

Rec'd by _____

Date: _____

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

IN RE: **PLN- MAR-22-00016: REALTY UNLIMITED BLUEGRASS, LLC** – a petition for a zone map amendment from a Single Family Residential (R-1C) zone to a Townhouse Residential (R-1T) zone, for 0.520 net (0.756 gross) acres for property located at 940 Higbee Mill Road. (Council District 9)

Having considered the above matter on **January 30, 2025**, at a Public Hearing, and having voted **7-1-1** 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 proposed Townhouse Residential (R-1T) zone is in agreement with the 2018 Comprehensive Plan and the Imagine Lexington 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning encourages the expansion of housing choices by providing for townhome development in an area predominantly characterized by single-family detached development (Theme A, Goal #1.b).
 - b. By developing an underutilized parcel of land within the Urban Service Area, the proposal supports goals relating to redevelopment and strategic growth (Theme A, Goal #2.a; Theme E Goal #1.d).
 - c. By converting the dead end street into a usable cul-de-sac, the proposal improves the transportation network present in the area (Theme D, Goal#1.b).
2. The proposed R-1T zone is in agreement with the Policies of the 2018 Comprehensive Plan and the Imagine Lexington 2045 Comprehensive Plan for the following reasons:
 - a. By introducing attached townhome units into the area, the request increases the diversity in housing types (Theme A, Design Policy #8; Theme A, Density Policy #6).
 - b. The street system and pedestrian connections are appropriate for the context of the surrounding area (Theme D, Connectivity Policies #1 & 2).
3. The justification and corollary development plan are in agreement with the Development Criteria of the 2018 Comprehensive Plan and the Imagine Lexington 2045 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location, as the proposal increases the density of development on an underutilized lot (A-DN2-1; E-GR9-4), introduces townhome units to the area (A-DN6-1; A-DS8-1), and avoids over parking (C-PS10-3).
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity, as the proposal provides for an extension of the neighborhood's sidewalk network, and provides an appropriate termination for Higbee Mill Road (D-CO1-1; D-CO4-1).
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as the rezoning incorporates street trees (B-RE1-1) and does not impact any environmentally sensitive areas (B-PR2-1).
4. This recommendation is made subject to approval and certification of **PLN-MJDP-22-00059 Higbee Mill Court Lot 11** 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 21st day of February 2025.


Secretary, Jim Duncan

LARRY FORESTER
CHAIR

KRS 100.211(7) requires that the Council take action on this request by April 30, 2025

Note: The corollary development plan, **PLN-MJDP-22-00059: HIGBEE MILL COURT, LOT 11** was approved by the Planning Commission on January 30, 2025 and certified on February 13, 2025.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Matt Miniard, applicant.**

OBJECTORS

- Lexi Holland, attorney for Claire and Clovis Collins, 3541 Cephias Way.

- Michelle Harr, President of the Higbee Mill Neighborhood Association.

OBJECTIONS

- Objected to this application because of Mr. Miniard’s public engagement, which they characterized as antagonistic. Additionally, Mr. Miniard has filed a lawsuit against them and other neighbors alleging entitlement to portions of the right of way.

- Stated that the neighbors were not supportive of the project and were not in favor of denser townhome units at this location. The neighborhood was also concerned with the amount of parking proposed.

VOTES WERE AS FOLLOWS:

AYES:	(7)	Barksdale, Johnathon Davis, Forester, Penn, Pohl, Wilson, and Worth
NAYS:	(1)	Owens
ABSENT:	(1)	Zach Davis
ABSTAINED:	(1)	Michler
DISQUALIFIED:	(0)	

Motion for **APPROVAL** of **PLN-MAR-22-00016** carried.

- Enclosures:
- Application
 - Justification
 - Legal Description
 - Plat
 - Development Snapshot
 - Staff Reports
 - Applicable excerpts of minutes of above meeting