

Rec'd by KD
Date: 1/18/19

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

IN RE: **PLN- MAR-18-00024: ANDERSON COMMUNITIES** - petition for a zone map amendment from a restricted Planned Neighborhood Residential (R-3) zone to an unrestricted Planned Neighborhood Residential (R-3) zone, for 28.44 net (29.74 gross) acres, and from a restricted Planned Neighborhood Residential (R-3) zone to a High Density Apartment (R-4) zone, for 9.3 net (12.81 gross) acres, for property located at 2811 Spurr Road. (Council District 12)

Having considered the above matter on **December 13, 2018**, at a Public Hearing, and having voted **11-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL** of this matter for the following reasons:

1. The requested High Density Apartment (R-4) and Planned Neighborhood Residential (R-3) zones are in agreement with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
 - a. Both the R-3 and R-4 zones allow for a mix of housing types and densities within the broader neighborhood (Theme A, Goal #1). The petitioner proposes a higher density development with direct access to open space.
 - b. The Comprehensive Plan allows for the supporting infill and redevelopment (Theme A, Goal #1.b. and Goal #2), while increasing the density of the development, which will help to uphold the Urban Service Area concept (Theme E, Goal #1). The overall residential density is increasing to 9.64 dwelling units per acre.
 - c. The proposal also maximizes development on vacant land within the Urban Service Area and promotes the use of underutilized or vacant land in a way that enhances the existing urban form (Theme E, Goal #1.a and 1.b). The subject property has remained vacant, yet rezoned to an urban zone, for more than a decade.
2. The removal of the conditional zoning restrictions on the property is appropriate, for the following reasons:
 - a. There have been significant changes of an economic, physical and social nature within the area surrounding the subject property that have substantially altered the character of the area, resulting in the restrictions becoming inappropriate.
 - b. New development has occurred in this area, and Spurr Road has become more urbanized; thus, making removal of the 50-foot setback appropriate. In addition, the petitioner plans to front dwelling units to Spurr Road, creating an improved street orientation and aesthetic.
 - c. Per Article 19-7(g)(4)(c) – Vegetative Buffer, the applicant must locate their development in areas outside of the creek and alluvial areas.
 - d. The additional density proposed on the site is located along the collector street system and with direct access to available open spaces in the immediate vicinity.
3. This recommendation is made subject to the approval and certification of **PLN-MJDP-18-00083: Pappert Property (AMD)**, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

ATTEST: This 18th day of January, 2019.


Secretary, Jim Duncan

WILLIAM WILSON
CHAIR

Note: The corollary development plan, PLN-MJDP-18-00083: PAPPERT PROPERTY (AMD) was approved by the Planning Commission on December 13, 2018 and certified on December 27, 2018.

K.R.S. 100.211(7) requires that the Council take action on this request by March 13, 2019.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Dick Murphy, attorney.**

OBJECTORS

- Karen Winn, 2965 Spurr Road
- Angel Reed, 3009 Laguna Court
- Tiffany Roland, 3108 Movado Court

OBJECTIONS

- Concerned about fencing along the agricultural boundary on the west side of this development and improvements being made to Spurr Road.
- Concerned about the increased traffic on Sandersville Road, the potential cut through traffic in their neighborhood, and the increase of students in the schools.
- Also concerned with increased student population in schools, the safety of children, roadway improvements.

VOTES WERE AS FOLLOWS:

AYES: (11) Bell, Berkley, Brewer, Forester, Mundy, Nichol, Owens, Penn, Plumlee, Pohl, and Wilson

NAYS: (0)

ABSENT: (0)

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-18-00024** carried.

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