

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

October 9, 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, October 2, 2008, at 8:30 a.m. The meeting was attended by Commission members: Neill Day, Mike Cravens, Marie Copeland, Mike Owens 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: Chris King, Director; Bill Saltee, Denice Bullock, Chris Taylor, Cheryl Galt, Tom Martin, Kenzie Gleason, Frank Boateng, Barb Rackers, and Jimmy Emmons; 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 2008-71P: HAMPTON SPRINGS (AMD.)** (10/9/08)* - 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; August 14, 2008; and September 11, 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.

* - Denotes date by which Commission must either approve or disapprove 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 2008-76F: BOGIE ESTATE, LOT 1 (10/9/08)* - located at 5846 Old Richmond Road.
(Council District 12) **(EA Partners)**

Note: The Planning Commission postponed this plan at its July 10, 2008; August 14, 2008; and September 11, 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.

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.

- b. PLAN 2008-123F: PROVIDENCE PLACE, TRACT 3 (AMD.) (12/20/08)* - located at 2200 Newtown Pike.
(Council District 12) **(EA Partners)**

Note: The purpose of this amendment is to create two lots, and dedicate additional easements as shown.

The Subdivision Committee Recommended: Postponement. There were questions regarding the timing of the Preliminary Subdivision Plan, and the lack of street continuity proposed.

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 protection areas.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Denote: This property shall be developed in accordance with the approved final development plan.
9. Revise the Scenic Resource Area limits.
10. Delete information south of dedicated Providence Parkway right-of-way.
11. Discuss the need for street access to adjacent property to the north.

- c. PLAN 2008-128F: COMMUNITY MONTESSORI SCHOOL & COMMUNITY MONTESSORI MIDDLE SCHOOL (12/8/08)* - located at 727 Stone Road. (Council District 10) **(Ross-Tarrant Architects)**

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

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

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2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
6. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
7. Revise cross-section and building line information.
8. Addition of graphic scale.
9. Dash all utility lines.
10. Clarify vicinity map.
11. Denote Board of Adjustment's prior approval of a conditional use permit.
12. Identify steep slope areas.
13. Resolve the possible need for a Preliminary Subdivision Plan (cul-de-sac and/or improvements).
14. Provided the Planning Commission grants a waiver to Article 6-8(f) of the Land Subdivision Regulations.
15. Discuss improvements to Stone Road.

- d. PLAN 2008-129F: KOKERNOT & RIGGS (12/8/08)* - located at 319 North Broadway.
(Council District 1) **(Tom Noftsger)**

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. Addition of site statistics, including zoning information, and place within box.
8. Addition of building lines.
9. Correct plan title.
10. Delete property improvement information on plat.
11. Correct North Broadway cross-section.
12. Resolve proposed development or development restrictions proposed on parcel 2.
13. Resolve parking easement or restrictions.

- e. PLAN 2008-130F: PATCHEN WILKES, UNIT 1-D (12/8/08)* - located at 1811 Winchester Road (a portion of).
(Council District 6) **(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.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
8. This plan cannot be certified until the required Letter of Map Revision (LOMR) for the floodplain is official.
9. Resolve cross-section "D-D."

- f. PLAN 2008-80F: MAHAN, UNIT 1-C (12/24/08)* - located at 2940 Man O' War Boulevard.
(Council District 4) **(EA Partners)**

Note: The Planning Commission originally approved this plan on July 10, 2008, subject to the following conditions. The applicant now requests a continued discussion to add one additional lot and the associated right-of-way to the plat.

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.

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5. Urban Forester's approval of tree preservation areas.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
8. Correct Urban County Engineer's certification.
9. Correct plat boundaries (public street on Unit 1-B).
10. Denote: There will be a restriction of parking to one side of the local street.

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

- g. PLAN 2004-226F: HIGBEE MILL RESERVE (12/24/08)* - located at 4180-4290 Harrodsburg Road.
(Council District 9) **(Eagle Engineering)**

Note: The Planning Commission originally approved this plan on September 9, 2004, 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 and names.
6. Urban Forester's approval of tree preservation plan.
7. Greenspace Planner's approval of greenspace, greenways, and bike/pedestrian facilities.
8. Environmental Planner's approval of treatment of environmentally sensitive areas.
9. Addition of reciprocal parking and access note.
10. Denote: This property will be developed in accordance with the approved final development plan.
11. Review by the Technical Committee prior to plan signature.

Note: The applicant now requests reapproval of this plan.

The Subdivision Committee Recommended: Reapproval, subject to the previous conditions, deleting condition number 11.

3. Development Plans

- a. 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: The Planning Commission postponed this plan at its September 11, 2008, meeting. 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, a 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 [Article 23B-5(c)], 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, which 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 floodplain, required by Article 19-7(g)(4)(c) of the Zoning Ordinance, is not being provided by this development plan amendment.

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- b. DP 2008-124: PROVIDENCE PLACE, TRACT 3 (AMD.) (12/20/08)* - located at 2200 Newtown Pike.
(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 divide 2200 Newtown Pike into two lots.

The Subdivision Committee Recommended: Postponement. There were questions regarding the street connection to the adjacent property to the north.

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. Greenspace Planner's approval of the treatment of greenways/bike trails.
 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 locations.
 9. Approval of street names and addresses per the street addressing office.
 10. Correct the Scenic Resource Area limits.
 11. Correct buffering information to match conditional zoning restrictions, or delete off-site information.
 12. Denote: No grading, stripping, excavation, filling or other disturbance of the natural ground cover shall take place prior to approval of an erosion control plan.
 13. Discuss the need for street access to adjacent property to the north.
- c. DP 2008-129: GREENDALE HILLS (CHESAPEAKE EQUINE) (CENTRE POINT CHRISTIAN CHURCH) (AMD.) (12/8/08)* - located at 865 Greendale Road. (Council District 2) **(Qore)**

Note: The purpose of this amendment is to revise the building location, size and off-street parking layout.

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, to also include significant trees.
 5. Greenspace Planner's approval of the treatment of greenways/bike trails.
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 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 the street addressing office.
 10. Denote Board of Adjustment's approval of conditional use.
 11. Correct plan title.
 12. Kentucky Transportation Cabinet's approval of the access to Greendale Road.
 13. Delete note number 9 from plan and add note number 9 from the previous plan.
 14. Addition of interior vehicular use area (VUA) landscaping requirements.
 15. Denote required zone-to-zone landscape buffers, and denote tree preservation (TPA) areas.
 16. Correct tree canopy note.
 17. Clarify location and denote sanitary sewer easement.
 18. Confirm and denote Citation Boulevard right-of-way location per Kentucky Transportation Cabinet plans.
 19. Denote construction access location.
 20. Resolve perimeter tree preservation.
 21. Discuss addition of sidewalks to Greendale Road.
- d. DP 2008-130: SOUTHLAND VILLAGE SUBDIVISION, UNIT 1-C, BLOCK B, SECTION 1, LOT 4 (K-S INVESTMENT, INC.) (AMD.) (12/8/08)* - located at 2020 Regency Road.
(Council District 10) **(Sherman/Carter/Barnhart)**

Note: The purpose of this amendment is to redesign the parking lot.

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.

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5. Division of Fire's approval of emergency access and fire hydrant locations.
6. Approval of street names and addresses per the street addressing office.
7. Correct plan title.
8. Complete site statistics.
9. Document the Board of Adjustment's approval of the P-1 conditional use.
10. Addition of vehicular use area and zone-to-zone screening.
11. Resolve the deletion of detention basin originally proposed.

- e. DP 2008-131: ELLERSLIE PLACE, LOT 2 (BELL PLACE) (AMD.) (12/8/08)* - located at 225 Walton Avenue.
(Council District 3) **(Barrett Partners)**

Note: The purpose of this amendment is to construct the proposed access to Midland Avenue.

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. Department of Environmental Quality's approval of environmentally sensitive areas.
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 the street addressing office.
10. Correct note number 6.
11. Addition of the required Private Access Easement maintenance note.
12. Addition of typical parking and drive aisle dimensions.
13. Addition of building dimensions, floor area and height of existing building.
14. Denote: The pedestrian access and the potential for gates will be discussed with an amended final development plan.
15. Extend the pavement 30' beyond the rail line right-of-way into the interior of the property.

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

A. **T.I.F. APPLICATIONS**

1. **PEPPER DISTILLERY, LLC** – review of a Tax Increment Financing application for property on both sides of Manchester Street (Council District 2).

The staff will report at the meeting.

2. **CENTRE POINTE, LLC** – review of a Tax Increment Financing application for property bounded generally by W. Main, N. Upper, W. Vine and N. Limestone Streets (both sides), and extending westward to N. Mill Street and northward to Church/Barr Streets (Council Districts 1 & 3).

The staff will report at the meeting.

B. **PUBLIC FACILITY REVIEW**

1. **PFR 2008-2: LFUCG PUBLIC SAFETY OPERATIONS CENTER**

The Staff Recommended: **Approval**, as requested, with the following recommendations:

1. Because the property is within the Wellhead Protection Area, it is recommended that the proposal be presented to the Royal Spring Water Supply Protection Committee, which is an advisory committee for Scott and Fayette Counties, the purpose of which is to review any development proposed within the Wellhead Aquifer Protection Area. The Committee is charged with protection of the water supply within the two counties and the ground water system that feeds it, in accordance with the requirements of the Kentucky Water Supply Planning Regulations (401 KAR 4:220).

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2. Because an existing tree line borders the property, it is recommended that it be maintained, inasmuch as possible, to screen the proposed use from the adjoining subdivisions.

C. BOARD OF ARCHITECTURAL REVIEW APPEAL

1. **BOAR 2008-1: MARION C. LAUGHLIN, II** – appeals the Board of Architectural Review's denial of a Certificate of Appropriateness to demolish the primary (residential) structure, on property located at 115 Jefferson Street.

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

1. The denial of a Certificate of Appropriateness by the Board of Architectural Review appears to be consistent with their charge in determining appropriateness of requested alterations to the property, based on the design guidelines established by the local Historic Preservation Commission, specifically guidelines 18-1, 43-1, 43-2 and 43-3, as they apply to the appropriateness of demolition of the structure at 115 Jefferson Street; and Article 13 as it applies to conditions that must be met in order for demolition to be approvable by the BOAR.
2. Proper maintenance and care of the property after the fire in 2006 would likely have reduced the amount of repairs and their associated cost; however, no repairs were made to the building after the fire to protect its interior from the elements and to minimize the likelihood of vandalism, both of which are major contributors to the high cost of renovation.
3. Based on the report from the structural engineer, the building is structurally sound and can be renovated. There is nothing in the report that states (or infers) that it should be demolished.
4. Although the estimate for renovation of the structure was high (nearly \$200,000), there are Historic Preservation tax credits that can be obtained for renovation/rehabilitation of an historic structure. The estimate provided by the appellant did not take those tax credits into consideration, which would likely result in a significant reduction in the cost.

- D. ZONING ORDINANCE TEXT AMENDMENT INITIATION** – The staff will request Commission initiation of a text amendment to Article 6-7(c) of the Zoning Ordinance, as has been discussed at various meetings over the past few weeks. The purpose of this text amendment would be to create alternative findings for changes proposed to existing Neighborhood Design Character Overlay (ND-1) zone restrictions, and to amend the procedure by which such applications will be reviewed in the future by the Commission. If initiated, the required public hearing could be held as early as next month.

- 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 -

Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	October 16, 2008
Zoning Items Public Hearing, 2nd Floor Council Chambers	October 23, 2008
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building).....	October 29, 2008
Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	October 30, 2008
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building).....	November 6, 2008
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	November 6, 2008
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers	November 13, 2008

X. ADJOURNMENT

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