

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

March 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 February 12, 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, March 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: Chuck Saylor, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Denise Bullock, Cheryl Gallt, Tom Martin, Cindy Deitz, Kenzie Gleason, Barbara Rackers and Frank Boateng, as well as 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.)** (3/12/09)* - 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; January 8, 2009, and February 12, 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.
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 2008-76F: BOGIE ESTATE, LOT 1 (3/12/09)* - 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; January 8, 2009, and February 12, 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 and February 12, 2009, meetings. 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 and February 12, 2009, meetings. 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 2009-18F: WILLOW OAK, UNIT 1-A, BLOCK A, LOT 12 (AMD.) (5/14/09)* - located at 750 Millpond Road.
(Council District 9) **(EA Partners)**

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

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. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
7. Addition of 25' floodplain setback.
8. Addition of building line.
9. Addition of easement for traffic control devices to the approval of Traffic Engineering.
10. Addition of access easement, as necessary.
11. Clarify applicable utility easement notes.
12. Resolve other notes to be modified.
13. Resolve HOA maintenance of common areas.

- e. PLAN 2006-79F: CADENTOWN – BERNITHA KENDRICK PROPERTY (5/11/09)* - located at 784 Caden Lane.
(Council District 6) **(EA Partners)**

Note: The Planning Commission originally approved this plan on July 13, 2006, and reapproved it on August 8, 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 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. Clarify and complete site statistics.
9. Denote Liberty Road improvements, to include the sidewalks.
10. Denote proposed building lines and rear lot lines (minimum rear yard of at least 30 feet).

Note: The applicant requests a reapproval of this plan.

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

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

3. Development Plans

- a. DP 2009-13: BROOKHAVEN PLAZA, LOTS 1, 2 & 4 (AMD.) (5/14/09)* - located at 2467 Nicholasville Road.
(Council District 10) **(Eagle Engineering)**

Note: The purpose of this amendment is to add a restaurant, and rearrange and relocate parking on lots 1, 2 and 4.

The Subdivision Committee Recommended: Referral to the full Commission. There were questions regarding the relationship of off-street parking between the subject site and the adjoining property.

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 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 soil floodplain information from previous plan.
9. Addition of reciprocal parking and access to general notes for lots 3A-4.
10. Addition of floor area information for building 4.
11. Clarify interior landscape areas.
12. Clarify P-1 and B-1 building use and parking requirements.
13. Resolve adjoining property access, solid waste provision and off-street parking.

- b. DP 2009-14: HAMBURG PLACE OFFICE PARK, LOTS 3A & 3B (AMD.) (5/14/09)* - located at 1748 Alysheba Way.
(Council District 6) **(Land Development Solutions)**

Note: The purpose of this amendment is to revise building layout for lots 3A and 3B.

The Subdivision Committee Recommended: Referral to the full Commission. There were questions regarding the plan's legibility and the internal access proposed between properties.

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 landscaping and landscape buffers.
4. Urban Forester's approval of tree preservation plan.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Division of Fire's approval of emergency access and fire hydrant locations.
7. Division of Solid Waste's approval of refuse collection.
8. Addressing Office's approval of street names and addresses.
9. Correct plan title.
10. Clarify extent of fenced play area and label.
11. Clarify handicapped parking spaces.
12. Clarify and correct parking conflict with landscape buffer area (along rear property line).
13. Improve plan legibility.
14. Correct Planning Commission's certification.
15. Remove or clarify building envelopes.
16. Denote: No Occupancy permits shall be issued for Lot 3A until the sanitary sewer lateral and manhole are constructed according to the Engineering Manuals and accepted by the Division of Engineering (per the waiver granted by the Planning Commission on February 12, 2009).
17. Document compliance with Article 21-4(e) of the Zoning Ordinance prior to certification.
18. Resolve internal access (note #18).
19. Clarify parking per Article 8-15(n) of the Zoning Ordinance.

- c. DP 2009-17: WHITE TOWERS (LIMESTONE SQUARE, LLC PROPERTIES) (AMD.) (5/26/09)* - located at 119 Transcript Avenue.
(Council District 3) **(Sherman/Carter/Barnhart)**

Note: The purpose of this amendment is to increase the floor area, lot coverage and the number of hotel rooms, reduce retail square footage, add canopies and to reduce the parking.

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

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

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
3. Building Inspection's approval of landscaping and 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 Solid Waste's approval of refuse collection.
8. Addressing Office's approval of street names and addresses.
9. Addition of notes #18 and 21 from previous plan.
10. Delete note #21 and replace with note #21 from previous plan.
11. Correct note reference on 119 Gazette parking lots.
12. Clarify correct building dimensions.
13. Review by Technical Committee prior to plan certification.

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 a Commission member would like to present will be heard at this time.

A. BOARD OF ARCHITECTURAL REVIEW APPEAL

1. **BOAR 2009-1: JERRY LESLIE** – an appeal of the denial of a Certificate of Appropriateness to construct a second detached garage in a Single-Family Residential/Historic District Overlay (R-1C/H-1) zone, on property located at 431 Fayette Park.

The Staff will report at the meeting.

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

A. APA AUDIO CONFERENCE - There will be an APA audio conference on Wednesday, March 18, 2009 from 4:00 to 5:30 in the Division of Planning Conference room, 7th floor at 101 E. Vine Street. The title of this audio-conference is "Designing for Water Conservation," which will count for 1.5 hours of training toward House Bill 55 requirements.

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	March 19, 2009
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	March 25, 2009
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers	March 26, 2009
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	April 2, 2009
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	April 2, 2009
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers	April 9, 2009

X. ADJOURNMENT

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