

**AGENDA
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

April 9, 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** – 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, April 2, 2009, at 8:30 a.m. The meeting was attended by Commission members: Neill Day, Mike Cravens, Mike Owens, Marie Copeland and Carolyn Richardson. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jim Gallimore, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Denise Bullock, Chris Taylor, Tom Martin, Traci Wade, Barbra Rackers, Jimmy Emmons and Frank Boateng, as well as Rochelle Boland, Department of Law; and Capt. Charles Bowen and Capt. Allen Case, Division of Fire & Emergency Services. 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.)** (4/9/09)* - 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; February 12, 2009, and March 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.

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

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

2. **Final Subdivision Plans**

- a. PLAN 2008-76F: BOGIE ESTATE, LOT 1 (4/9/09)* - 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; February 12, 2009, and March 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 (4/9/09)* - located on William Way (a portion of).
(Council District 7) **(EA Partners)**
- Note: The Planning Commission postponed this plan at its January 8, 2009; February 12, 2009, and March 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.

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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.

- c. PLAN 2007-241F: GESS PROPERTY, UNIT 6-C (4/9/09)* - located on William Way (a portion of).
(Council District 7) **(EA Partners)**

Note: The Planning Commission postponed this plan at its January 8, 2009; February 12, 2009, and March 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 2009-25F: RESERVE AT WALNUT GROVE, UNIT 1-A (6/11/09)* - located at 3820 Hatfield Lane (a portion of).
(Council District 12) **(EA Partners)**

The Subdivision Committee Recommended: Postponement. There were questions regarding the minimum open space requirements.

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

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. 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. Denote: This property shall be developed in accordance with the approved final development plan.
9. Addition of exaction information.
10. Document compliance with minimum open space requirements.
11. Discuss access to lots from private streets, and the reduction of open space.

- e. PLAN 2009-26F: RESERVE AT WALNUT GROVE, UNIT 1-B (6/11/09)* - located at 3820 Hatfield Lane (a portion of).
(Council District 12) **(EA Partners)**

The Subdivision Committee Recommended: Postponement. There were questions regarding the minimum open space requirements.

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

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.

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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. Addition of exaction information.
 10. Document compliance with minimum open space requirements.
 11. Discuss access to lots from private streets, and the reduction of open space.
- f. PLAN 2009-27F: RESERVE AT WALNUT GROVE, UNIT 1-C (6/11/09)* - located at 3820 Hatfield Lane (a portion of).
(Council District 12) **(EA Partners)**

The Subdivision Committee Recommended: Postponement. There were questions regarding the minimum open space requirements.

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

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and required street tree information.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree preservation plan.
 6. 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. Denote: This property shall be developed in accordance with the approved final development plan.
 9. Addition of exaction information.
 10. Document compliance with minimum open space requirements.
 11. Discuss access to lots from private streets, and the reduction of open space.
- g. PLAN 2009-28F: RESERVE AT WALNUT GROVE, UNIT 1-D (6/11/09)* - located at 3820 Hatfield Lane (a portion of).
(Council District 12) **(EA Partners)**

The Subdivision Committee Recommended: Postponement. There were questions regarding the minimum open space requirements.

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

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and required street tree information.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree preservation plan.
 6. 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. Denote: This property shall be developed in accordance with the approved final development plan.
 9. Addition of exaction information.
 10. Document compliance with minimum open space requirements.
 11. Discuss access to lots from private streets, and the reduction of open space.
- h. PLAN 2008-26F: THE GLEN AT LOCHDALE, UNIT 1, BLOCK C, LOT 1 (AMD.) (5/18/08)* – located at 3652 Winthrop Drive. (Council District 9) **(EA Partners)**

Note: This item was originally approved by the Planning Commission on March 13, 2008, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Building Inspection's approval of landscape buffers and required street tree information.
3. Approval of street names by e911 staff.
4. Denote: This property shall be developed in accordance with the approved final development plan.
5. Remove note number 5.
6. Resolve street trees and landscaping buffer along the frontage of Winthrop Drive at the time of the final development plan.

Note: The applicant has requested reapproval of this plan.

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

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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 Planning Commission postponed this plan at its March 12, 2009, meetings. 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 2009-17: WHITE TOWERS (LIMESTONE SQUARE, LLC PROPERTIES) (AMD.) (5/26/09)* - located at 119 Transcript Avenue. (Council District 3) **(Sherman/Carter/Barnhart)**

Note: The Planning Commission postponed this plan at its March 12, 2009, meeting. 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.

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.
- c. DP 2009-18: RICHARDSON PROPERTIES (AMD) (6/27/09)* - located at 150 and 390 Chilesburg Road.
(Council District 6) **(EA Partners)**

Note: The purpose of this amendment is to add access to Chilesburg Road from the townhouse and condo minimum area. This plan also requires the posting of a sign and an affidavit of such.

The Subdivision Committee Recommended: Postponement. There were questions as to whether or not one of the property owners agrees with this proposal.

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.

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7. Division of Solid Waste's approval of refuse collection.
8. Addressing Office's approval of street names and addresses.
9. Clarify section "J-J" information.
10. Addition of private access maintenance and responsibility notes.
11. Discuss conflict with possible access and utilities.
12. Discuss compliance with the EAMP relative to the intent to maintain a rural setting.
13. Discuss access through townhouse development to public street system.
14. Discuss improvements to Chilesburg Road.

- d. DP 2009-23: ANGLIANA SUBDIVISION & A.G. MCGREGOR SUBDIVISION (AMD) (6/11/09)* - located at 520, 534, 544 and 537 Angliana Avenue. (Council District 2) **(Brandstetter Carroll, Inc.)**

Note: The purpose of this amendment is to increase the pool and clubhouse areas, and to add a maintenance building.

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. Correct Planning Commission's certification.
9. Addition of building dimensions for the clubhouse.
10. Revise floor area information for the clubhouse.
11. Remove note #4.

- e. DP 2009-24: MARSHALL PROPERTY, UNIT 2 (AMD) (6/11/09)* - located at 3000 Leestown Road. (Council District 2) **(EA Partners)**

Note: The purpose of this amendment is to revise the townhouse buildings and 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 landscaping and landscape buffers.
4. Urban Forester's approval of tree preservation plan.
5. Division of Solid Waste's approval of refuse collection.
6. Addressing Office's approval of street names and addresses.
7. Correct address in title block.
8. Submit revised landscaping plan per note #11.
9. Document minimum open space requirements on lots with attached garages.
10. Revise note #13 to include "provided Article 8-10(o)(1) of the Zoning Ordinance is met."
11. Provide typical townhouse unit details.
12. Document compliance with R-1T lot and yard requirements.
13. Addition of adjoining property information.
14. Clarify the need for building envelopes.
15. Clarify the sidewalks necessary to serve the townhomes from the public right-of-way.

- f. DP 2009-02: BERRY CREST, PHASE II (AMD.) (5/18/09)* - located at 2385 Huguenard Drive and 223 Pasadena Drive. (Council District 10) **(Foster – Roland)**

Note: The Planning Commission originally approved this plan on January 15, 2009, 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 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. Denote cross-section or dimensions associated with access easement.
9. Remove zone-to-zone screening note.
10. Remove zone change information adjacent to addition.

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

11. Correct Planning Commission certification (replace date of prior approval).
12. Denote parking required and provided in site statistics.
13. Clarify area adjacent to addition and all easement information.
14. Denote 12' side yard setback per P-1 zone requirement.
15. Denote square footage of playground area.
16. Denote lot coverage per P-1 zone requirements.

Note: The applicant has requested a continued discussion regarding the 24' access easement leading toward 231 Pasadena Drive.

The Subdivision Committee took no action.

The Staff Recommended: Approval, subject to the previous conditions, adding the following recommendation:

17. Certification and recordation of an easement minor plat, prior to certification of this plan.

- g. DP 2009-26: BEAUMONT FARM, UNIT 1, SECTION 5 (AMD.) (6/22/09)* - located at 3194 Beaumont Centre Circle. (Council District 10) **(EA Partners)**

Note: The purpose of this amendment is to revise parking, access and the building layout; and to add a drive-through to lot 3.

The Subdivision Committee Recommended: Postponement. There were questions regarding the proposed access into lot 3 and the internal access between lots 3 and 4.

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 dimensions for typical parking space, drive aisle and access points.
 9. Denote temporary construction easement.
 10. Denote: Provided the Board of Adjustment grants the conditional approval for the drive-through.
 11. Review by Technical Committee prior to plan certification.
 12. Discuss the proposed access.
 13. Discuss the proposed internal circulation.
 14. Discuss note #10.
- h. ZDP 2007-111: THE GLEN AT LOCHDALE, UNIT 4 (AMD.) (5/18/08)* - located at 3600 and 3652 Winthrop Drive. **(EA Partners)**

Note: The Planning Commission indefinitely postponed this plan at its September 27, 2007, meeting, pending the zoning decision by the Urban County Council. The Urban County Council approved the zone change request at its December 4, 2007, meeting. The Planning Commission approved this plan on March 13, 2008, subject to the following conditions:

1. Provided the Urban County Council rezones the property B-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Building Inspection's approval of landscaping.
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. Addition of building dimensions.
8. Addition of zone-to-zone screening.
9. Resolve connection to R-4 property to the east at the time of the final development plan.
10. Provide notification to the adjacent property owners to the east.

Note: The applicant has requested 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.

- 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. **SRA 2009-1: AMEND ARTICLES 1-5 AND 4-7(d)(9)(c) FOR WAIVERS REGARDING INFILL & REDEVELOPMENT, SIDEWALKS, AND TO UPDATE THE SUBDIVISION PLAN PROCEDURE LISTING** – petition for a Subdivision Regulations text amendment to 1) consider Infill & Redevelopment goals in the consideration of formal waiver requests; 2) allow bonding of sidewalk improvements on private streets; and 3) update the “Simplified Description of Procedure for Processing Major Subdivision Plans” contained at the conclusion of Article 4.

REQUESTED BY: Urban County Planning Commission

PROPOSED TEXT: (Text underlined indicates an addition to the existing Land Subdivision Regulations.)

1-5(c) INFILL & REDEVELOPMENT FACILITATION – Because of the inherent area limitations that many infill or redevelopment projects have to work in; and because of the added coordination that most infill or redevelopment projects entail; and because sometimes it is desirable to match or mimic older infrastructure designs; the Commission may modify these regulations to the extent necessary to facilitate infill or redevelopment projects, as long as the basic objectives of these regulations are still being achieved.

4-7(D)(9)(C) SURETY FOR PRIVATE STREETS

All private street improvements (excepting only the final course of asphalt and possibly the sidewalks) shall be constructed in compliance with the approved improvement plan before the final subdivision plan is recorded. For the final course of asphalt only, the developer shall be permitted to post a surety in favor of the final maintenance association responsible for the private street, and shall note such requirement on the final plat of the property. For any sidewalks not yet constructed, the developer shall be permitted, at the time of recordation of the final plat, to post a surety in favor of the final maintenance association responsible for the private street, as long as it is also in favor of the Urban County Government. This shall not be construed to hold the Urban County Government responsible for the construction of such sidewalks other than to the extent of the funds provided by the surety; and neither this, nor any action by the Urban County Government relative to the enforcement of the required construction of such sidewalks and/or the surety therefore shall be construed as acceptance of responsibility by the Urban County Government for the construction, maintenance or dedication of such sidewalks as public infrastructure.

The amount of the surety for the private street shall be 10% of the cost of the installed private street plus 100% of the cost of the final course of asphalt. The surety shall also include an additional 20% of the amounts above to provide for inflation and administrative cost, should the surety be called; and the final maintenance association must cause the work to be constructed or repaired, as appropriate. When private streets are permitted, the surety that is submitted in favor of the Urban County Government for the infrastructure shall not include an amount equal to the surety for private streets. The amount of the surety for the sidewalks shall be 100% of the cost of the construction of the sidewalks. The surety shall also include an additional 20% of the amounts above to provide for inflation and administrative cost, should the surety be called; and the final maintenance association must cause the work to be constructed or repaired, as appropriate.

Subdivision Plan Procedure (see attachment to this report).

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

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

1. The proposed change to Article 1-5(c) is consistent with implementing the goals of the 2007 Comprehensive Plan, related to infill and redevelopment, and recognizes the inherent challenges facing many infill and redevelopment projects.
2. The proposed change to Article 4-7(d) is in conformance with current practices for private street construction and offers a solution to a problem common to most of those developments.
3. The proposed change will protect public health and safety in conformance with the intent of the Subdivision Regulations.

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, April 15, 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 “Zoning for Transit Oriented Development,” 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	April 16, 2009
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	April 23, 2009
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	April 29, 2009
Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers	April 30, 2009
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	May 7, 2009
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	May 7, 2009
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	May 14, 2009

X. **ADJOURNMENT**

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