

ORDINANCE NO. 41-2018

AN ORDINANCE CHANGING THE ZONE FROM AN AGRICULTURAL RURAL (A-R) ZONE TO A PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE, FOR 51.53 NET (54.55 GROSS) ACRES, FOR PROPERTY LOCATED AT 2451 AND 2525 ARMSTRONG MILL ROAD. (OVERBROOK FARM, LLC; COUNCIL DISTRICT 7).

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WHEREAS, at a Public Hearing held on May 24, 2018 a petition for a zoning ordinance map amendment for property located at 2451 and 2525 Armstrong Mill Road from an Agricultural Rural (A-R) zone to a Planned Neighborhood Residential (R-3) zone for 51.53 net (54.55 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 10-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for property located at 2451 and 2525 Armstrong Mill Road from an Agricultural Rural (A-R) zone to a Planned Neighborhood Residential (R-3) zone for 51.53 net (54.55 gross) acres, being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - That the granting of this zone change is made subject to the following use restrictions as conditions of granting the zone change:

Under the provisions of Article 6-7 of the Zoning Ordinance, the following use and buffer restrictions shall apply to the subject property via condition zoning:

- a. Along the northeastern boundary of the subject property, shared use with the Squire Oak subdivision, there shall be a fifty-foot (50') landscape buffer area. All existing trees shall be maintained, unless such trees have been identified as dead, diseased or dying and approved for removal by the Urban Forester. Any outdoor lighting shall not be directed towards nearby residential properties.
- b. Along the northwestern property line shared with the Squire Lane right-of-way, there shall be a twenty-foot (20') landscape buffer area. All existing trees shall be

maintained, unless such trees have been identified as dead, diseased or dying and approved for removal by the Urban Forester.

- c. A twenty-foot (20') landscape buffer shall be provided along the rear of any single-family residential lot that adjoins a collector street. A twenty-foot (20') buffer shall include a 6-foot tall berm and combination of shrubs, evergreen and deciduous trees. Such landscape planting shall meet the opacity standards established in Article 18-3(a) of the Zoning Ordinance (double frontage lots).
- d. The total number of dwelling units within the zone change area shall be limited to three hundred and nineteen (319).

These restrictions are appropriate and necessary for the subject property in order to protect the surrounding area, its established tree line (northwest and northeast) that serve to buffer new development, and to buffer any potential double frontage lots along Armstrong Mill Road.


Section 3 - That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

Section 4 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: July 3, 2018

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK OF URBAN COUNTY COUNCIL

Published: July 12, 2018-1t

The following description is intended for zoning purposes only. The description represents information depicted on documents of record found in the Fayette County Clerk's office. This description does not represent a boundary survey and should not be used for real estate conveyance or transfer.

**Zone Change from A-R to R-3  
2451 & 2525  
Armstrong Mill Road  
Lexington, KY 40515**

Beginning at a point on the centerline of Squires Hill Road, a corner to the parcel conveyed to the Roman Catholic Bishop Diocese of Lexington in Deed Book 1185, Page 647 of the Fayette County Clerk's records, said point being in the existing R-1T Zone delineation, and being a corner of an existing R-1D Zone delineation; thence with the line of the Roman Catholic Bishop Diocese of Lexington, the line of Squire Oaks Subdivision, Unit 2-A as depicted in Plat Cabinet F, Slide 379 and the existing R-1D Zone delineation for two (2) calls:

1. South 63° 15' 57" East 25.00 feet;
2. South 63° 15' 57" East 818.37 feet; thence with the lines of Squire Oaks Subdivision, Unit 1-C as depicted on Final Record Plat of record at Plat Cabinet F, Slide 327, Squire Oaks Subdivision, Unity 2-B as depicted on Final Record Plat of record at Plat Cabinet F, Slide 378, existing R-1D Zone delineation and the existing R-1C Zone delineation for three (3) calls:
3. South 27° 13' 17" West 257.83 feet;
4. South 27° 13' 17" West 95.95 feet;
5. South 55° 38' 57" East 1785.25 feet to a point in the line of Tract 4 of Samford and McCracken Farms as depicted on Final Record Plat of record at Plat Cabinet D, Slide 459; thence with the lines of Tract 4 and tract 5 of said Final Record Plat for one (1) call:
6. South 26° 02' 03" West 817.61 feet to a point on the centerline of Armstrong Mill Road: thence with said centerline for four (4) calls:
7. North 55° 03' 07" West 605.10 feet;
8. North 55° 45' 00" West 845.03 feet;
9. North 55° 46' 45" West 260.38 feet;
10. North 55° 48' 39" West 936.51 feet to a point at the centerline intersection of said Armstrong Mill Road and Squires Hill Road; thence with the centerline of said Squires Hill Road for two (2) calls;
11. North 26° 55' 43" East 983.05 feet;
12. North 26° 55' 43" East 72.49 feet to the Point of Beginning containing 54.55 Acres Gross and 51.53 Acres Net.

**RECOMMENDATION OF THE**  
**URBAN COUNTY PLANNING COMMISSION**  
**OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY**

IN RE: **PLN-MAR-18-00002: OVERBROOK FARM, LLC (AMD)** – a petition for a zone map amendment from an Agricultural Rural (A-R) zone to a Planned Neighborhood Residential (R-3) zone, for 51.53 net (54.55 gross) acres, for property located at 2451 and 2525 Armstrong Mill Road. (Council District 7)

Having considered the above matter on **May 24, 2018**, at a Public Hearing, and having voted **10-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter for the following reasons:

1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2013 Comprehensive Plan and the Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
  - a. The Comprehensive Plan recommends *Growing Successful Neighborhoods* (Theme A, and chapter 3), which encourages expanding housing choices that addresses the market for all of Lexington-Fayette County's residents (Goal #1b.): encourages infill, redevelopment and adaptive reuse that respects the area's context and design features (Goal #2a.); and providing well-designed neighborhoods, including neighborhoods that are connected for pedestrian and various modes of transportation (Goal #3 and #3b.). The petitioner has proposed a mixture of single-family, townhouses, and multi-family residential dwelling unit types to meet the needs of the community at a density of 6.2 units per net acre.
  - b. The 2013 Plan recommends *Protecting the Environment* (Theme B and Chapter 4) by encouraging sustainable use of natural resources (Goal #2b.) and management of green infrastructure, which includes the protection of environmentally sensitive areas, before development occurs. The petitioner proposes, through the corollary development plan, to maintain the floodplain and its associated greenway, as well as significant trees along the tributary of East Hickman Creek. The petitioner is also protecting an established tree line along the northern boundary of the site.
  - c. The 2013 Plan recommends *Improving a Desirable Community* (Theme D and Chapter 6) by working to achieve an effective and comprehensive transportation system (Goal #1). The petitioner is proposing the extension of Squire Oak Drive, a collector street, and will be required to make necessary improvements to Armstrong Mill Road to meet collector roadway standards. Within the right-of-way or Armstrong Mill Road, the corollary development plan also depicts a shared-use path as proposed by the Pedestrian Bicycle and Pedestrian Master Plan, (Gainesway Trail), which will allow for a connection to Gainesway Park.
  - d. The 2013 Plan recommends compact and contiguous development within the Urban Service Area through absorption of vacant and underutilized land (Theme E, Goal #1), which is being met by the petitioner's proposal. The Plan also emphasizes the importance of infill development being compatible with the existing uses surrounding the subject property. The petitioner is providing a fifty foot (50') landscape buffer along the existing Squire Oak subdivision, and locating single-family residential development adjacent to existing single-family residences.
3. This recommendation is made subject to approval and certification of the **PLN-MJDP-18-00008: Samford & McCracken Farms, Unit 2 and Alford Property (Overbrook Farm, LLC)**, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
4. **Under the provisions of Article 6-7 of the Zoning Ordinance, the following use and buffer restrictions are recommended for the subject property:**

- a. Along the northeastern boundary of the subject property, shared use with the Squire Oak Subdivision, there shall be a fifty-foot (50') landscape buffer area. All existing trees shall be maintained, unless such trees have been identified as dead, diseased or dying and approved for removal by the Urban Forester.
- b. Along the northwestern property line shared with the Squire Lane right-of-way, there shall be a twenty-foot (20') landscape buffer area. All existing trees shall be maintained, unless such trees have been identified as dead, disease or dying and approved for removal by the Urban Forester.
- c. A twenty-foot landscape buffer shall be provided along the rear of any single-family residential lot that adjoins a collector street. A twenty-foot buffer shall include a 6-foot tall berm and combination of shrubs, evergreen and deciduous trees. Such landscape planting shall meet the opacity standards established in Article 18-3(a) of the Zoning Ordinance (double frontage lots).
- d. The total number of dwelling units within the zone change area shall be limited to three hundred and nineteen (319).

These restrictions are appropriate and necessary for the subject property in order to protect the surrounding are, its established tree line (northwest and northeast) that serve to buffer new development, and to buffer any potential double frontage lots along Armstrong Mill Road.

ATTEST: This 11<sup>th</sup> day of June, 2018.

  
 Secretary, Jim Duncan

WILLIAM WILSON  
 CHAIR

Note: The corollary development plan, PLN-MJDP-18-00008: SAMFORD & MCCRACKEN FARMS, UNIT 2 & ALFORD PROPERTY was approved by the Planning Commission on May 24, 2018 and certified on June 7, 2018.

K.R.S. 100.211(7) requires that the Council take action on this request by August 22, 2018.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Nick Nicholson, Attorney.**

**OBJECTORS**

- Mr. Clendenon, represented Squire Oak Homeowners Association
- Mr. Billings, represented the Hartland Homeowners Association
- Elissa Baertschi, 1744 Farmview Dr.
- Jody Shoup, 3609 Old Oak Way
- Jenny Grulke, 2050 Delong Rd.
- Eric Lambert, resident of Hartland
- Dawn, Hardin, 2404 Shady Oak Pl.
- Charles Wilson, 2300 Abbeywood Rd.

**OBJECTIONS**

- Concerned about the proposed density of the development.
- Concerned about the proposed density of the development.
- Concerned with safety issues.
- Concerned with increased traffic.
- Concerned with increased traffic.
- Concerned with the sewer capacity.
- Concerned with safety issues.
- Concerned with cut-through traffic.

**VOTES WERE AS FOLLOWS:**

AYES: (10) Bell, Berkley, Brewer, Cravens, Forester, Owens, Mundy, Penn, Richardson, Wilson

NAYS: (0)

ABSENT: (1) Plumlee

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for APPROVAL of PLN-MAR-18-00002 carried.

Enclosures: Application  
Plat  
Staff Report  
Applicable excerpts of minutes of above meeting

**MAP AMENDMENT REQUEST (MAR) APPLICATION****1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)****Applicant:**

OVERBROOK FARM, LLC, 2225 YOUNG DRIVE, LEXINGTON KY 40588

**Owner(s):**

OVERBROOK FARM, LLC, PO BOX 1110, LEXINGTON, KY 40588

**Attorney:**

Nick Nicholson, Stoll Keenon Ogden, PLLC, 300 West Vine St, Suite 2100, Lexington, KY 40507 Ph: 859-231-3000

**2. ADDRESS OF APPLICANT'S PROPERTY**

2451 &amp; 2525 ARMSTRONG MILL RD, LEXINGTON, KY

**3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY**

Zoning	Existing Use	Zoning	Requested Use	Acreage	
				Net	Gross
A-R	Agriculture	R-3	Multi-Family, Townhouses & Single Family Residential	51.53	54.55

**4. EXISTING CONDITIONS**

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
b. Have any such dwelling units been present on the subject property in the past 12 months?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
c. Are these units currently occupied by households earning under 40% of the median income? If yes, how many units? If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing.	<input type="checkbox"/> YES <input type="checkbox"/> NO

**5. URBAN SERVICES STATUS (Indicate whether existing, or how to be provided)**

Roads:	LFUCG
Storm Sewers:	To Be Constructed
Sanity Sewers:	To Be Constructed
Refuse Collection:	LFUCG
Utilities:	<input checked="" type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas <input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable





**NICK NICHOLSON**  
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DIRECT FAX: (859) 246-3649  
Nick.Nicholson@skofirm.com

300 WEST VINE STREET  
SUITE 2100  
LEXINGTON, KY 40507-1801  
MAIN: (859) 231-3000  
FAX: (859) 253-1093

May 1, 2018

Lexington-Fayette Urban County Planning Commission  
Lexington-Fayette Urban County Government  
101 East Vine Street  
Lexington, KY 40507

Zone Change Request for 2451 & 2525 Armstrong Mill

Dear Members of the Planning Commission:

We represent Overbrook Farm, LLC (“Overbrook” or “Applicant”) and on its behalf have filed a zone change request for the properties located at 2451 and 2525 Armstrong Mill Road (the “Property”). The Property consists of 51.53 net (54.55 gross) acres. The Applicant’s request is to rezone the Property from Agricultural Rural (A-R) zone to Planned Neighborhood Residential (R-3) zone. The Property is currently vacant. This zone change request is to allow the development of a neighborhood as detailed on the submitted development plan for a single family, townhouse, and multi-family residential development with accessory social and recreational facilities, pedestrian access ways, a substantial greenspace lot at the heart of the development, a shared use trail along Armstrong Mill, and 5.25 acres of community open space for the use of the surrounding residents.

The Property is one of the few remaining large undeveloped parcels within the urban service boundary and outside of the expansion areas. It is adjoined by complementary uses as residential and church properties are to the north, east, and west with Overbrook retaining the agricultural use of the remaining Overbrook Farm parcel to the south. The Applicant is proposing to develop approximately 81 parcels of single family lots, 22 townhouses, 9 3-story apartment buildings with 216 units and 384 bedrooms, and accessory social and recreational facilities, and other community amenities.

This request is in complete agreement with the Comprehensive Plan. Primarily, this project epitomizes Lexington’s guiding principle for infill development on vacant land inside the Urban Service Area. With infill development, comes a need to aid in the larger community’s need for density, while respecting the presence of the existing local community. As such, we agreed to reduce the requested density by 2 apartment buildings, totaling 48 apartment units, and convert the entire site to R-3 zoning, as opposed to a mix of R-3 and R-4 zones. This was done in response to meeting with the Squires Oak and Hartland neighborhoods to help give them comfort that there is no intention to fundamentally change the project and increase density at the time of the final development plan for the former R-4 portion of the site. Further, all of the existing single-family is adjacent to proposed single-family residences with roadways and substantial existing buffering that separates the multi-family area from any existing single-



family residence. The project proposes to locate the lowest density use next to the USA Boundary and place the highest density use the farthest from the Boundary and adjacent to a non-residential use (church/school). The location of the types of uses was also selected out of respect for the geographic context of the site by placing the multi-family structures in an area that reduces the unnecessary earth disruption and protects the steep slopes around the greenway. This proposed zoning scheme creates an effective buffer and transition between different intensities of adjacent land uses while respecting the environment as called for by the 2013 Comprehensive Plan.

This project aligns with the aspects of a desirable community and the place making concepts the Comprehensive Plan stresses such as openness, social offerings, and aesthetics with its placement of the open space, shared use trail, greenspace lot, and the multi-family amenities area. The proposed development plan follows many of the specific recommendations of the Comprehensive Plan in its discussion on how to grow successful neighborhoods. We provide a variety of housing types with the apartments, townhouses, and single-family residences. We have an abundance of useable open space as we are proposing: over 5 acres of community open space at the premier corner of the Property with access from surrounding streets and the multi-family area; a visual greenway corridor throughout the multi-family site; a separate greenspace lot that runs throughout the single family lots with access points in several locations, including the corner lot when first entering the development. These features will ensure that the development has an inviting streetscape, especially when first entering the site, and several neighborhood focal points as the greenway lot meanders throughout the Property, a substantial amenity area for the multifamily, and of course the community open space itself. Further, the location of the shared use trail along Armstrong Mill and future pedestrian connections to the potential extension of the Squires Road Trail along Squires Hill Lane will allow for residents of the area to use multiple forms of transportation to access the regional trail system, the community open space, and enjoy the ample open greenspace of the development. Finally, the development plan reflects a continuation of Squire Oak Drive to allow for the existing neighborhoods, Squires Elementary School, and St Elizabeth Ann Seton Church to have an addition connection to the nearest minor arterial road Armstrong Mill. These pedestrian and vehicular improvements also promote quality connections for area residents to connect with the community open space and the area's schools.

This well-designed project upholds the Urban Service Area preservation strategy, is appropriate infill in a residential corridor, provides varied housing choices which meet several community needs, encourages community interaction through pedestrian connectivity, all while respecting its neighbors with landscaping buffers, greenspace, and stepdown in intensity. Further, the proposed project meets several of the Goals and Objectives of the Comprehensive Plan as outlined below:

## **THEME A: GROWING SUCCESSFUL NEIGHBORHOODS**

### **Goal 1: Expand Housing Choices.**

#### Objectives:

a. Pursue incentives and regulatory approaches that encourage creativity and sustainability in housing development.

b. Plan for housing that addresses the market needs for all of Lexington-Fayette County residents, including, but not limited to, mixed-use and housing near employment and commercial areas.

c. Plan for safe, affordable and accessible housing to meet the needs of older and/or disadvantaged residents.

d. Create and implement housing incentives that strengthen the opportunity for economic development, new business and jobs, including, but not limited to, higher density and housing affordability.

**Goal 2: Support Infill and Redevelopment Throughout the Urban Services Area as a Strategic Component Of Growth.**

Objectives:

a. Identify areas of opportunity for infill, redevelopment and adaptive reuse that respect the area's context and design features whenever possible.

b. Implement innovative programs, such as the land bank, to facilitate sustainable development, including but not limited to, affordable housing and commercial and economic activity.

**Goal 3: Provide Well Designed Neighborhoods and Communities.**

Objectives:

a. Enable existing and new neighborhoods to flourish through improved regulation and expanded opportunities for neighborhood character preservation and public commitment of expanded options for mixed-use and mixed-type housing throughout Lexington-Fayette County.

b. Strive for positive and safe interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians and various modes of transportation.

**THEME D: IMPROVING A DESIRABLE COMMUNITY**

**Goal 1: Work to achieve an effective and comprehensive transportation system.**

Objectives:

b. Develop a viable network of accessible transportation alternatives for residents and commuters...

**THEME E: MAINTAINING A BALANCE BETWEEN PLANNING FOR URBAN USES AND SAFEGUARDING RURAL LAND**

**Goal 1: Uphold the Urban Services Area Concept.**

Objectives:

- a. Continue to monitor the absorption of vacant and underutilized land within the Urban Services Area.
- b. Encourage compact, contiguous, and/or mixed-use sustainable development within the Urban Services Area, as guided by market demand, to accommodate future growth needs.

**Goal 3: Maintain the Current Boundaries of the Boundaries of the Urban Services Area and Rural Activity Centers; and Create No New Rural Activity Centers.**

The proposal is also consistent with the Comprehensive Plan's Land Use Change Consideration:

1. The Change will address a community need, such as providing a park, a neighborhood focal point, significant employment opportunities or housing needs.
2. The proposed land use enhances, and is compatible with, adjacent land uses.
4. The land use will enable the development of critical vehicular, pedestrian, bike, and/or transit connections.
5. The land use will create opportunities for needed recreation, additional greenspace and/or greenway connections.
8. The existing utility and transportation networks will accommodate the new land use.
9. Underutilized land should be promoted for greater utility, function and/or residential density.
11. The proposed use or development will provide a mix of housing types, residential densities and/or land uses.
13. The land use should maximize opportunities to accommodate future growth within the Urban Services Area, include land that is underutilized, vacant or planned for a reuse.

Further, the proposal meets several of the key additional considerations for land located outside of the downtown area in the Urban Service Area:

1. A greater intensity of land use should be concentrated along minor and major arterial roadways, and to appropriate quadrants of collector street intersections.

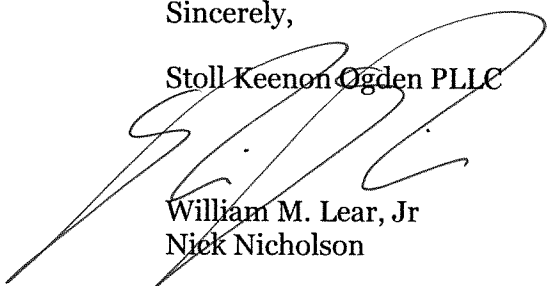
2. Where residential density, and existing infrastructure are adequate to support the use, and the adjacent uses are compatible, the development should create more walkable neighborhoods, neighborhood-oriented businesses and neighborhood amenities.
4. An effective buffer or transition between different intensities of adjacent land uses should be provided.
5. The use shall provide a service deemed beneficial for the immediate area.
6. Developments that improve the livability of existing neighborhoods by adding compatible uses and compatible urban design should be encouraged.
8. Demonstrate "place-making" in new developments, as outlined previously in the text of the Plan.

In addition to compliance with the Comprehensive Plan, the request is justified because the existing zoning is inappropriate and improper and the proposed zoning is appropriate. The current zoning is A-R and any type of agricultural use has become increasingly difficult as most of the surrounding area has developed as residential subdivisions and a church and the balance of the Overbrook Farm is cut off from these parcels by Armstrong Mill. In fact, in recent years the Applicant removed the cattle grazing on the Property due to the complaints of the Squires Oak neighborhood. The Property already has sewer available and is able to be seamlessly tied into the surrounding transportation system. Simply put, it is prime land to be developed; as such the agricultural-rural zoning is clearly inappropriate. On the other hand, the proposed R-3 zoning is appropriate as the Property has been inside the Urban Service Area and slated for residential development since at least 1980. The R-3 zoning will allow the Property to be developed as a residential neighborhood as urged by LFUCG's Comprehensive Plan and consistent with the types and densities of residential uses in the area.

We will be at the May public hearing in order to make a complete presentation of this application and request your favorable consideration.

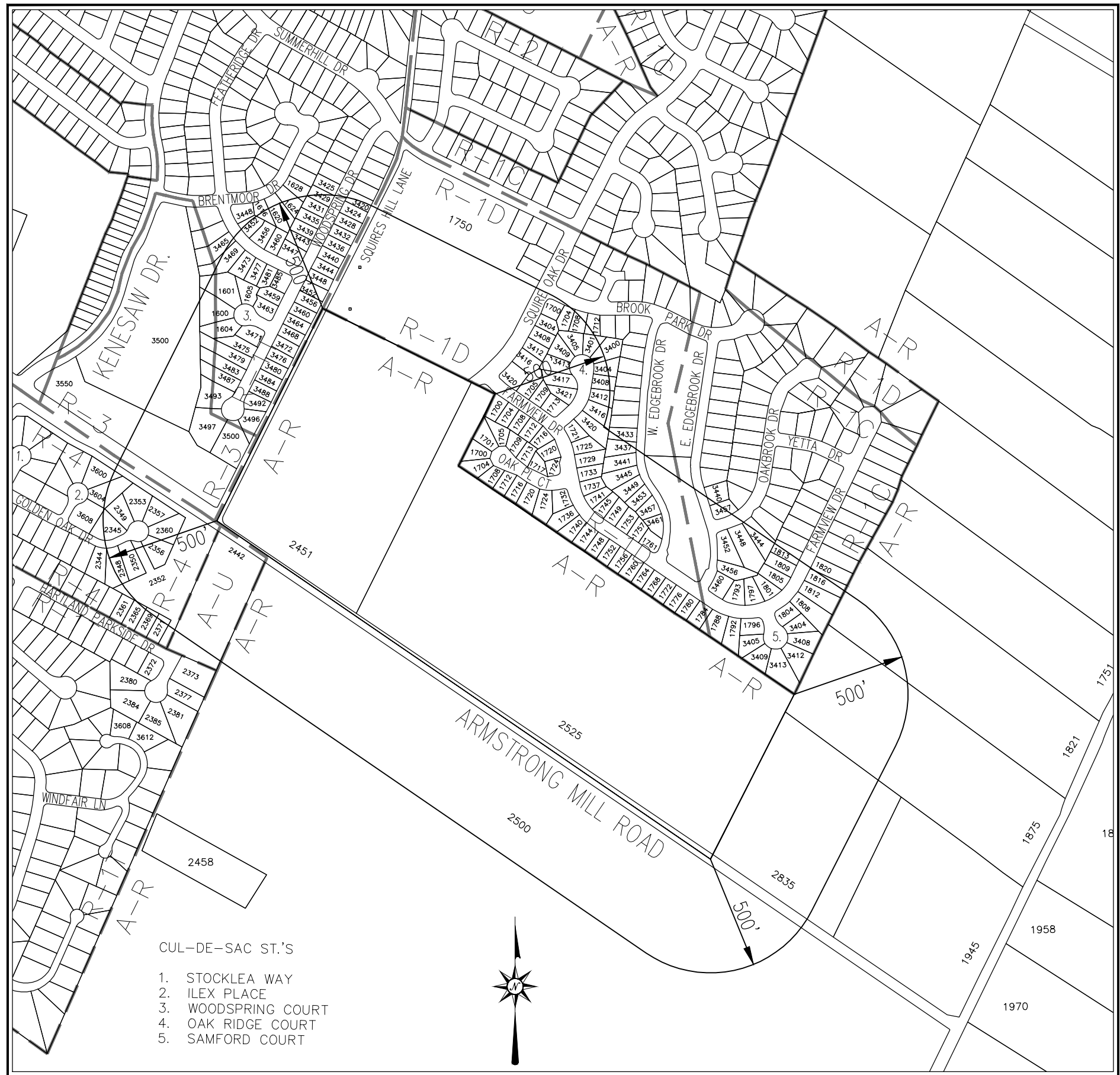
Sincerely,

Stoll Keenon Ogden PLLC



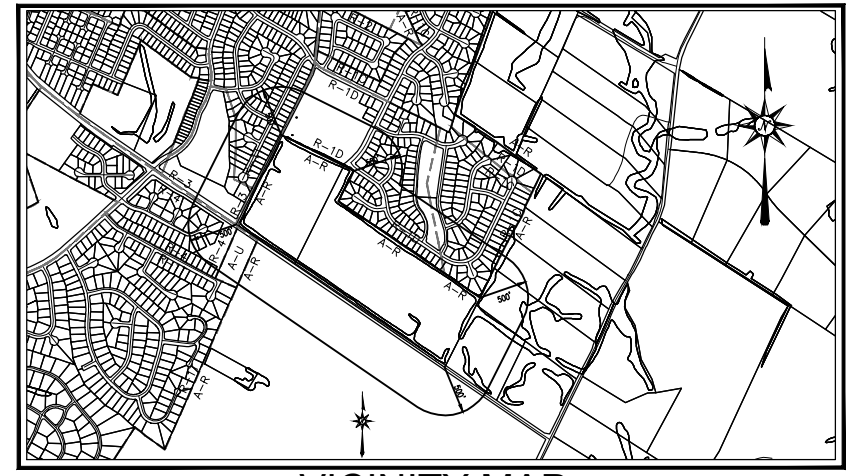
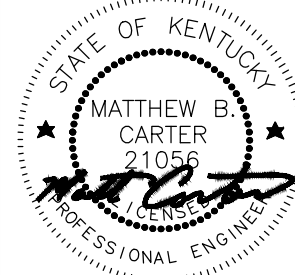
William M. Lear, Jr  
Nick Nicholson

WML:NN

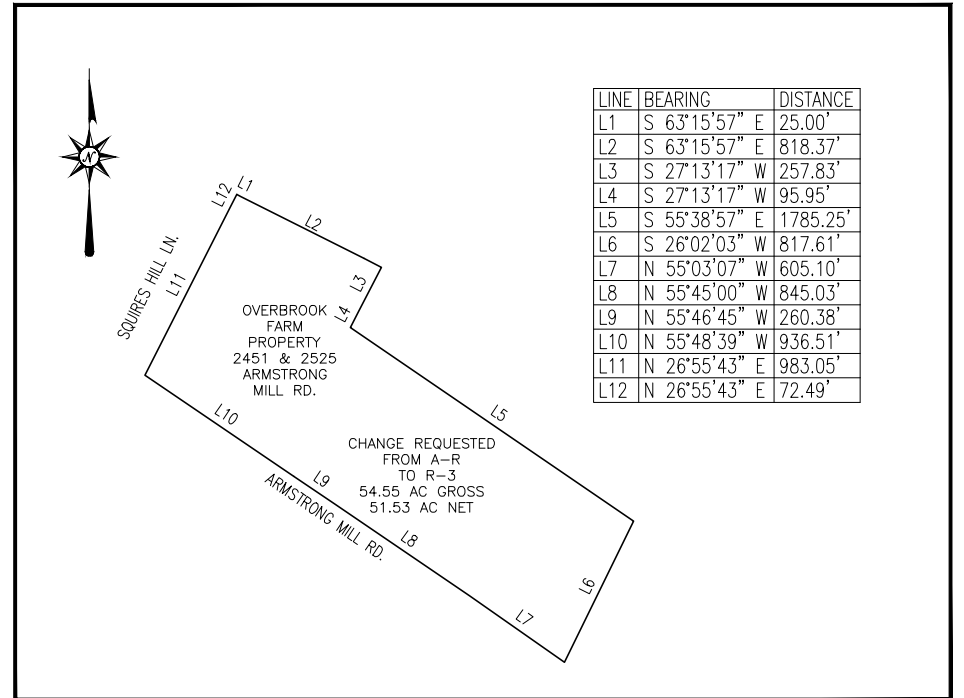


**NOTIFICATION MAP**  
SCALE: 1"=500'

- CUL-DE-SAC ST.'S
1. STOCKLEA WAY
  2. ILEX PLACE
  3. WOODSPRING COURT
  4. OAK RIDGE COURT
  5. SAMFORD COURT



**VICINITY MAP**  
SCALE: 1" = 2000'



**PROPERTY INFORMATION MAP**  
SCALE: 1" = 1000'

ZOMAR TITLE: 2451 & 2525 ARMSTRONG MILL RD.		ACREAGE		
PROPERTY ADDRESS / EXISTING OWNER:	FROM	TO	GROSS	NET
2451 & 2525 ARMSTRONG MILL RD. OVERBROOK FARM, LLC	A-R	R-3	54.55	51.53
<b>TOTAL</b>			<b>54.55</b>	<b>51.53</b>
DATE FILED OR AMENDED: JANUARY 29, 2018				
APPLICANT NAME / ADDRESS:				
OVERBROOK FARM, LLC 2225 YOUNG DRIVE LEXINGTON, KY 40505		OVERBROOK FARM 2225 YOUNG DRIVE LEXINGTON, KY 40505		
APPLICATION PREPARED BY: VISION ENGINEERING, LLC				

**STAFF REPORT ON AMENDED PETITION FOR ZONE MAP AMENDMENT**

**PLN-MAR-18-00002: OVERBROOK FARM, LLC (AMD)**

**DESCRIPTION**

**Zone Change:** From an Agricultural Rural (A-R) Zone  
To a Planned Neighborhood Residential (R-3) Zone

**Acreage:** 51.53 net (54.55 gross) acres

**Location:** 2451 & 2525 Armstrong Mill Road

**EXISTING ZONING & LAND USE**

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	A-R	Agriculture
To North	R-1D & R-1C	Church and Single-Family Residential
To East	A-R	Agriculture
To South	A-R & A-U	Agriculture and KU Substation
To West	R-1T & R-3	Townhouses and Single-Family Residential

**URBAN SERVICES REPORT**

Roads – Armstrong Mill Road is a minor arterial roadway from Tates Creek Road to Man O’ War Boulevard. It then becomes a collector roadway southeast of Man O’ War Boulevard to its intersection with Delong Road. The subject site is located along the collector portion of the roadway. It contains two lots on the northeast side of Armstrong Mill Road, between Kenesaw Drive and Delong Road, with Squires Hill Lane bordering the site to the west. Based on 2015 KYTC traffic counts, the average daily traffic volume is approximately 6,000 vehicle trips on Armstrong Mill Road between Kenesaw Drive and Delong Road. Access to the site is proposed from Squire Oak Drive, which will be extended from its existing stub on the northern border of the subject site to Armstrong Mill Road, connecting the proposed development to the Squire Oaks neighborhood north of the site. This entrance will be east of Squire Hill Lane. Road “C” is a proposed second access point, which would function as a local street internal to the development.

Curb/Gutter/Sidewalks – This portion of Armstrong Mill Road is a narrow, two-lane, sub-standard collector roadway without curbs, shoulders, or sidewalks. Drainage swales flank the 20’-22’ wide paved roadway, as is typical with a rural roadway. Improvements are proposed along Armstrong Mill to increase it to an 80’ right-of-way with curb and gutter. It will contain wider lanes and a 12’ wide multi-use path instead of a 4’ wide sidewalk. Curb, gutter, and sidewalks will be constructed along both sides of the internal roads and the access easement circulating through the multi-family development. Per the Bicycle and Pedestrian Master Plan, Squires Trail is planned along the existing Squires Hill Lane, which will require its closure to vehicles at the time of conversion and should be noted on the development plan. Both the multi-use path and the trail are connecting pieces within the Gainesway and Squires Trail system, which connect to Jacobson Park and Gainesway Park.

Storm Sewers – The subject property is located within the East Hickman watershed. Storm sewers to serve the site will be constructed by the developer. A floodplain runs through the property along the Armstrong Mill Road Tributary. It runs east to west, almost parallel to Armstrong Mill Road on the southern portion of the site, and then the tributary and floodplain branch off on the northeast side of the site, running north to south along the Delong Road Tributary. The western portion of the floodplain is proposed to be included in a community park area and the remaining floodplain is proposed to be protected as a greenway. No floodplain or stormwater issues have been identified. The topography

slopes downward toward the floodplain, with over 20' of topographic relief from the northwest portion of the site to the floodplain.

Sanitary Sewers – The subject property is located in the East Hickman sewershed, which is served by the West Hickman Wastewater Treatment Plant, located in northern Jessamine County. Sanitary sewers do serve the site and a pump station is located in the southwest corner of the property. The developer will construct the required sanitary sewers for the residential development. According to the Capacity Assurance Program, capacity has been reserved for the Harper Woods development to the northwest of the site, which reduced the bank to 15,800 gpd credits available for future developments in this area. The proposed residential development of the site would require over 61,000 gpd of sewer capacity. There is a known overflow issue at the pump station.

Refuse – The Urban County Government serves this portion of the Urban Service Area with collection on Fridays.

Police – The nearest police station is located approximately 1 3/4 miles northwest of the property, at the East Sector Roll Call Center (Police Sector 3) on Centre Parkway.

Fire/Ambulance – The nearest fire station to the subject properties is Station #16 on Man O' War Boulevard, which is about 3/4 mile away. It is located northwest of the subject properties.

Utilities – Natural gas, telephone service, electric, water, and cable television are all available to serve the subject properties. Street lights will need to be installed throughout the development.

### **COMPREHENSIVE PLAN AND PROPOSED USE**

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. In addition, the Comprehensive Plan has established six themes, with goals and objectives to support each of the themes, which include: Growing Successful Neighborhoods (Theme A), Protecting the Environment (Theme B), Creating Jobs and Prosperity (Theme C), Improving a Desirable Community (Theme D), Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land (Theme E) and Implementing the Plan for Lexington-Fayette County (Theme F).

The petitioner has amended their zone change request, and now proposes an R-3 zone for the subject site in order to develop a mix of single family homes, townhouses, and apartment buildings on 51.53 net acres. A total of 319 dwelling units are now proposed, for a residential density of approximately 6.2 dwelling units per acre.

### **CASE REVIEW**

The petitioner has requested a zone change from an Agricultural Rural (A-R) zone to a Planned Neighborhood Residential (R-3) zone for 51.53 net acres of land.

The subject property is located on the north side of Armstrong Mill Road, at its intersection with Squires Hill Lane on the west and the Urban Service Area boundary on the east. St. Elizabeth Ann Seton Church and school, along with the Squire Oak neighborhood, are located north of the site, with a Kentucky Utility substation and the main section of the Overbrook Farm to the south. The subject site contains two agricultural lots with one barn on each lot, along with the Armstrong Mill Road Tributary of the East Hickman Creek running east-west through the subject site and the Delong Road Tributary running north-south on the eastern end of the property.

The Armstrong Mill Road corridor between of Man O' War Boulevard and the Urban Service Area boundary is characterized by a mixture of residential zones, including R-1C, R-1D, R-1T, R-3, and R-4. The type of residential development is also varied and includes single-family residential subdivisions (Hartland, The Vineyard, and Summerhill), townhomes (Squire Mill Townhomes), duplexes, and closer to

Man O' War there are apartment complexes, including The Veridian. A number of parcels also remain in an A-U zone, which accommodates navigational equipment for the airport, a church, and a Kentucky Utilities sub-station. The subject property and the land south of it are the only parcels that remain zoned A-R along this corridor within the Urban Service Area boundary.

The applicant now proposes construction of a mixture of single-family homes (81), townhouse dwelling units (22), and an apartment complex with nine buildings (216 units with a total of 384 bedrooms) for an average density of 6.2 dwelling units per net acre. A greenway and open space is proposed in the southwest corner of the site along Armstrong Mill Road (adjacent to the apartment complex) between Squires Hill Lane and Squire Oak Drive. The greenway is proposed to extend across Squire Oak Drive to the east, which will help protect the floodplain along the Armstrong Mill Road Tributary.

The 2013 Comprehensive Plan focuses on general land use policies, such as land use compatibility; well-designed neighborhoods; improving a desirable community; creating an effective and comprehensive transportation system; protecting natural landscapes and the environment; and making the best use of land inside the Urban Service Boundary for the protection of the surrounding rural areas. The Plan no longer relies upon a future land use map with specific land use recommendations. However, the general concepts, policies and guiding principles of the Plan should always be considered by the Planning Commission and the Urban County Council.

The applicant opines that the requested zone change is in agreement with the 2013 Comprehensive Plan. They cite the following goals and objectives as relevant and supported by the proposed mixed housing development: expand housing choices (Theme A, Goal #1); support infill development on vacant land as a strategic component of growth (Theme A, Goal #2); provide well-designed neighborhoods and communities, including neighborhoods that are connected for pedestrian and various modes of transportation (Theme A, Goal #3; Theme D, Goal #1); and uphold the Urban Service Area concept through absorption of vacant or underutilized land, while maintaining current boundaries (Theme E, Goal #1 & #3). The petitioner also contends that the proposed R-3 zone is appropriate and the existing A-R zone is not appropriate, as infill development is desired by the Comprehensive Plan within the Urban Service Area boundary so that the rural area can maintain its historic character.

The Planning Commission must also consider the 2018 Comprehensive Plan's Goals and Objectives, along with chapters (based around the identified themes) from the 2013 Comprehensive Plan. Based upon the 2018 Goals and Objectives, considerations pertaining to the existing tributaries, floodplains, and topography on the site include: identify and protect natural resources before development occurs (Theme B, Goal #3b.); incorporate green infrastructure principles (Theme B, Goal #3b.), and coordinate interrelated planning that impacts the protection, conservation, and restoration of landscapes and natural resources (Theme B, Goal #3.d). The 2013 Plan's *Chapter 4: Protecting the Environment*, states that development needs to respect the natural topography, provide green infrastructure and low impact development practices (if possible), and provide water resource protection. The petitioner proposes maintaining the existing greenway area along the tributaries, as has been identified in the Greenway Master Plan and several Comprehensive Plans.

In the 2018 Comprehensive Plan, Theme A, Goal #2.b states "respect the context and design features of areas surrounding development projects...to ensure compatibility with existing urban form;" and Theme A, Goal #3 states "provide well-designed neighborhoods and communities." Additional policy statements in the 2013 Plan support these recently adopted Goals and Objectives, and are relevant to the proposed zone change request, especially within *Chapter 3: Growing Successful Neighborhoods*. These include the following five items:

1. creating inviting streetscapes and walkable neighborhoods;
2. providing varied housing choices;
3. providing abundant open space, such as neighborhood parks or shared-use trails (as referenced in the Greenway Master Plan and Bicycle & Pedestrian Plan);



4. incorporating focal points within neighborhoods; and
5. providing quality connections with parks, schools and stores.

During the initial staff review, several improvements were recommended to the petitioner in order to more fully meet the recommendations of the 2013 Comprehensive Plan, specifically to create a well-designed neighborhood. The petitioner made minor changes to their corollary development plan to reduce the multi-family residential density so that the entire project could meet the requirements of the R-3 zone. They also modified the layout of the multi-family residential buildings to establish a sizable open space/recreation area within the middle of the complex, provided a connection to the proposed Squires Trail (planned for the Squire Hill Lane right-of-way), and created a more pronounced visual connection to the greenway and open space along Armstrong Mill Road. However, the petitioner has not utilized the existing assets of the subject property, namely the Armstrong Mill Road tributary, to create a neighborhood focal point with single-loaded streets, as recommended by the Comprehensive Plan. Throughout the review of this application, the staff has emphasized that it is important to provide the best design around the neighborhood focal point, the greenway. The Comprehensive Plan recommends the use of single-loaded streets in order to avoid developments “turning their back” to a neighborhood focal point, such as a neighborhood center, school, park or trail system. Single-loaded streets have been utilized around greenways and open space to create a neighborhood focal point directly to the north within the Squire Oak neighborhood, as well as in the Zandale and Chilesburg neighborhoods. The staff will continue to discuss ways to improve the design of the neighborhood as it moves through the planning process.

The staff is generally favorable about the requested zone change because the residential use and varied housing types are supported by the Comprehensive Plan, the shared-use trail is included in the development plans, the greenway around the tributary is being preserved and protected, and the residential zone is considered compatible in this location. In order to mitigate some of the impacts of new development, the staff is recommending conditional zoning restrictions. Along Armstrong Mill Road, if the rear of the single-family homes are to be oriented to the collector roadway, than a landscape buffer will help to create an aesthetic that is consistent along this portion of the corridor.

The Metropolitan Planning Organization/Transportation Planning is reviewing the Traffic Study that was filed in association with the zone change and will provide a recommendation at the public hearing.

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

1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2013 Comprehensive Plan and the Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
  - a. The Comprehensive Plan recommends *Growing Successful Neighborhoods* (Theme A, and Chapter 3), which encourages expanding housing choices that addresses the market needs for all of Lexington-Fayette County’s residents (Goal #1b.); encourages infill, redevelopment and adaptive reuse that respects the area’s context and design features (Goal #2a); and providing well-designed neighborhoods, including neighborhoods that are connected for pedestrian and various modes of transportation (Goal #3 and #3b.). The petitioner has proposed a mixture of single-family, townhouses, and multi-family residential dwelling unit types to meet the needs of the community at a density of 6.2 units per net acre.
  - b. The 2013 Plan recommends *Protecting the Environment* (Theme B and Chapter 4) by encouraging sustainable use of natural resources (Goal #2b.) and management of green infrastructure, which includes the protection of environmentally sensitive areas, before development occurs. The petitioner proposes, through the corollary development plan, to maintain the floodplain and its associated greenway, as well as significant trees along the tributary of East Hickman Creek. The petitioner is also protecting an established tree line along the northern boundary of the site.

- c. The 2013 Plan recommends *Improving a Desirable Community* (Theme D and Chapter 6) by working to achieve an effective and comprehensive transportation system (Goal #1). The petitioner is proposing the extension of Squire Oak Drive, a collector street, and will be required to make necessary improvements to Armstrong Mill Road to meet collector roadway standards. Within the right-of-way of Armstrong Mill Road, the corollary development plan also depicts a shared-use path as proposed by the Pedestrian Bicycle and Pedestrian Master Plan, (Gainesway Trail), which will allow for a connection to Gainesway Park.
  - d. The 2013 Plan recommends compact and contiguous development within the Urban Service Area through absorption of vacant and underutilized land (Theme E, Goal #1), which is being met by the petitioner's proposal. The Plan also emphasizes the importance of infill development being compatible with the existing uses surrounding the subject property. The petitioner is providing a fifty foot (50') landscape buffer along the existing Squire Oak subdivision, and locating single-family residential development adjacent to existing single-family residences.
2. This recommendation is made subject to approval and certification of PLN-MJDP-18-00008: Samford & McCracken Farms, Unit 2 and Alford Property (Overbrook Farm, LLC), 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 use and buffer restrictions are recommended for the subject property:
    - a. Along the northeastern boundary of the subject property, shared with the Squire Oak Subdivision, there shall be a fifty-foot (50') landscape buffer area. All existing trees shall be maintained, unless such trees have been identified as dead, diseased or dying and approved for removal by the Urban Forester.
    - b. Along the northwestern property line shared with the Squire Hill Lane right-of-way, there shall be a twenty-foot (20') landscape buffer area. All existing trees shall be maintained, unless such trees have been identified as dead, diseased or dying and approved for removal by the Urban Forester.
    - c. A twenty-foot landscape buffer shall be provided along the rear of any single-family residential lot that adjoins a collector street. The twenty-foot buffer shall include a 6-foot tall berm and combination of shrubs, evergreen and deciduous trees. Such landscape planting shall meet the opacity standards established in Article 18-3(a) of the Zoning Ordinance (double frontage lots).

These restrictions are appropriate and necessary for the subject property in order to protect the established tree lines (northwest and northeast) that serve to buffer new development and to buffer any potential double frontage lots along Armstrong Mill Road.

AT/TW/JD

2/28/2018, 5/22/2018 amd

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1. **OVERBROOK FARM, LLC ZONING MAP AMENDMENT (AMD) & SAMFORD & MCCrackEN FARMS, UNIT 2 & ALFORD PROPERTY ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-18-00002: OVERBROOK FARM, LLC (AMD) (5/2418)\*- an amended petition for a zone map amendment from an Agricultural Rural (A-R) zone to a Planned Neighborhood Residential (R-3) zone, for 51.53 net (54.55 gross) acres, for property located at 2451 and 2525 Armstrong Mill Road.

**COMPREHENSIVE PLAN AND PROPOSED USE**

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. In addition, the Comprehensive Plan has established six themes, with goals and objectives to support each of the themes, which include: Growing Successful Neighborhoods (Theme A), Protecting the Environment (Theme B), Creating Jobs and Prosperity (Theme C), Improving a Desirable Community (Theme D), Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land (Theme E) and Implementing the Plan for Lexington-Fayette County (Theme F).

The petitioner has amended their zone change request, and now proposes an R-3 zone for the subject site in order to develop a mix of single family homes, townhouses, and apartment buildings on 51.53 net acres. A total of 319 dwelling units are now proposed, for a residential density of approximately 6.2 dwelling units per acre.

The Zoning Committee Recommended: Referral to the full Commission.

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

1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2013 Comprehensive Plan and the Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
  - a. The Comprehensive Plan recommends *Growing Successful Neighborhoods* (Theme A, and Chapter 3), which encourages expanding housing choices that addresses the market needs for all of Lexington-Fayette County's residents (Goal #1b.); encourages infill, redevelopment and adaptive reuse that respects the area's context and design features (Goal #2a); and providing well-designed neighborhoods, including neighborhoods that are connected for pedestrian and various modes of transportation (Goal #3 and #3b.). The petitioner has proposed a mixture of single-family, townhouses, and multi-family residential dwelling unit types to meet the needs of the community at a density of 6.2 units per net acre.
  - b. The 2013 Plan recommends *Protecting the Environment* (Theme B and Chapter 4) by encouraging sustainable use of natural resources (Goal #2b.) and management of green infrastructure, which includes the protection of environmentally sensitive areas, before development occurs. The petitioner proposes, through the corollary development plan, to maintain the floodplain and its associated greenway, as well as significant trees along the tributary of East Hickman Creek. The petitioner is also protecting an established tree line along the northern boundary of the site.
  - c. The 2013 Plan recommends *Improving a Desirable Community* (Theme D and Chapter 6) by working to achieve an effective and comprehensive transportation system (Goal #1). The petitioner is proposing the extension of Squire Oak Drive, a collector street, and will be required to make necessary improvements to Armstrong Mill Road to meet collector roadway standards. Within the right-of-way or Armstrong Mill Road, the corollary development plan also depicts a shared-use path as proposed by the Pedestrian Bicycle and Pedestrian Master Plan, (Gainesway Trail), which will allow for a connection to Gainesway Park.
  - d. The 2013 Plan recommends compact and contiguous development within the Urban Service Area through absorption of vacant and underutilized land (Theme E, Goal #1), which is being met by the petitioner's proposal. The Plan also emphasizes the importance of infill development being compatible with the existing uses surrounding the subject property. The petitioner is providing a fifty foot (50') landscape buffer along the existing Squire Oak subdivision, and locating single-family residential development adjacent to existing single-family residences.
2. This recommendation is made subject to approval and certification of PLN-MJDP-18-00008: Samford & McCracken Farms, Unit 2 and Alford Property (Overbrook Farm, LLC), 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 use and buffer restrictions are recommended for the subject property:
  - a. Along the northeastern boundary of the subject property, shared with the Squire Oak Subdivision, there shall be a fifty-foot (50') landscape buffer area. All existing trees shall be maintained, unless such trees have been identified as dead, diseased or dying and approved for removal by the Urban Forester.
  - b. Along the northwestern property line shared with the Squire Hill Lane right-of-way, there shall be a twenty-foot (20') landscape buffer area. All existing trees shall be maintained, unless such trees have been identified as dead, diseased or dying and approved for removal by the Urban Forester.

\* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

- c. A twenty-foot landscape buffer shall be provided along the rear of any single-family residential lot that adjoins a collector street. The twenty-foot buffer shall include a 6-foot tall berm and combination of shrubs, evergreen and deciduous trees. Such landscape planting shall meet the opacity standards established in Article 18-3(a) of the Zoning Ordinance (double frontage lots).

These restrictions are appropriate and necessary for the subject property in order to protect the established tree lines (northwest and northeast) that serve to buffer new development and to buffer any potential double frontage lots along Armstrong Mill Road.

- b. PLN-MJDP-18-00008: SAMFORD & MCCRACKEN FARMS, UNIT 2 & ALFORD PROPERTY (5/24/18)\* - located at 2451 and 2525 ARMSTRONG MILL RD. (**Vision Engineering**)

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

1. Provided the Urban County Council rezones the property R-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.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas & steep slopes.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Denote 25' floodplain setback.
9. Denote no access to Armstrong Mill except for street intersections.
10. Clarify number of townhomes in the site statistics.
11. Provided the Planning Commission grants a waiver to Article 6-8(q)(2)(d) of the Land Subdivision Regulations.
12. Denote connection (entrance) to future Squires Trail shall be resolved at time of Final Development Plan.
13. Discuss capacity of existing pump station.
14. Discuss relocation of proposed multifamily units between floodplain and Armstrong Mill Road.
15. Discuss landscaping adjacent to Armstrong Mill Road.

Staff Presentation - Ms. Wade presented the staff report and recommendations for the zone change. She displayed photographs of the subject property and aerial photographs of the general area, including the existing pump station for sanitary sewer purposes. She said the subject property consists of two parcels and the applicant wishes to construct a mixed residential development, which will include single-family homes, townhomes, and apartments. She said that the Armstrong Mill Road Tributary runs east/west through the property and connects to the Delong Road Tributary. She said that Squire Hill Drive is a sub-standard local street and is intended to be closed to be utilized as a shared-use trail.

Ms. Wade said that the applicant states that this request is in agreement with 2013 Comprehensive Plan and the 2018 Goals & Objectives, and that the R-3 zoning is appropriate and that the A-R zoning is no longer appropriate. She said the applicant states the zone change will expand housing choices; support infill and redevelopment throughout the Urban Service Area; provide for well-designed neighborhoods; connect neighborhoods in terms of pedestrian and various modes of transportation; and maintain our Urban Service Area concept by absorbing currently vacant land inside the Urban Service Area. She said the staff agrees with the applicant and cited another Goal & Objective, which was to minimize the disruption of natural features, utilizing green infrastructure, and providing water resource protection.

Ms. Wade said that as the staff reviewed this application, generally they were in agreement for the proposal for residential development in this corridor; however, the staff was mostly concerned about Chapter 3 of the 2013 Comprehensive Plan, which makes recommendations about creating well-designed neighborhoods and communities. She cited several elements identified in the plan, which are as follows: creating an inviting streetscape, providing a walkable neighborhood, providing varied housing choices, providing abundant open spaces, incorporating focal points, and providing quality connections with parks, schools and stores. She said the staff believes that the greenway, which crosses the subject property, makes for the best focal point for this neighborhood and the staff is concerned that the houses will be backing to that focal point. She said the staff wants to encourage the applicant to continue to meet with the staff to find ways to make that focal point accessible and part of the neighborhood. She said the Comprehensive Plan also recommends single-loaded streets along the greenways to provide for access to the shared open space or focal point.

Ms. Wade said the 2018 Bicycle and Pedestrian Master Plan depicts recommended bike trails. The Gainesway Trail will be a shared-use trail and Squires Trail will be a pedestrian trail. She said that staff had updated their recommendation when the applicant submitted an amended application for this zone change. She said the staff is recommended approval with conditional zoning restrictions. These restrictions will help with buffering and protecting the existing tree line around the subject property.

Ms. Wade also stated that the staff have received numerous emails in opposition and a letter from the Fayette County Neighborhood Council, which was circulated to the Planning Commission.

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\* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Development Plan Presentation – Mr. Martin presented a rendering of the preliminary development plan associated with the zone change and he handed out an updated staff report to the Commission with revised conditions, as follows:

1. Provided the Urban County Council rezones the property R-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.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas & steep slopes.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Denote 25' floodplain setback.
9. Denote no access to Armstrong Mill except for street intersections.
10. ~~Clarify number of townhomes in the site statistics~~ Denote access spacing to multifamily units shall be resolve at the time of Final Development Plan/Preliminary Subdivision Plan.
- ~~11. Provided the Planning Commission grants a waiver to Article 6-8(q)(2)(d) of the Land Subdivision Regulations.~~
11. ~~42.~~ Denote connection (entrance) to future Squires Trail shall be resolved at time of Final Development Plan/Preliminary Subdivision Plan.
12. ~~43.~~ Discuss capacity of existing pump station.
13. ~~14. Discuss relocation~~ Denote location of proposed multifamily units between floodplain and Armstrong Mill Road shall be resolved at time of Final Development Plan/Preliminary Subdivision Plan.
14. ~~45.~~ Discuss Denote landscaping adjacent to Armstrong Mill Road shall be resolved at the time of Final Development Plan/Preliminary Subdivision Plan.
15. Denote home orientation to Armstrong Mill Road shall be resolved at the time of Final Development Plan/Preliminary Subdivision Plan.
16. Denote townhouse orientation (Units 82-85) shall be resolved at time of Final Development Plan/Preliminary Subdivision Plan.
17. Denote local street orientation to greenway shall be resolved at time of Final Development Plan/Preliminary Subdivision Plan.

Mr. Martin displayed a color rendering of the plan and identified the adjacent church and school. He said the applicant is proposing single-family homes, which will be served by a network of local streets that will end in a cul-de-sac near the greenway and the Urban Service Area boundary. He said the entire site is dominated by a floodplain, which significantly effects this development. He said the applicant and the staff have addressed the floodplain, which will be designated as a greenway. He said the applicant is proposing 81 single-family homes, 216 apartments units, and 22 townhomes, and 435 parking spaces. This is 55 spaces above the parking requirement.

Mr. Martin said there are the standard sign-off conditions for a preliminary development plan, so there will be no construction or development on the site until a preliminary subdivision plan is submitted and/or a Final Development Plan. He said condition #8, which is to denote the 25' setback from the floodplain, will benefit the homeowners because they will not be required to purchase flood insurance. He said, referring to conditions #15, #16, and #17, the staff has offered many resolutions for the greenway/focal point, such as the orientation of the street system relative to the greenway; the home orientation to Armstrong Mill Road; and the orientation of the townhouse development. He said that the location of a local street intersection with a collector street as proposed, will require a waiver of the Land Subdivision Regulations in the future.

In relation to condition #11, denote connection to the future Squires trail, Mr. Martin said that Armstrong Mill Road will eventually be improved into an urban collector street and part of that infrastructure will be the trail along Armstrong Mill Road. He said that condition #12, discuss the capacity of the pump station, is known to have overflows and will need to be upgraded. He said that the staff is recommending approval of the preliminary development plan.

Traffic Impact Study – Jimmy Emmons presented the MPO staff report on the submitted Traffic Impact Study for this zone change. He said the applicant studied many intersections along the site along Armstrong Mill Road from Man o' War Boulevard to DeLong Road, and stated that it concluded that from all of them are acceptable the vehicular standpoint, and the staff concurred. He said that LexTran doesn't serve this area. He said the improvements being proposed with this development plan will create adequate facilities for pedestrian walkways and bicycles.

Mr. Emmons said that the consultant recommends improvements to Armstrong Mill Road per the Land Subdivision Regulations, including a left turn lane from Armstrong Mill Road into the subject property and the 12' wide shared-use trail, in lieu of a 4' sidewalk, along the Armstrong Mill Road. He said that the staff agrees with all of the consultant's recommendations.

Mr. Charlie Martin, Division of Water Quality, displayed aerial photographs of the general area, which is located in the East Hickman sewershed. He pointed out the existing pump stations and said that the Armstrong Mill and Hartland pump stations will need be upgraded. He said that sewer systems typically follow the natural pattern of drainage. He said that the pump station is on the subject property because it could have been eligibly be served by sanitary sewers since the 1980s when it was brought into the Urban Service Area. He said that developing sewage systems begins at the bottom of the hill working towards the top. He said that eventually the new sewer pipes would pick up the Hartland pump stations, which would eliminate them by converting them into a gravity system. He said that the same would be true for the Armstrong Mill pump station, which would be relocated along Delong Road because it is currently at the edge of the Urban Service Area boundary.

Mr. Martin said that development must be built in order with flow, and the plan with the EPA is to build the pump station at Tates Creek Road and Ashgrove Grove Pike by the end of the 2022. He said that the Overbrook Farm and Hartland station and the new Armstrong Mill pump station will be completed by 2024.

Commission Questions – Mr. Berkley asked Mr. Charlie Martin to verify the timeframes and asked if the land will be available to be developed after that section has been complete. Mr. Charlie Martin said that as sewer projects are completed, the land associated with the sewershed would be available for development. He said that improvements to the sewer system need to begin at the bottom of the hill so that gravity will work, and that development will be done off Overbrook Farm in phases. He said that December 31, 2024 is the deadline with EPA.

Applicant Presentation – Bill Lear, attorney, was present representing the petitioner. He said that the applicant has reached an agreement, with the Squire Oak and Hartland neighborhood associations, for a total of 6 unit dwelling per acre for a mixture of single-family detached, townhouses and an apartment complex. He presented a presentation to the Planning Commission and said that the plan shows a significant amount of greenway. He said that the applicant considered building on single loaded streets, but the development would need two streets on both sides of the property. He also said that rear-loaded houses that front onto Armstrong Mill Road would require those houses to be looking at the rear yard of the houses across the street. He said that there isn't any lot that abuts the Urban Service Area boundary. He said the Squire Oak neighborhood boundary has 28 single-family lots along it, which is a one-to-one ratio to the existing homes. He said that the townhomes are located on a significant grade slope and will serve as a buffer between the multi-family and the single-family homes. He said that the amended application is now 319 swelling units and they have agreed with the two neighborhood associations to propose a density cap under conditional zoning, which will ease their concern that the developer will increase that number at a later date. He said that the Squire Oak Neighborhood Association's legal representative has proposed that parking along Squire Oak Road be discussed at the time of the Final Development Plan/Preliminary Subdivision stage. He said that the applicant does not object to the discussion of a parking restriction at that time.

Mr. Nicholson said that the applicant believes that the R-3 zone is appropriate for this property and that this proposal is a very reasonable density plan. He said that this proposal is in compliance with the 2013 Comprehensive Plan. He said that Theme A, expanding housing choices, has become a focus for this community. He said that this neighborhood will have a clear sense of place with inviting streetscapes, diverse housing, open spaces, landscape, a neighborhood focal point, parks and nearby schools and stores. He said that this neighborhood will have abundant open spaces, which may be public parks, trails along Armstrong Mill Road and future trail connections. He said that there is a substantial amount of greenspace between each of the apartment buildings. He said that the neighborhood focal point is going to be a Community park. He said there will be connections with parks and schools, the connection will be made to Elizabeth Ann Seton Elementary School and Church.

Mr. Nicholson said that infill and redevelopment is also a component for this proposal. He displayed a chart of the tracts of land that are privately owned that are larger than the subject property, located within the Urban Service Area Boundary, and said that five of them are already designated residential land, which will allow these large tracts of land to be developed at the appropriate density levels with the appropriate mix of dwelling units that is called for in the Comprehensive Plan.

Mr. Nicholson said that the sanitary sewer capacity issue will be dealt with, but not today. He quoted the Zoning Ordinance, "No development shall commence without a permit from the Division of Water Quality." He said that the Subdivision Regulations states that sanitary sewer will be dealt with at the time of the Final Development Plan. He said the Code of Ordinance states that sewer capacity should not be determined at the Preliminary Development phase nor at the at the zone change level. He said that too much can change from the time of obtaining zoning until groundbreaking, and that the Division of Water Quality can't give the developer a permit at this stage.

Mr. Nicholson said that Findings of Fact have been submitted to the Planning Commission, which are basically the same as the staff's with the addition of a fourth conditional zoning restriction, stating a dwelling unit cap, which was agreeable with the Hartland and Squires Oak neighborhoods. The Findings of Fact proposed are as follows:

PROPOSED FINDINGS OF APPORVAL  
FOR A ZONE CHANGE FROM AGRICULTURAL RUARL (A-R) ZONE  
TO PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE  
OVERBROOK FARM, LLC

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\* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Based on the evidence and testimony presented, the Planning Commission recommends that the application to rezone the property located at 2451 & 2525 Armstrong Mill from Agricultural Rural (A-R) zone to a Planned Neighborhood Residential Zone (R-3) zone for 51.53 net (54.55 gross) acres to APPROVED because:

1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2013 Comprehensive Plan and the Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
  - a. The Comprehensive Plan recommends *Growing Successful Neighborhoods* (Theme A, and chapter 3), which encourages expanding housing choices that addresses the market for all of Lexington-Fayette County's residents (Goal #1b.); encourages infill, redevelopment and adaptive reuse that respects the area's context and design features (Goal #2a.); and providing well-designed neighborhoods, including neighborhoods that are connected for pedestrian and various modes of transportation (Goal #3 and #3b.). The petitioner has proposed a mixture of single-family, townhouses, and multi-family residential dwelling unit types to meet the needs of the community at a density of 6.2 units per net acre.
  - b. The 2013 Plan recommends *Protecting the Environment* (Theme B and Chapter 4) by encouraging sustainable use of natural resources (Goal #2b.) and management of green infrastructure, which includes the protection of environmentally sensitive areas, before development occurs. The petitioner proposes, through the corollary development plan, to maintain the floodplain and its associated greenway, as well as significant trees along the tributary of East Hickman Creek. The petitioner is also protecting an established tree line along the northern boundary of the site.
  - c. The 2013 Plan recommends *Improving a Desirable Community* (Theme D and Chapter 6) by working to achieve an effective and comprehensive transportation system (Goal #1). The petitioner is proposing the extension of Squire Oak Drive, a collector street, and will be required to make necessary improvements to Armstrong Mill Road to meet collector roadway standards. Within the right-of-way or Armstrong Mill Road, the corollary development plan also depicts a shared-use path as proposed by the Pedestrian Bicycle and Pedestrian Master Plan, (Gainesway Trail), which will allow for a connection to Gainesway Park.
  - d. The 2013 Plan recommends compact and contiguous development within the Urban Service Area through absorption of vacant and underutilized land (Theme E, Goal #1), which is being met by the petitioner's proposal. The Plan also emphasizes the importance of infill development being compatible with the existing uses surrounding the subject property. The petitioner is providing a fifty foot (50') landscape buffer along the existing Squire Oak subdivision, and locating single-family residential development adjacent to existing single-family residences.
2. This recommendation is made subject to approval and certification of the PLN-MJDP-18-00008: Samford & McCracken Farms, Unit 2 and Alford Property (Overbrook Farm, LLC), 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 use and buffer restrictions are recommended for the subject property:
  - a. Along the northeastern boundary of the subject property, shared use with the Squire Oak Subdivision, there shall be a fifty-foot (50') landscape buffer area. All existing trees shall be maintained, unless such trees have been identified as dead, diseased or dying and approved for removal by the Urban Forester.
  - b. Along the northwestern property line shared with the Squire Lane right-of-way, there shall be a twenty-foot (20') landscape buffer area. All existing trees shall be maintained, unless such trees have been identified as dead, disease or dying and approved for removal by the Urban Forester.
  - c. A twenty-foot landscape buffer shall be provided along the rear of any single-family residential lot that adjoins a collector street. A twenty-foot buffer shall include a 6-foot tall berm and combination of shrubs, evergreen and deciduous trees. Such landscape planting shall meet the opacity standards established in Article 18-3(a) of the Zoning Ordinance (double frontage lots).
  - d. The total number of dwelling units within the zone change area shall be limited to three hundred and nineteen (319).

These restrictions are appropriate and necessary for the subject property in order to protect the surrounding are, its established tree line (northwest and northeast) that serve to buffer new development, and to buffer any potential double frontage lots along Armstrong Mill Road.

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Chairman Comment: Mr. Wilson asked the attorneys representing the opposing neighborhoods if they agree with the applicant's proposal.

The following attorneys were present in opposition to this application:

Mr. Clendenon, representing the Squire Oak Homeowners Association, said that he spoke with the applicant and did agree to the landscape restriction that were offered by staff and the density cap of 319 units for the property. He said that the homeowners are still concerned with parking along the Squire Oak Drive and asked if a note could be added to the preliminary plan stating such.

Mr. Billings, representing the Hartland Homeowners Association, said that his client agree with the applicant's and the staff's recommendation that a zone change is appropriate for this property to the R-3 zone. He said that based upon the staff's proposed findings with the additional conditional restrictions proposed by the applicant for a density cap of 319 dwelling units to accomplish the Goals and Objectives of the Comprehensive Plan.

Chairman Comments: Mr. Wilson asked to verify with the staff the requests related to the density and to discuss or resolve the parking issue along Squire Oak Drive. Mr. Jim Duncan replied that the staff is in agreement with that recommendation.

Mr. Billings publicly thanked the Young family for their engagement in this process. He said that that they encouraged their attorneys to meet with the neighborhood associations. They attended meetings with the homeowners, which resulted in the agreements that have been present today.

Chairman Comment: Mr. Wilson expressed appreciation on behalf of the Planning Commission for working out issues and concerns, and also to have the willingness to continue to do the work needed for the community as a whole.

Mr. Wilson asked for all of the public citizens that are in favor of the opposing counsel's recommendations to stand, approximately half of the room stood for recognition.

The following citizens were present in opposition to this application:

Elissa Baertschi, 1744 Farmview Dr., she didn't receive any notification and is within the 500' notice area. She is also concerned with potential safety issues of this development.

Jody Shoup, 3609 Old Oak Way, she is concerned with the increased traffic. She also stated that the Hartland Kroger is already overcrowded with little parking.

Jenny Grulke, 2050 Delong Rd., she is concerned with the development and increased traffic on Delong Rd., which is a narrow rural roadway.

Eric Lambert, resident of Hartland, he is concerned with the sewer system overflowing with additional connections.

Dawn, Hardin, 2404 Shady Oak Pl., she is concerned for the safety of the children near church, school, and the park.

Charles Wilson, 2300 Abbeywood Rd., he is concerned with cut-thru traffic issues near the Kenesaw and Armstrong Mill Road.

Applicant Rebuttal: Mr. Lear said that it could be possible that one resident was left off the notice list. There were several hundred neighbors that were notified by letters. He said that by statute the applicant must mail notices to the residents, the neighborhood associations, post signs, and publish a legal ad in the newspaper. He also said that the developer had a neighborhood meeting. He said that Armstrong Mill Road will be improved as the development is built. He said that the incremental effect of this development is small compared to the amount of land that is already developed along this corridor. He said that the traffic during peak times is the problem of the side roads connecting with the main arterials, which get all of the green time of the signals.

Staff Rebuttal: Ms. Tracy Jones said that the missing resident is within the 500' notice area and is on the list. She said that we are required to post signs on the property and publish notices in the newspaper. She said that this was inadvertently a mistake and this resident did in fact there was still participation made.

Ms. Wade said that there two items on development plan recommendation that the staff is suggesting to change is that condition #12 change can be deleted and to add #18 to denote on-street parking along Squire Oak Drive shall be discussed or resolved at the time of the Final Development Plan/Preliminary Subdivision Plan.

Commission Question: Mr. Berkley asked how long the planning staff has been aware of lack of sewer capacity in this area. Ms Wade said that as of a year ago there was still 20,000 gallons per day, then the Harper Woods Development was built, which utilizes approximately 40 units. She said that applicant reserved 81 units of capacity.



Mr. Charly Martin said that the consent decree states that as of a community there isn't enough capacity.

Mr. Berkley said that there 900 acres of available land but really isn't available because of lack of facilities. Ms. Wade said none of those areas had sewer prior to the expansion of the Urban Service Boundary expansion. Mr. Berkley said that it won't be unit 2025 before any other area will have sewer in this watershed. Ms. Wade stated that the timing of the sewer shed is not under the Division of Planning or the Planning Commission. Mr. Berkley believes that the Planning Commission should have been presented this information when they were going through the Comprehensive Plan process. Mr. Duncan said these reports had been given in the annual MS4 updates from the Division of Water Quality, for the areas where capacity is being improved. He said that the timing of new development in this area will correspond with the availability of the infrastructure. He said that staff is confident that open land located within the Urban Service Boundary be development prior to expanding the Urban Service Boundary.

Ms. Mundy commended the staff and community to get into an agreement. She said that this is a zone change not a development plan and this is part of the Patient Capital and was included in the underdeveloped land to be used in the 2018 Goals and Objectives, and that the Planning Commission is doing what they have been asked to do.

Mr. Owens said that two letters have been circulated through the Planning Commission, one from Fayette County Neighborhood Association, which is referencing the zone change and the one from the Seton School was referencing of the buffering.

Chairman's Comments – Chairman Wilson stated that the hearing was now "closed," and he opened the floor for discussion. Commission members discussed their thoughts at this time.

Commission Discussion: Mr. Brewer said that this is an exemplary situation with the applicant, the neighbors, and the staff. He said that it's natural tendency when there is development of beautiful land, such as this.

Mr. Penn said that he understands all of the work that has been completed on this property to make it a farm. He said that the part of this property that is located within the Urban Service Boundary will be developed. He added that it is being developed by the people that owned it and cared for it.

Mr. Owens believes that this development will be completed in a very nice manor and said that everyone will be proud of it once it is completed.

Zoning Action – A motion was made by Mr. Brewer, seconded by Mr. Berkley, carried 10-0 (Plumlee absent) to approve PLN-MAR-18-00002: OVERBROOK FARM, LLC (AMD), for the combined findings by the staff and the applicant, as follows:

PROPOSED FINDINGS OF APPORVAL  
FOR A ZONE CHANGE FROM AGRICULTURAL RUARL (A-R) ZONE  
TO PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE  
OVERBROOK FARM, LLC

Based on the evidence and testimony presented, the Planning Commission recommends that the application to rezone the property located at 2451 & 2525 Armstrong Mill from Agricultural Rural (A-R) zone to a Planned Neighborhood Residential Zone (R-3) zone for 51.53 net (54.55 gross) acres to APPROVED because:

1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2013 Comprehensive Plan and the Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
  - a. The Comprehensive Plan recommends *Growing Successful Neighborhoods* (Theme A, and chapter 3), which encourages expanding housing choices that addresses the market for all of Lexington-Fayette County's residents (Goal #1b.); encourages infill, redevelopment and adaptive reuse that respects the area's context and design features (Goal #2a.); and providing well-designed neighborhoods, including neighborhoods that are connected for pedestrian and various modes of transportation (Goal #3 and #3b.). The petitioner has proposed a mixture of single-family, townhouses, and multi-family residential dwelling unit types to meet the needs of the community at a density of 6.2 units per net acre.
  - b. The 2013 Plan recommends *Protecting the Environment* (Theme B and Chapter 4) by encouraging sustainable use of natural resources (Goal #2b.) and management of green infrastructure, which includes the protection of environmentally sensitive areas, before development occurs. The petitioner proposes, through the corollary development plan, to maintain the floodplain and its associated greenway, as well as significant trees along the tributary of East Hickman Creek. The petitioner is also protecting an established tree line along the northern boundary of the site.

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- c. The 2013 Plan recommends *Improving a Desirable Community* (Theme D and Chapter 6) by working to achieve an effective and comprehensive transportation system (Goal #1). The petitioner is proposing the extension of Squire Oak Drive, a collector street, and will be required to make necessary improvements to Armstrong Mill Road to meet collector roadway standards. Within the right-of-way or Armstrong Mill Road, the corollary development plan also depicts a shared-use path as proposed by the Pedestrian Bicycle and Pedestrian Master Plan, (Gainesway Trail), which will allow for a connection to Gainesway Park.
  - d. The 2013 Plan recommends compact and contiguous development within the Urban Service Area through absorption of vacant and underutilized land (Theme E, Goal #1), which is being met by the petitioner's proposal. The Plan also emphasizes the importance of infill development being compatible with the existing uses surrounding the subject property. The petitioner is providing a fifty foot (50') landscape buffer along the existing Squire Oak subdivision, and locating single-family residential development adjacent to existing single-family residences.
2. This recommendation is made subject to approval and certification of the PLN-MJDP-18-00008: Samford & McCracken Farms, Unit 2 and Alford Property (Overbrook Farm, LLC), 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 use and buffer restrictions are recommended for the subject property:
    - a. Along the northeastern boundary of the subject property, shared use with the Squire Oak Subdivision, there shall be a fifty-foot (50') landscape buffer area. All existing trees shall be maintained, unless such trees have been identified as dead, diseased or dying and approved for removal by the Urban Forester.
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These restrictions are appropriate and necessary for the subject property in order to protect the surrounding are, its established tree line (northwest and northeast) that serve to buffer new development, and to buffer any potential double frontage lots along Armstrong Mill Road.

Development Plan Action – A motion was made by Mr. Brewer, seconded by Ms. Richardson, carried 10-0 (Plumlee absent) to approve PLN-MJDP-18-00008: SAMFORD & MCCRACKEN FARMS, UNIT 2 & ALFORD PROPERTY, for the revised conditions, as follows:

1. Provided the Urban County Council rezones the property R-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.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas & steep slopes.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Denote 25' floodplain setback.
9. Denote no access to Armstrong Mill except for street intersections.
10. ~~Clarify number of townhomes in the site statistics~~ Denote access spacing to multifamily units shall be resolve at the time of Final Development Plan/Preliminary Subdivision Plan.
11. ~~41. Provided the Planning Commission grants a waiver to Article 6-8(q)(2)(d) of the Land Subdivision Regulations.~~
12. ~~42. Denote connection (entrance) to future Squires Trail shall be resolved at time of Final Development Plan/Preliminary Subdivision Plan.~~
13. ~~43. Discuss capacity of existing pump station.~~
14. ~~44. Discuss relocation~~ Denote location of proposed multifamily units between floodplain and Armstrong Mill Road shall be resolved at time of Final Development Plan/Preliminary Subdivision Plan.