprehensive Plan for the following reasons:
 - a. The Plan recommends High Density Residential (HD) future land use, defined as 10-25 dwelling units per net acre, for a portion of the subject area along its western boundary. The corollary development plan identifies 85 dwelling units within about 7.2 acres, for a residential density of 11.81 dwelling units per net acre, which is within the residential density range recommended by the Plan.
 - b. The Plan recommends Mixed Use (MU) future land use near the future intersection of Newtown Pike with the Scott Street connector for approximately four acres of property. This corner is proposed for MU-2 zoning, which allows for the Comprehensive Plan's recommendation for a mixture of retail, office and residential uses.
 - c. The Plan recommends Other Public Uses (OPU) future land use for just under three acres of property along the eastern side of the subject area, north of the proposed mixed-use area. This designation recognizes the desire for the Nathaniel United Methodist Mission to remain a prominent part of the Southend Park Neighborhood to continue to provide valuable outreach services. This area is proposed for R-3 zoning, which permits a community center or church as a conditional use with Board of Adjustment approval.
 - d. The Plan recommends Public Recreation (PR) future land use for about eleven acres of property to serve this neighborhood. R-3 zoning is proposed to accommodate the proposed park, which will be expanded, and will continue to be operated by the Urban County Government.
2. Although the proposed B-3 zone does not allow residential uses, as recommended by the Mixed Use future land use designation of the Comprehensive Plan, it is far more appropriate for a significant gateway and prominent intersection along the corridor than the existing Light Industrial zone, which is inferior and entirely inappropriate at this location.

3. This recommendation is made subject to approval and certification of ZDP 2008-71: Southend Park, Section 1, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses shall be prohibited for the B-3 zone via conditional zoning:
 - a. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
 - b. Automobile service stations.
 - c. Car washing establishments.
 - d. Drive-in restaurants.
 - e. Minor automobile and truck repair.
 - f. Circuses and carnivals, even on a temporary basis.
 - g. Taxidermy establishments.
 - h. Pawnshops.
 - i. Liquor stores.
 - j. Parking lots and structures, as a principal use.
 - k. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
 - l. Drive-through facilities for sale of goods or products or provision of services otherwise permitted herein.
 - m. Advertising signs and billboards, as defined by Article 17-3(b) of the Zoning Ordinance.
 - n. No free-standing business signs taller than 8' in height, or larger than 32 square feet in size.

These use restrictions are appropriate and necessary for land at the southwest corner of the intersection of Newtown Pike and Pine Street in order to protect the gateway entrance to the Southend Park Neighborhood from the most intrusive and intensive commercial land uses, and to help implement the Comprehensive Plan's vision for the Newtown Pike corridor.

- b. ZDP 2008-71: SOUTHEND PARK, SECTION 1 - located at DeRoode Street, Versailles Road and Patterson Street.
(Hall/Harmon)

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Provided the Urban County Council rezones the property R-3, MU-2 and B-3; 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. Building Inspection's approval of landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Denote: There shall be no development of the property until the Planning Commission approves a final development plan.
8. Approval of street names per e911 staff.

VI. **COMMISSION ITEMS** - The Chairman will announce that any item the staff would like to present will be heard at this time.

VII. **STAFF ITEMS** – Staff items, if any, will be considered at this time.

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

IX. **NEXT MEETING DATES** -

Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers	June 19, 2008
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	June 25, 2008
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	June 26, 2008
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	July 3, 2008
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	July 3, 2008
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	July 10, 2008

X. **ADJOURNMENT**

CT/CG/TM/JE/BR/BS/DB

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