

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

February 12, 2009

- 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 December 11, 2008; December 18, 2008, and January 15, 2009, 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, February 5, 2009, at 8:30 a.m. The meeting was attended by Commission members: Neill Day, Mike Cravens, 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: Bill Saltee, Denise Bullock, Chris Taylor, Cheryl Galt, Tom Martin, Traci Wade, and Rob Johnson, as well as Rochelle Boland, Department of Law; Capt. Charles Bowen and Capt. Allen Case, 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.) (2/12/09)*** - 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; September 11, 2008; October 9, 2008; November 13, 2008; December 11, 2008, and January 8, 2009, 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 (2/12/09)* - 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; September 11, 2008; October 9, 2008; November 13, 2008; December 11, 2008, and January 8, 2009, meetings. The purpose of this plat is to subdivide one 14-acre lot into two lots, consisting of one 4-acre lot 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 2007-239F: GESS PROPERTY, UNIT 6-A (3/22/09)* - located on William Way (a portion of).
(Council District 7) **(EA Partners)**

Note: The Planning Commission postponed this plan at its January 8, 2009, meeting. This item was originally approved by the Planning Commission on 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 landscape buffering and required street tree information.
4. Approval of street addressing by e911 staff.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. United States Postal Service (USPS) approval of mailbox locations.
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. Correct cul-de-sac and "F-F" street cross-sections.
10. Addition of required exaction information.
11. Label and indicate purpose of homeowners' association.
12. Addition of homeowners' association maintenance note.
13. Addition of adjoining property information (Units 4-G, 4-E and 5-A).
14. Applicant shall document either evidence of a Section 404 Water Quality Permit and relief from the Corps of Engineers "Cease and Desist" Order for this Unit or sufficient evidence that this Unit does not require a Section 404 Water Quality Permit, prior to certification.

Note: The applicant has requested reapproval of this plan.

The Subdivision Committee Recommended: Postponement at the applicant's request.

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

- c. PLAN 2007-241F: GESS PROPERTY, UNIT 6-C (3/22/09)* - located on William Way (a portion of).
(Council District 7) **(EA Partners)**

Note: The Planning Commission postponed this plan at its January 8, 2009, meeting. This item was originally approved by the Planning Commission on 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 landscape buffering and required street tree information.
4. Approval of street addressing by e911 staff.
5. United States Postal Service (USPS) approval of mailbox locations.
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.
8. Correct street cross-sections.
9. Addition of required exaction information.

Note: The applicant has requested reapproval of this plan.

The Subdivision Committee Recommended: Postponement at the applicant's request.

- d. PLAN 2009-09F: TUSCANY, UNIT 4-F (4/16/09)* - located at 1970 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 and 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. Remove "approx." from written scale information.
9. Addition of property owner and developer names and addresses.
10. Clarify vicinity map.

- e. PLAN 2009-10F: BEAUMONT FARM, UNIT 2-C, SECTION 2, LOT 3 (AMD) (4/16/09)* - located at 3294 Snaffle Road. (Council District 10) **(EA Partners)**

Note: The purpose of this amendment is to subdivide one lot into two lots and to remove note #5 from previous plat.

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 developer and property owner names and addresses.
8. Remove "approx." from written scale information.
9. Add relevant notes from previous plan to plat.
10. Denote: Built to townhouse standards per 1997 Kentucky Building Code.

- f. PLAN 2009-11F: PROVIDENCE PLACE, LOT 2 & INTERSTATE SERVICE CENTER, UNIT 6, LOT 2-B (AMD) (4/16/09)* - located at Newtown Pike and Stanton Way. (Council District 12) **(Midwest Engineers)**

Note: The purpose of this amendment is to subdivide one lot into two lots, dedicate right-of-way and remove two screening easements.

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.

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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: This property shall be developed in accordance with the approved final development plan.
 8. Correct zoning information along Providence Place Parkway and complete plan dimensions.
 9. Graphically remove the screening easements from the face of the plan.
 10. Clarify plan boundaries, including all of lot 2A.
 11. Remove the purpose of amendment note from the listing of general notes.
 12. Correct Planning Commission certification.
 13. Addition of Stanton Way cross-section.
 14. Clarify note #8.
 15. Relabel 5' building line as landscape buffer on Lot 2B-1 and clarify 20' utility easement boundaries.
 16. Clarify Hackney Place cross-section versus development plan cross-section.
 17. Denote BOA information for Lot 2B-2 for release of buffer.
 18. Resolve completion of improvements and modification of cul-de-sac on Stanton Way and Hackney Place prior to certification of this plan.
 19. Resolve addition of Lot 2A information or additional dedication of right-of-way.
- g. PLAN 2009-13F: JAMES MOTOR COMPANY PROPERTY (AMD.) (4/24/09)* - located at 2410 Richmond Road.
(Council District 5) **(EA Partners)**

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. 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: This property shall be developed in accordance with the approved final development plan.
 8. Remove "approx." from written scale information.
 9. Addition of 20' building line, utility and screening easement along Lot 1 and the rest of Lot 2.
 10. Addition of building line along Lake Park Drive.
 11. Provided the Planning Commission grants a waiver of Article 4-7 of the Land Subdivision Regulations regarding the bonding for a portion of the sanitary sewer that is not constructed.
- h. PLAN 2009-14F: LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT (4/28/09)* - located at 138 Montmullin Street. (Council District 3) **(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. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
 7. Document compliance with R-1E lot size requirements.
 8. Remove "approx." from written scale information.
 9. Addition of name and address of property owner.
 10. Complete adjacent property information.
 11. Review by Technical Committee prior to certification.
- i. PLAN 2008-13F: DENTON FARM, INC., UNIT 3A, LOTS 31-34 (AMD) (4/30/09)* - located at 280-288 Somersly Place. (Council District 7) **(Strand Associates)**

Note: The Planning Commission originally approved this plan on February 14, 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 street cross-sections and access.

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3. Building Inspection's approval of landscape buffers and required street tree information.
4. Approval of street addressing by e911 staff.
5. Addition of utility and street light easement(s) 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. Certification of amended final development plan prior to certification.
8. Provided utility easements are released prior to certification.
9. Correct purpose of amendment note.
10. Correct exaction information.
11. Delete all lots not affected.

Note: The applicant requests a reapproval of this item.

The Subdivision Committee Recommended: Reapproval, subject to the previous requirements.

- j. PLAN 2008-14F: DENTON FARM, INC., UNIT 3B, LOTS 27-30 (AMD) (4/30/09)* - located at Somersly Court and Somersly Place. (Council District 7) **(Strand Associates)**

Note: The Planning Commission originally approved this plan on February 14, 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 street cross-sections and access.
3. Building Inspection's approval of landscape buffers and required street tree information.
4. Approval of street addressing by e911 staff.
5. Addition of utility and street light easement(s) 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 purpose of amendment note.
8. Certification of amended final development plan prior to certification of plan.
9. Provided utility easements are released prior to certification.
10. Correct exaction information.
11. Delete all lots not affected.

Note: The applicant requests a reapproval of this item.

The Subdivision Committee Recommended: Reapproval, subject to the previous requirements.

- k. PLAN 2008-15F: DENTON FARM, INC., UNIT 4A, LOTS 19-20 & 23-26 (AMD) (4/30/09)* - located at Weston Park. (Council District 7) **(Strand Associates)**

Note: The Planning Commission originally approved this plan on February 14, 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 street cross-sections and access.
3. Building Inspection's approval of landscape buffers and required street tree information.
4. Approval of street addressing by e911 staff.
5. Addition of utility and street light easement(s) 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. Certification of amended final development plan prior to certification.
8. Provided utility easements are released prior to certification of plan.
9. Correct exaction information.
10. Delete all lots not affected.

Note: The applicant requests a reapproval of this item.

The Subdivision Committee Recommended: Reapproval, subject to the previous requirements.

- l. PLAN 2008-16F: DENTON FARM, INC., UNIT 4B, LOTS 12-18 & 21-22 (AMD) (4/30/09)* - located at Weston Park and Branham Park. (Council District 7) **(Strand Associates)**

Note: The Planning Commission originally approved this plan on February 14, 2008, subject to the following conditions:

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 landscape buffers and required street tree information.
4. Approval of street addressing by e911 staff.
5. Addition of utility and street light easement(s) 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. Certification of amended final development plan prior to certification.
8. Provided utility easements are released prior to certification of plan.
9. Correct exaction information.
10. Delete all lots not affected.

Note: The applicant requests a reapproval of this item.

The Subdivision Committee Recommended: Reapproval, subject to the previous requirements.

- m. PLAN 2008-138F: MEADOW OAKS, UNIT 1-A (ASHFORD OAKS) (5/3/09)* - located at 3414 Feliciana Lane.
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on November 13, 2008, subject to the following conditions:

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 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: This property shall be developed in accordance with the approved final development plan.
8. Clarify label of cross-section for "G-G."
9. Denote private street maintenance responsibilities.
10. Verify exaction information to the approval of Division of Planning.
11. Clarify public versus private right-of-way dedication.
12. Addition of conditional zoning notes and development standards from approved development plan.
13. Resolve possible conflicts between development standards and plan notes.

Note: The applicant requests a waiver of Article 4-7(d)(9)(c) of the Land Subdivision Regulations regarding the bonding of sidewalks (along the private street) that is not constructed.

The Staff will report at the meeting.

- n. PLAN 2008-139F: MEADOW OAKS, UNIT 1-B (ASHFORD OAKS) (1/8/09)* - located at 3414 Feliciana Lane.
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on November 13, 2008, subject to the following conditions:

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 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: This property shall be developed in accordance with the approved final development plan.
8. Verify exaction information to the approval of Division of Planning.
9. Addition of conditional zoning notes and development standards from approved development plan.
10. Denote the 25' conditional zoning setback along Greenbrier golf course (lots 17-26).
11. Resolve possible conflicts between development standards and plan notes.

Note: The applicant requests a waiver of Article 4-7(d)(9)(c) of the Land Subdivision Regulations regarding the bonding of sidewalks (along the private street) that is not constructed.

The Staff will report at the meeting.

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

- o. PLAN 2008-140F: MEADOW OAKS, UNIT 1-C (ASHFORD OAKS) (1/8/09)* - located at 3414 Feliciana Lane.
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on November 13, 2008, subject to the following conditions:

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 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. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Addition of utility and streetlight 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. Verify exaction information to the approval of Division of Planning.
10. Addition of conditional zoning restrictions and development standards from approved development plan.
11. Denote the sanitary sewer easement across the greenway.
12. Resolve the extent and timing of the greenway dedication.

Note: The applicant requests a waiver of Article 4-7(d)(9)(c) of the Land Subdivision Regulations regarding the bonding of sidewalks (along the private street) that is not constructed.

The Staff will report at the meeting.

- p. PLAN 2008-169F: MILLER STREET PROPERTIES (2/23/09)* - located at 220-242 Miller Street.
(Council District 1) **(2020 Land Surveying)**

Note: The Planning Commission originally approved this plan on December 12, 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 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. Clarify/denote sidewalk easement in both cross-section and on plan face.
8. Remove purpose of amendment note.
9. Addition of building lines.
10. Correct site statistics, Urban County Engineer's Certification and private access easement owner's responsibility note.
11. Clarify right-of-way location at lots 1 and 5.

Note: The applicant requests a waiver of Article 4-7 of the Land Subdivision Regulations regarding the bonding requirements for final improvements that are not constructed.

The Staff will report at the meeting

- q. PLAN 2004-226F: HIGBEE MILL RESERVE (5/7/09)* - 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.

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

11. Review by the Technical Committee prior to plan signature.

Note: This plan was reapproved on October 13, 2005, and then again on September 14, 2006, subject to 11 conditions. The applicant was granted a one-year extension of that approval on September 13, 2007. The applicant now requests a reapproval of this plan.

The Staff Recommended: Reapproval, subject to the previous requirements.

- r. PLAN 2007-06F: LOCHMERE ESTATES UNIT 1-A (MAPLE RIDGE) (5/7/09)* - located at 645 Chilesburg Road.
(Council District 7) **(Eagle Engineering)**

Note: The Planning Commission originally approved this plan on January 11, 2007 and on June 14, 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. Approval of street addressing by e911 staff.
5. Urban Forester's approval of tree preservation area(s).
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. Addition of HOA maintenance note.
9. Correct conditional zoning notes.
10. Greenspace Planner's approval of pedestrian access.
11. Division of Fire's approval of emergency access and fire hydrant locations.
12. Division of Solid Waste's approval of refuse collection.
13. Correct vicinity map.
14. Locate tree planting easements on street cross-sections.
15. Complete exaction information.
16. Addition of public pedestrian easement.

Note: The applicant now requests a reapproval of this item, including a waiver to Article 4-7(d) of the Land Subdivision Regulations, which was approved on June 14, 2007.

The Staff Recommended: Reapproval, subject to the previous requirements, including Approval of the requested waiver, for the following reasons:

1. The bonding of sidewalks on private streets has been granted on a few occasions in the Expansion Area, and will still allow the collection of a surety to ensure the completion of all the planned pedestrian improvements to this subdivision.
2. Strict adherence to the Subdivision Regulations would create an undue hardship to the developer, requiring reconstruction of these private walkways once the temporary detention basin is converted to an amenity pond.

- s. PLAN 2007-07F: LOCHMERE ESTATES UNIT 1-B (MAPLE RIDGE) (5/7/09)* - located at 645 Chilesburg Road.
(Council District 7) **(Eagle Engineering)**

Note: The Planning Commission originally approved this plan on January 11, 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. Approval of street addressing by e911 staff.
5. Urban Forester's approval of tree preservation area(s).
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. Addition of HOA maintenance note.
9. Correct conditional zoning notes.
10. Greenspace Planner's approval of pedestrian access.
11. Division of Fire's approval of emergency access and fire hydrant locations.
12. Division of Solid Waste's approval of refuse collection.
13. Correct vicinity map.
14. Locate tree planting easements on street cross-sections.

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

15. Complete exaction information.
16. Addition of public pedestrian easement.

Note: The applicant requests a reapproval of this item.

The Staff Recommended: Reapproval, subject to the previous requirements.

3. **Development Plans**

- a. DP 2009-07: MANCHESTER DEVELOPMENT, LLC (AMD) (4/16/09)* - located at 855-941 Manchester Street.
(Council District 2) **(Thoroughbred Engineers)**

Note: The purpose of this amendment is to change the status of this project from an Industrial Mixed Use to an Adaptive Reuse Project. Additionally, parking layout and use changes are proposed.

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 landscaping and landscape buffers.
 4. Urban Forester's approval of tree preservation plan.
 5. Greenspace Planner's approval of tree preservation plan.
 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. Division of Solid Waste's approval of refuse collection.
 10. Addressing Office's approval of street names and addresses.
 11. United States Postal Service approval of delivery locations.
 12. Correct spelling of "vicinity".
 13. Update floodplain note to include 2008 FEMA map reference.
 14. Improve plan text legibility.
 15. Remove "General Limits of Development Plan" note.
 16. Remove "Zoning Requirements" block.
 17. Provide developer's information on plan.
 18. Provide adjacent property information.
 19. Correct floodplain information on plan face.
 20. Addition of note requiring compliance with Engineering Manuals.
 21. Document LexTran's approval for bus shelter location.
 22. Document signage and notification requirements.
 23. Remove or clarify Phase 3 information.
- b. DP 2009-08: NEWTOWN SPRINGS, LOT 9 (AMD) (4/16/09)* - located at 1400 Newtown Pike.
(Council District 2) **(Eagle Engineering)**

Note: The purpose of this amendment is to depict two-car garages for all units.

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 landscaping and 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 Solid Waste's approval of refuse collection.
 7. Addressing Office's approval of street names and addresses.
 8. United States Postal Service approval of centralized mail delivery location(s).
 9. Provide accurate vicinity map.
 10. Addition of topographical information.
 11. List adjacent property information.
 12. Addition of note #15 from previous plan.
 13. Addition of pedestrian features from previous plan.
 14. Addition of driveways from previous plan.
 15. Delete note #9.
 16. Denote compliance with minimum open space requirements.
- c. DP 2009-09: MERRICK PLACE (MERRICK INN - OLD TOWNE PROPERTY (AMD.) (4/16/09)* - located at 3380

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

Tates Creek Road. (Council District 4)

(Wheat and Ladenburger)

Note: The purpose of this amendment is to depict an expansion to the restaurant use.

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 landscaping and 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 Solid Waste's approval of refuse collection.
7. Addressing Office's approval of street names and addresses.
8. Addition of BOA case number information.
9. Correct note #9 with updated FEMA panel number.
10. Resolve required 10' landscape buffer conflict with proposed parking adjacent to New Circle Road right-of-way.

- d. DP 2008-89: TOWNHOUSES OF LEXINGTON (REGENCY POINT) (AMD) (4/24/09)* - located at 2553 Nicholasville Road. (Council District 10) **(Foster - Roland)**

Note: The purpose of this amendment is to add two dwelling units and parking. The Planning Commission originally approved this plan on July 10, 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 buffers.
4. Urban Forester's approval of tree preservation plan.
5. Approval of street names and/or addresses per the street addressing office.
6. Correct Planning Commission certification.
7. Correct building envelope information.

Note: The applicant requests a continued discussion of this item, in order to add a garage and remove a dumpster.

The Subdivision Committee Recommended: Postponement. The applicant has not submitted a revised plan to the staff for this request.

- 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, January 8, 2009, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Ed Holmes, Lynn Roche-Phillips, Randall Vaughn, and Joan Whitman. The Committee reviewed applications, and made recommendations on zoning items as noted.

A. **ABBREVIATED PUBLIC HEARINGS ON ZONE MAP AMENDMENTS AND RELATED PLANS**

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

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

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

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

The procedure for these hearings is as follows:

- Staff Reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) proponents (10 minute maximum OR 3 minutes each)
 - (b) objectors (30 minute maximum) (3 minutes each)
- Rebuttal & Closing Statements
 - (a) petitioner's comments (5 minute maximum)
 - (b) citizen objectors (5 minute maximum)

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

- (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. CALLER PROPERTIES, LLC, ZONING MAP AMENDMENT & GENERAL TELEPHONE OF KENTUCKY, LOT 2, ZONING DEVELOPMENT PLAN

- a. MAR 2009-1: CALLER PROPERTIES, LLC (3/5/09)* - petition for a zone map amendment from a Light Industrial (I-1) zone to a Highway Service Business (B-3) zone, for 2.82 net (3.70 gross) acres, for property located at 3695 Nicholasville Road.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 11) recommends Retail, Trade and Personal Services future land use for the subject property. The petitioner proposes constructing two buildings on the property for a new grocery store and retail shops.

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

The Staff Recommends: **Approval**, for the following reason:

1. The requested Highway Service Business (B-3) zone for the subject property is in agreement with the Retail Trade and Personal Services future land use recommendation of the 2007 Comprehensive Plan. Additionally, use restrictions are appropriate to make the proposed zoning compatible with other nearby B-3 zoning.
2. This recommendation is made subject to the approval and certification of ZDP 2009-4: General Telephone Company of Kentucky, Lot 2, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses are to be prohibited at this location via conditional zoning:
 - a. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, tractor-trailer trucks, boats, travel trailers, mobile homes, or supplies for such items.
 - b. Cocktail lounges and nightclubs.
 - c. Car washing establishments.
 - d. Motel or hotel.
 - e. Kennels.
 - f. Circuses and carnivals, even on a temporary basis.
 - g. Taxidermy establishments.
 - h. Pawnshops.
 - i. Amusement park, fairgrounds, or horse racing track.
 - j. Outdoor recreational facilities including go-cart tracks, archery courts, skateboard and roller skating tracks, trampoline centers, rifle and other fire-arm ranges, swimming pools, water slides and other water related facilities, and other similar uses.
 - k. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
 - l. Mining of non-metallic materials.
 - m. "Advertising signs" as defined in Article 17-3(b)(1) of the Zoning Ordinance.

These restrictions are appropriate and necessary for the following reasons:

1. Existing multi-family residential and church uses are located within 500 feet of the subject property, directly across Nicholasville Road.
 2. Most of the above uses are not recommended by the Comprehensive Plan at this location or in this area.
- b. ZDP 2009-04: GENERAL TELEPHONE COMPANY OF KENTUCKY, LOT 2 (3/5/09)* - located at 3695 Nicholasville Road and Rojay Drive. **(Barrett Partners)**

The Subdivision Committee Recommended: Referral to the full Commission. There were concerns about the access easement and access to Rojay Drive.

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

1. Provided the Urban County Council rezones the property 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.

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

4. Building Inspection's approval of landscape buffer.
5. Urban Forester's approval of tree inventory map.
6. Denote: There shall be no development of the property until the Planning Commission approves a final development plan.
7. Depict access on adjacent property across access easement.
8. Add dimensions to receiving area.
9. Clarify parking calculations and document Ordinance compliance.
10. Denote all existing easements.
11. Resolve reciprocal parking and access.
12. Add access easement cross-section.
13. Discuss proposed access.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENT REQUESTS

1. **ZOTA 2009-1: AMEND ARTICLE 9: GROUP RESIDENTIAL PROJECTS** – petition for a Zoning Ordinance text amendment to Article 9 to simplify existing regulations regarding open space and yard setbacks, and to provide for pedestrian accommodations and bicycle parking.

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT: (Copies of the latest draft for this text are available upon request)

The Zoning Committee Recommended: **Postponement**, to allow staff more time to evaluate alternative text

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

1. The proposed text amendment to Article 9 of the Zoning Ordinance, which regulates Group Residential Projects, will allow for more appropriately scaled and designed Group Residential Projects by reducing the required Project perimeter yards, allowing indoor recreational facilities to meet open space requirements, requiring adequate pedestrian connections, limiting over-building of surface parking and requiring bicycle parking space.
2. These changes will allow for slightly more dense development of our urban land without compromising open space and recreation amenities that benefit the residents of such Projects.
3. The proposed amendments to Article 9 will simplify Group Residential Project regulations for those designing townhouse and apartment development plans, as well as for the Planning Commission and the LFUCG staff who administer the Zoning Ordinance.

2. **ZOTA 2009-2: AMEND ARTICLE 1-11 TO ALTER DEFINITIONS OF "DWELLING UNIT" AND "EXTENDED-STAY HOTEL"** (2/13/09)* – petition for a Zoning Ordinance text amendment to Article 1-11 to alter definitions of "dwelling unit" and "extended-stay hotel" to limit short-term rental of dwelling units being used for and zoned for residential purposes.

INITIATED BY: Urban County Council

PROPOSED TEXT: (Note: Text underlined indicates an addition, and text ~~dashed through~~ indicates a deletion to the current Zoning Ordinance.)

ARTICLE 1: GENERAL PROVISIONS AND DEFINITIONS

DWELLING UNIT - One room or rooms connected together, constituting a separate, independent housekeeping establishment for occupancy by a family as owner, by rental or lease on a weekly, monthly or longer basis, or for a period of time between one week and one month no more than four times per year; physically separated from any other rooms or dwelling units which may be in the same building, and containing independent kitchen and sleeping facilities.

EXTENDED-STAY HOTEL - Multiple family dwelling(s) with rental or lease of units allowable for less than one month in duration without restriction ~~week~~, provided such rentals or leases of less than one week shall comprise less than 50% of the total dwelling units within the structure(s).

The Zoning Committee Recommended: **Referral to the full Commission**.

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

1. The proposed text amendment would limit short-term rental and/or lease of dwelling units to no more than four times per year, which will allow for some reasonable level of rental and/or lease of residential units on less than a monthly basis, while providing additional protection to neighborhoods and adjacent property owners from traffic and noise nuisance problems associated with more frequent rentals.

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

2. The proposed definition change will properly regulate the anticipated rental of residences during the 2010 Alltech World Equestrian Games in a fashion similar to and respectful of the past practices associated with the rentals during local horse racing meets and sales, and will largely accommodate the continuation of rentals associated with those annual equine events (up to four times per year).
3. The corollary change proposed to the definition of "extended-stay hotel" is to avoid any confusion that the dwelling units available in an extended-stay hotel (containing full kitchen facilities) would be impacted by the proposed change to these new rental restrictions for single-family, two-family and other multi-family residential dwelling units.

VI. **COMMISSION ITEMS** - The Chairman will announce that any item a Commission member 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	February 19, 2009
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	February 25, 2009
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	February 26, 2009
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	March 5, 2009
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	March 5, 2009
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	March 12, 2009

X. **ADJOURNMENT**

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