

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

September 11, 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** – None 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, September 4, 2008, at 8:30 a.m. The meeting was attended by Commission members: Neill Day, Mike Cravens, Mary Copeland, Mike Owens and Carolyn Richardson. Committee members in attendance were: Chuck Saylor, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Denise Bullock, Chris Taylor, Cheryl Gallt, Tom Martin, Kenzie Gleason, Rob Johnson and Frank Boateng; as well as Rochelle Boland, Department of Law; Captain Charles Bowen, Division of Fire & Emergency Services; Bob Carpenter, Division of Building Inspection; and Jim Rebmann, Department of Environmental Quality's. 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 2008-71P: HAMPTON SPRINGS (AMD.)** (9/11/08)* - located at 4574 Harrodsburg Road (a portion of).
(Council District 10) **(EA Partners)**

Note: The Planning Commission postponed this plan at its June 12, 2008; July 10, 2008, and August 14, 2008, meetings. 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.

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

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) (9/11/08)* – 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; May 8, 2008; June 12, 2008; July 10, 2008, and August 14, 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) (9/11/08)* – 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; May 8, 2008; June 12, 2008; July 10, 2008, and August 14, 2008, meetings.

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 2008-76F: BOGIE ESTATE, LOT 1 (9/11/08)* - located at 5846 Old Richmond Road. (Council District 12) **(EA Partners)**

Note: The Planning Commission postponed this plan at its July 10, 2008, and August 14, 2008, meetings. The purpose of this plat is to subdivide one 14-acre lot into three lots, consisting of two 2-acre lots zoned B-1 and one 10-acre lot zoned A-R. This subdivision also requires the posting of a sign and an affidavit of such.

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

The Subdivision Committee Recommended: Postponement. There were questions regarding the need for a waiver of Article 6-6(a) of the Land Subdivision Regulations concerning minimum lot size for a septic tank and right-of-way dedication.

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 and required street tree information.
4. Approval of street names and/or addresses per the street addressing office.
5. Addition of utility easements, as required by the utility companies.
6. Addition of the entire A-R zoned lot on this plan.
7. Denote buildable and non-buildable areas on proposed A-R lot.
8. Correct 300-foot building line (to scale) from right-of-way of Jacks Creek Road.
9. Kentucky Transportation Cabinet's approval of right-of-way dedication.
10. Discuss waiver to Article 6-6(a) in relation to the 10-acre rule and septic system.
11. Discuss right-of-way dedication on Jacks Creek Road.

- d. PLAN 2008-112F: FOREST HILL LAND COMPANY SUBDIVISION, BLOCK "H," LOTS 33 & 34 (11/13/08)* - located at 422 Michigan Street. (Council District 2) **(Foster – Roland)**

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 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. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
6. Correct site statistics.
7. Denote resolution of driveway encroachment issue discussed at the time of preliminary subdivision plan.
8. Resolve the need for Vehicular Use Area (VUA) landscaping.

- e. PLAN 2008-113F: HINDA HEIGHTS SUBDIVISION, UNIT 4-B (11/13/08)*- located at 1938 Bellefonte Drive. (Council District 4) **(MCS, Inc.)**

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 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. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
6. Place site statistics in a box.
7. Correct plan title.
8. Denote the existing sanitary sewer easement.
9. Denote the linear feet of street in the site statistics.

- f. PLAN 2008-114F: COVEY RIDGE DEVELOPMENT COMPANY (AMD) (11/13/08)* - located at 5527 Athens-Boonesboro Road. (Council District 12) **(Allen Engineering, Inc.)**

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

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 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. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
6. Correct zoning in site statistics.
7. Addition of cross-section for I-75 and the adjacent service road.
8. Verify and correct location of cell tower lease area.
9. Denote access easement use and maintenance responsibilities.

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10. Denote reciprocal parking and access.
11. Urban Forester's approval of the tree protection area.
12. Resolve proposed property line inconsistency with certified development plan, including sign location.

- g. PLAN 2008-115F: ANDERSON PROPERTY, UNIT 4 (11/13/08)* - located at 545 Chilesburg Road.
(Council District 7) **(EA Partners)**

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 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 (per approved development plan).
6. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
7. Correct note number 11.
8. Addition of street frontage information in the site statistics.

- h. PLAN 2008-116F: GREENDALE HILLS, UNIT 3, PHASE 2 (11/13/08)* - located at 1055 & 1075 Greendale Road.
(Council District 2) **(Hall-Harmon Engineers, Inc.)**

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 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. Department of Environmental Quality's approval of environmentally sensitive areas and steep slopes.
6. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
7. Place site statistics in a box.
8. Denote the area of the steep slopes, and denote building restriction thereon.
9. Resolve the off-site easement for the detention area, its elevation and its access.

- i. PLAN 2008-117F: BRUCE PROPERTIES (11/13/08)* - located at 3401 McFarland Lane.
(Council District 6) **(Vision Engineering)**

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 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 pedestrian access easement to Todds Road.
8. Denote no vehicular access to McFarland Lane and Todds Road.
9. Correct plan title.
10. Denote physical private street/public street transition (pavement materials, etc.).
11. Addition of Home Owner's Association (HOA) responsibility note for the common areas.
12. Addition of tree protection area (TPA) to plan.
13. Remove side yard and rear yard building lines and/or clarify private drainage easement proposed.
14. Denote no parking on south side of street.
15. Resolve lotting for 11, 12 and 13 by combining into one Home Owners Association lot.
16. Improvements and/or right-of-way of Todds Road to the approval of Kentucky Transportation Cabinet.
17. Denote the 50' right-of-way dedication of Todds Road.
18. Resolve note number 7.
19. Resolve location of proposed 30' utility easement in tree protection area.
20. Discuss design condition on preliminary plan per note number 8.

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

- j. PLAN 2008-118F: SAND LAKE & ESTES PROPERTY (11/13/08)* - located at 3200 & 3294 Richmond Road and 101 South Eagle Creek. (Council District 7)
(EA Partners)

The Subdivision Committee Recommended: Referral to the full Commission. There were questions regarding note number 10 that was reflected on a previous development plan (DP 2007-134), and the timing of pavement removal adjacent to Beall Street and Richmond Road.

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

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers (including grease trap 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. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
 6. Denote: This property shall be developed in accordance with the approved final development plan.
 7. Correct conditional zoning restrictions.
 8. Correct 20' building line along Man O' War Boulevard and adjacent to private access easement.
 9. Correct cul-de-sac right-of-way detail unless Planning Commission grants a waiver to Article 6-8 of the Land Subdivision Regulations.
 10. Label "pedestrian" access easement from Lake Wales Drive.
 11. Include a notation of a public passageway easement adjacent to the right-of-way, detailing the primacy of the LFUCG over utility easements in this area.
 12. Addition of drainage easement per note number 14 on the approved development plan.
 13. Denote access allowed for fill per note number 14 on the approved development plan.
 14. Addition of Private Access Easement note per the Land Subdivision Regulations.
 15. Provided the Planning Commission grants a waiver to Article 4-7(d)(1) of the Land Subdivision Regulations.
 16. Resolve note number 10.
 17. Resolve timing of pavement removal adjacent to Beall Street and Richmond Road.
 18. Resolve Richmond Road Landscaping Ordinance planting areas.
 19. Resolve transition of cul-de-sac right-of-way with existing right-of-way for Lake Wales Drive.
- k. PLAN 2008-86F: LAKEVIEW ACRES, UNIT 3, TRACT 10, LOT 12 (AMD) (11/13/08)* - located at 1545 Lakeview Drive. (Council District 5)
(Endris Engineering)

Note: The Planning Commission originally approved this plan on July 10, 2008, subject to the following 11 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 names and/or addresses per the street addressing office.
5. Urban Forester's approval of tree preservation areas.
6. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
7. Document private street responsibility and add certification.
8. Clarify purpose of amendment note.
9. Remove amended building line from plan (along Lakewood Drive).
10. Review by Technical Committee prior to certification.
11. Resolve access to private street.

Note: The applicant now requests a continued discussion to add an additional lot, creating five lots in total.

The Subdivision Committee Recommended: Approval, subject to the previous 11 conditions.

- l. PLAN 2007-177F: SHARKEY PROPERTY, UNIT 4 (11/10/07)* - located on Louie Place and Hatter Lane. (Council District 2)
(EA Partners)

Note: The Planning Commission originally approved this plan on September 13, 2007, subject to the following 11 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.

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4. Approval of street names by e911 staff.
5. Urban Forester's approval of tree preservation plan.
6. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
7. Addition of adjoining property information.
8. Denote zone-to-zone screening.
9. Denote: Property shall be developed in accordance with the approved final development plan.
10. Resolve compliance with approved preliminary development plan concerning street lotting and access.
11. Resolve compliance with Subdivision Regulations concerning street terminus (cul-de-sac).

Note: The applicant now requests approval of an extension.

The Staff Recommended: Approval of the extension, subject to the previous 11 conditions.

- m. PLAN 2005-166F: CLARK PROPERTY UNIT 1-B (12/2/08)* - located at 1551 Deer Haven Lane (a portion of).
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on July 14, 2005, subject to the following 7 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 landscaping.
4. Addition of utility and street light easements by the utility companies and the Urban County Traffic Engineer.
5. Urban Forester's approval of tree preservation plan.
6. Approval of street names and addresses by e911 staff.
7. Addition of exaction information.

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

The Staff Recommended: Reapproval, subject to the previous 7 conditions.

- n. PLAN 2005-169F: CLARK PROPERTY UNIT 1-E (12/2/08)* - located at 1551 Deer Haven Lane (a portion of).
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on July 14, 2005, subject to the following 9 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 landscaping.
4. Addition of utility and street light easements by the utility companies and the Urban County Traffic Engineer.
5. Urban Forester's approval of tree preservation plan.
6. Approval of street names and addresses by e911 staff.
7. Addition of exaction information.
8. Greenspace Planner's approval of the treatment of greenway, bike trails, and pedestrian movement, including the greenway access location.
9. Remove lot 262.

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

The Staff Recommended: Reapproval, subject to the previous 9 conditions.

- o. PLAN 2007-156F: CLARK PROPERTY, UNIT 1-M (12/2/08)* - located at Polo Club Boulevard and Ice House Way.
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on August 8, 2007, subject to the following 8 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 addresses as per e911 staff.
5. Urban Forester's approval of tree preservation plan.
6. Addition of utility and street light 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.

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

8. Verification of exaction information by Division of Planning.

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

The Staff Recommended: Reapproval, subject to the previous 8 conditions.

3. Development Plans

- a. DP 2008-60: BLACKFORD TOWN CENTER (9/11/08)* - located at 6600 Man O' War Boulevard.
(Council District 12) **(Rob Sims)**

Note: The Planning Commission postponed this plan at its May 8, 2008; June 12, 2008; and July 10, 2008, meetings. 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.
- b. DP 2008-79: CARDINAL HILL HOSPITAL (AMD.) (9/11/08)* - located at 1826, 1832 and 2050 Versailles Road.
(Council District 11) **(Carman & Associates)**

Note: The Planning Commission postponed this plan at its June 12, 2008; July 10, 2008; and August 14, 2008, meetings. The purpose of this amendment is to add a 220,000 square-foot hospital addition, to add a parking garage, and to revise the off-street parking and circulation.

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. 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.

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

10. Improve plan clarity.
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.

- c. DP 2008-88: BEAUMONT FARM, UNIT 1, SECTION 1 (A PORTION OF) (9/11/08)* - located at 3100 Beaumont Centre Circle. (Council District 10) **(EA Partners)**

Note: The Planning Commission postponed this plan at its July 10, 2008 and August 14, 2008, meetings.

The Subdivision Committee Recommended: Referral to the full Commission. There were questions regarding the proposed access to Beaumont Centre Circle.

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/or addresses per the street addressing office.
9. Denote uses in site statistics.
10. Discuss proposed access to Beaumont Centre Circle.
11. Discuss phasing of future development.

- d. DP 2008-104: RED MILE SQUARE, TRACT D, PARCEL 3 (10/9/08)* - located at 1151 Unity Drive. (Council District 11) **(Midwest Engineers)**

Note: The Planning Commission postponed this plan at its August 14, 2008, meeting.

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 buffer.
4. Urban Forester's approval of tree preservation plan.
5. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Division of Fire's approval of emergency access and fire hydrant location.
8. Division of Waste Management's approval of refuse collection.
9. Addressing Office's approval of street names and/or addresses.
10. Verify correct cross-section for Unity Drive.
11. Complete easement dimensions.
12. Revise perimeter setback per Article 9 of the Zoning Ordinance.
13. Correct the purpose of amendment note.
14. Denote the adjacent property zoning information.
15. Discuss the need for additional screening next to the single family homes.
16. Discuss the required parking relative to the proposed parking.
17. Discuss the detention area location.
18. Discuss compliance with the open space requirements per Article 9 of the Zoning Ordinance.

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

- e. DP 2008-106: SIKURA-JUSTICE PROPERTY, UNIT 6 (POLO CLUB CENTER) (AMD.) (10/9/08)* - located at 2945 Polo Club Boulevard and 6401 & 6409 Polo Club Lane.
(Council District 12) **(EA Partners)**

Note: This plan requires the posting of a sign and an affidavit of such. The purpose of this amendment is to revise the proposed development to depict a 3,224 square foot bank, 14,000 square foot retail area and associated parking.

The Subdivision Committee Recommended: Referral to the full Commission. There were questions as to whether or not the amended final development plan is in compliance with several aspects of the Community Design Element of the EAMP, and with Article 23B-4(b) of the Zoning Ordinance.

The Technical Committee and Staff Recommended: Disapproval, for the following reasons:

1. The proposed amendment to the final development plan does not comply with Article 23B-5(c) of the Zoning Ordinance regarding compliance with the Expansion Area Master Plan.
2. The currently approved final development plan was found to be minimally compliant with the EAMP. The proposed amendments are even less in compliance with those recommendations.
3. The proposed amendments to the final development plan alter essential elements of the character of the development as originally approved, and thereby constitutes grounds for disapproval of the plan by the Planning Commission under Article 21-7(e) of the Zoning Ordinance.
4. There is a substantial conflict between the proposed building layout and a Kentucky Utilities Easement. K.U. has a planned Three-Phase Line that is required to provide public utility service for the area.
5. The 25' vegetative buffer area adjacent to the floodplains, required by Article 19-7(g)(4)(c) of the Zoning Ordinance, is not being provided by this development plan amendment.

- f. DP 2008-114: MITCHELL PROPERTY (A PORTION OF COPE, MITCHELL, COOPER) (10/29/08)* - located at 1290 & 1340 Deer Haven Lane. (Council District 12) **(Sherman/Carter/Barnhart)**

Note: This plan requires the posting of a sign and an affidavit of such.

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. Department of Environmental Quality's approval of environmentally sensitive areas.
 6. Approval of street names and addresses per the street addressing office.
 7. Correct note number 5.
 8. Denote a temporary turnaround on the end of the stub street.
 9. Complete 100' USA boundary setback and denote required USA landscaping.
 10. Revise note numbers 11 and 13.
 11. Correct FEMA floodplain information and identify stormwater basin locations(s) proposed.
 12. Identify driveway locations or access concept from street.
 13. Denote: The property at 1340 Deer Haven Lane shall be required to connect to the sanitary sewer system at the time 1290 Deer Haven Lane develops.
 14. Remove buildable areas from environmentally sensitive areas and identify required 25' vegetative buffer from floodplain areas.
 15. Denote allowable density transfers (D.T.R.'s) on plan face.
 16. Identify exaction information.
 17. Denote one dwelling unit per buildable area on plan face.
 18. Denote whether or not 1340 Deer Haven Lane will have driveway access to new street in the future.
 19. Resolve street cross-section proposed (50'/31').
 20. Resolve buildable areas and required (80%) open space areas.
 21. Resolve proposed construction in identified wetland areas.
- g. DP 2008-120: LEXINGTON INDUSTRIAL FOUNDATION, BLOCK "A," LOT 1 (LINK-BELT) (AMD) (11/13/08)* - located at 2651 Palumbo Drive. (Council District 6) **(MLH Civil Engineering)**

Note: The purpose of amendment is to depict the development of additional building square footage.

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.

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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 the street addressing office.
9. Addition of street cross-sections.
10. Addition of building dimensions.
11. Addition of parking area dimensions.
12. Addition of required development plan notes per Article 21-6(b) of the Zoning Ordinance.
13. Clarify site statistics (existing and proposed) per Article 21-6(b) of the Zoning Ordinance.
14. Clarify parking locations and number of spaces.
15. Clarify stormwater detention areas.
16. Document the approval of an amended plat prior to certification.
17. Indicate trail easement.
18. Resolve Todds Road right-of-way improvements and/or dedication.

- h. DP 2008-121: VILLAGE SQUARE (MERRYMAN INVESTMENTS) (AMD) (11/13/08)* - located at 2233 Versailles Road. (Council District 11) **(Wheat and Ladenburger)**

Note: The purpose of this amendment is to add 1,350 square feet of buildable, to relocate the dumpster and change the layout for parking.

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. 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. Department of Environmental Quality's approval of environmentally sensitive areas and steep slopes.
6. Division of Waste Management's approval of refuse collection.
7. Approval of street names and addresses per the street addressing office.
8. Denote the location of the existing fence, and document the issuance of a fence permit.
9. Remove parking from fenced area that is not permitted.
10. Denote that no outdoor stage is allowed in the B-3 zone and shall not be permitted at this location.
11. Correct access point location to Versailles Road.
12. Identify 25' building line and vegetative buffer from existing floodplain.
13. Denote: Screening fencing shall comply with Article 18 of the Zoning Ordinance.
14. Resolve compliance with internal parking lot landscaping requirements and tree canopy requirements.
15. Resolve timing of rear yard dimensional variance (20' to 17').

- i. DP 2008-126: MILLER BIRD COMMERCIAL PARK SUBDIVISION, BLOCK A, UNIT 1, LOTS 1 – 6 (CURRY SHOES) (11/25/08)* - located at 2555 Nicholasville Road. (Council District 4) **(The Roberts Group)**

Note: The purpose of this amendment is to redevelop the property with a 3,500 square foot restaurant to include a drive through lane, and a 13,390 square foot retail building.

The Subdivision Committee Recommended: Postponement. There were questions regarding the maintenance and location of the proposed parking.

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 and required street tree information.
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. Addition of service road cross-section.
8. Addition of existing and proposed easements.
9. Addition of building dimensions.
10. Addition of standard development plan notes.
11. Addition of entrance dimensions.
12. Denote the detention areas.

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13. Clarify the direction of the street cross-section information.
14. Review by the Technical Committee prior to certification.
15. Discuss the proposed uses and potential parking issues.
16. Discuss the retail square footage.
17. Discuss the parking proposed on the existing service road.

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, September 4, 2008, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Frank Penn; Lynn Roche-Phillips; Joan Whitman; Patrick Brewer and Randall Vaughn. The Committee reviewed applications, and made recommendations on zoning items as noted.

A. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENT REQUEST

1. **ZOTA 2008-6: AMENDMENT TO ARTICLE 8 TO EXPAND THE ALLOWABLE USES INCLUDED IN THE ADAPTIVE REUSE OF BUILDINGS IN A B-4, I-1, OR I-2 ZONE** - petition for a Zoning Ordinance text amendment to Article 8 to expand the allowable uses included in the adaptive reuse of buildings in a Wholesale & Warehouse Business (B-4), Light Industrial (I-1), or Heavy Industrial (I-2) zone.

INITIATED BY: Pepper Distillery, LLC

PROPOSED TEXT: Article 8-21(b) - Principal Permitted Uses in the B-4 zone

(Note: All of the proposed text would be an addition to the Zoning Ordinance. Copies of the entire text are available upon request)

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

The Staff Recommends: Approval, for the following reason:

1. The proposed text amendment will further several of the Goals and Objectives of the 2007 Comprehensive Plan, with specific examples:
 - a) Goal 5 Objective D - Encourage renovation, restoration development, and maintenance of historic residential and commercial structures.
 - b) Goal 5 Objective E - Encourage the retention, protection, and compatible adaptive reuse of historic resources, sites, and structures.
 - c) Goal 7 Objective I - Create balanced employment opportunities and higher intensity residential and non-residential uses that are compatible with existing developed areas.
 - d) Goal 8 Objective B - Continue to review and revise the existing zoning ordinance and subdivision regulations on an ongoing basis to ensure they are conducive to infill and redevelopment, including streamlining the development review process.
 - e) Goal 8 Objective E - Encourage the rehabilitation and adaptive reuse of all existing underutilized buildings to the greatest extent feasible.
 - f) Goal 8 Objective N - Design and support programs aimed at converting vacant lots into residential housing.
 - g) Goal 11 Objective J - Encourage revitalization and/or reuse of underutilized employment centers.
 - h) Goal 12 Objective B - Build upon the strengths of existing businesses and solicit new uses and activities, including residential development that will improve the vitality of downtown for commerce, culture, entertainment, and neighborhoods.
 - i) Goal 12 Objective D - Encourage the creative adaptive reuse of downtown buildings to accommodate the needs of businesses and entrepreneurial enterprises.
 - j) Goal 12 Objective F - Promote and enhance downtown as a desirable housing center through the reuse of existing structures, mixed use development, and/or higher density development.
 - k) Goal 13 Objective G - Encourage the rehabilitation, reuse, and adaptive reuse of structures for residential purposes in existing neighborhoods, including underutilized public and commercial buildings.
2. The proposed text amendment will allow innovative and efficient redevelopment activities to occur. Adaptive reuse projects will help preserve existing industrial buildings, many of which are sturdy, well-built structures suitable for redevelopment and new life.

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

A. RESOLUTION FOR FORMER PLANNING COMMISSION MEMBER - At this time, the Commission and the staff would like to express their sincere appreciation to Mr. James Mahan for his dedication and service to the Planning Commission and the citizens of Lexington-Fayette County.

- B. **CANCELLATION OF SPECIAL MEETING ON SEPTEMBER 18, 2008 FOR COURTHOUSE AREA APPEAL** – The Chair will announce that, given the withdrawals of the two appeals to the Courthouse Area Design Review Board's decision about the CentrePointe project, there is no longer a need for a special meeting to consider those appeals. The Planning Commission may consider canceling the special meeting previously scheduled at this time.

VI. **STAFF ITEMS** – Staff items, if any, will be considered 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** -

Special Meeting - Courthouse Area Appeal , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	September 18, 2008
Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers	September 21, 2008
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	September 24, 2008
Zoning Items Public Hearing ,	September 25, 2008
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	October 2, 2008
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	October 2, 2008
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	October 9, 2008

X. **ADJOURNMENT**

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

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