

- Staff Reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) Proponents (10 minute maximum OR 3 minutes each)
 - (b) Objectors (30 minute maximum) (3 minutes each)
- Rebuttal & Closing Statements
 - (a) Petitioner's comments (5 minute maximum)
 - (b) Citizen objectors (5 minute maximum)
 - (c) Staff comments (5 minute maximum)
- Hearing closed and Commission votes on zone change petition and related plan(s).

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the hearing. The Chair will announce its decision at the outset of the hearing.

2. COWGILL DEVELOPMENT, LLC ZONING MAP AMENDMENT & MARGARET W. CAMIC PROPERTY (W.E. SAVAGE PROPERTY) ZONING PRELIMINARY PLAN SUBDIVISION PLAN

- a. **PLN-MAR-22-00005: COWGILL DEVELOPMENT, LLC** – a petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 14.773 net (15.519 gross) acres, for property located at 4630 Old Schoolhouse Lane.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2018 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. 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.

The petitioner proposes the rezoning of the subject property to the Planned Neighborhood Residential (R-3) zone to allow for the construction of single family dwelling units and associated infrastructure. The applicant is seeking to develop a total of eighty-eight (88) single family lots, at a residential density of approximately 5.9 dwelling units per net acre.

The Zoning Committee Recommended: **Approval**, for the reasons provided by staff.

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

1. A Planned Neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning will allow for the development of an vacant and underutilized property located within the Urban Service Area for a residential use (Theme E, Goal #1.d and #1.e).
 - b. The proposed rezoning will support infill and redevelopment (Theme A, Goal #2), by establishing a single family residential area within context of the surrounding development and tying into the established roadway and trail networks (Theme A, Goal#2.b; Theme D, Goal#1.a).
 - c. The proposed development will respect the design features of the area, while providing varied housing choices with the proposed lot layout, which differs slightly from the general area, but retains a similar lot size (Theme A, Goal #1.c; Theme A, Goal #3.a).
 - d. The proposed development will connect with the greenway and nearby park system to provide a safe and well-designed pedestrian and bike system (Theme A, Goal #3.b) and will not impact the floodplain area (Theme B, Goal #3.b).
 - e. The proposed rezoning will uphold the Urban Service Area preservation strategy by providing an appropriate and sustainable development of a long-underutilized parcel (Theme E, Goal #1.b).
2. A Planned Neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan's Policies, for the following reasons:
 - a. The proposed project will connect to the future trail network through a dedicated 15-foot easement, integrating pedestrian and bicycle access to established open space amenities within close proximity for residents (Design Policy #9 and #10).
 - b. The proposed project will provide a connected street system that will enhance emergency service accessibility while creating inviting streetscapes (Design Policy #2).
 - c. The proposed rezoning is sensitive to the surrounding context of the adjacent neighborhoods, as it is proposing a similar built form as the adjacent developments (Design Policy #4).
3. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.

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- a. The proposed rezoning meets the criteria for Site Design, Building Form and Location, as the development will provide additional single-family residential dwelling units in a manner that is safe and pedestrian oriented.
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity, as the development will connect with the established roadway and future trail network.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will respect the environmentally sensitive area, and will provide street tree canopy coverage.
4. This recommendation is made subject to approval and certification of PLN-MJSUB-22-00001: Margaret W. Camic Property (W.E. Savage Property), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. **PLN-MJSUB-22-00001: MARGARET W. CAMIC PROPERTY (W. E. SAVAGE PROPERTY)** (06/05/22)* - located at 4630 OLD SCHOOLHOUSE LANE, LEXINGTON, KY.
Project Contact: Vision Engineering

Note: The purpose of this plan is to depict development of the subject property with 88 single family residential lots, in support of the requested zone change from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone.

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

1. Provided the Urban County Council rezones the property to the R-3 zone; 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 street cross-sections and access.
4. Landscape Examiner's approval of landscaping.
5. Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of tree preservation plan and required street tree information.
7. Department of Environmental Quality's approval of environmentally sensitive areas.
8. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
9. Greenspace Planner's approval of the treatment of greenways and greenspace.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. Resolve street cross-sections and location of street trees.
12. Discuss Placebuilder criteria.

Staff Zoning Presentation – Mr. Baillie presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and of the general area. He stated that the applicant was seeking a zone map amendment from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 14.773 net (15.519 gross) acres, to allow for the construction of single family dwelling units and associated infrastructure. The property on 4630 Old School House Lane propose the development within an Enhanced Neighborhood Place Type, and a Low Density Residential Development Type. Mr. Baillie stated that the applicant is seeking to develop approximately 88 detached single family dwelling units, which would leave a residential density of approximately 5.9 dwelling units per acre.

Mr. Baillie presented aerial and zoning maps to orient the commission to the property, noting the location's proximity to Harrodsburg Road, as well as the property's location off of the Old Schoolhouse Lane frontage road, that runs parallel to Harrodsburg Road. Additionally, Mr. Baillie pointed out stub streets at Rosette Drive, Larissa Lane, Rhema Way, and Agape Drive. Mr. Baillie noted the City Council resolution that barricaded Agape Drive. Mr. Baillie continued by giving more background to the various zones in the area, as well as some history of when development began. Starting in the late 1980's, with various periods of growth in the 1990's, and 2010's. Mr. Baillie showed a map of the floodplain and tributaries, noting that the applicant is not seeking to build any homes in the floodplain. Mr. Baillie did note that some of the homes in the neighborhood were inside the floodplain, and that the staff typically cautions against that.

Mr. Baillie moved forward, showing pictures of the view of the property from the various stub streets, along with the barricade at Agape Drive. Mr. Baillie indicated that the staff agreed with the applicant that the project is located within the Enhanced Neighborhood Place-Type and is a Low Density Residential Development Type and how that could be appropriate for this location. Additionally, Mr. Baillie stated that the Planned Neighborhood Residential zone (R-3) was recommended within the Place-Type and Development Type within the Comprehensive Plan.

Mr. Baillie concluded that the proposed project is in agreement of the 2018 Comprehensive Plan for the reasons outlined in the staff reports and that staff and zoning committee have recommended approval.

Commission Questions – None.

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Staff Subdivision Plan Presentation – Ms. Wade presented the staff report and recommendations for the associated Preliminary Subdivision Plan. Ms. Wade presented a colored rendering of the subject property and reviewed the current plan. She then presented the proposed conditions of approval. Ms. Wade noted that the wide time range in development of the neighborhood as the reason that the street network seems so disjointed and that the idea at the time of the original rezoning, was to create a road network that would parallel Harrodsburg Road. This was meant to stop gridlock on the arterial roads.

Ms. Wade went on to give the average footage of the proposed lots and compared them to other existing lots in the area, and stated that there are concerns from the neighborhood about flooding. Ms. Wade then discussed the different types of trees in the associated area mentioning that the Urban Forester identified the tree lines along the southern and northern property lines had trees that were worth preserving. She indicated his desire to ask for a 10 foot preservation area, and stated that this could be at direct odds with the request by some of the neighbors to place a fence at the back of the property.

Ms. Wade gave a brief description of how the Planning Commission and staff consider a zone change, the planning process, what authority staff has, and how different divisions work together

Ms. Wade notified the Commission of a change related to access to the greenway. Another entry point will not be necessary since there is one so close at the end of Larissa Lane. Ms. Wade continued with the conditions for approval, which were to resolve the street cross sections, as well as location of street trees, and to discuss the Placebuilder criteria. The Placebuilder Criteria were discussed in Mr. Baillie's presentation.

Ms. Wade ended by stating the Subdivision Committee recommended approval of the Preliminary Subdivision Plan.

Commission Questions – Mr. Penn asked if the Planning Commission recommended approval for this, would the Commission have to go back to the City Council to have the barricade at Agape opened back up. Ms. Wade indicated that her understanding is that the Council would have to make a resolution to take down that barricade once the streets are available to be connected.

Mr. Nicol commented that the market is currently demanding the frontage, not the zone, and Ms. Wade agreed.

Mr. Pohl asked Ms. Wade about context sensitivity. He said that the staff's mandate for this was not clear and should be addressed.

Mr. Nicol asked about context sensitivity and if the planning staff recommends any R-1 zoning at all. Ms. Wade responded that 2018 Comprehensive Plan does not. Mr. Nicol followed up by saying that his understanding is that the Comprehensive Plan is pointing all single family homes to the R-3 zoning, which Ms. Wade agreed. Finally Mr. Nicol asked if this plan depicts the R-3 zoning as being appropriate, and Ms. Wade indicated that it does

Mr. Michler asked for a clarification on how the tree protection plan works. Ms. Wade referred him to article 26 of the Zoning Ordinance and articulated the process to Mr. Michler.

Applicant Presentation – Mr. Nick Nicholson, attorney for the applicant, introduced himself and the development team, which included Mr. Joe Brumley, and Mr. Carson Baughman of Cowgill Development, Inc. Mr. Nicholson introduced the Preliminary Subdivision, and tried to address some of the concerns that the neighbors had regarding the plan, and how it relates to Agape Drive and Rhema Way. Mr. Nicholson assured the Commission, and those in attendance, that nothing in this plan will remove the barricade from Agape Drive. The Planning Commission does not have the authority to take it down; that solely rests with the Urban County Council. Mr. Nicholson stated that the developer is neutral in regards to what happens to these roads, and he indicated that the various neighborhoods are very split on what to do. He concluded that Development does not need these roads, they have an access point to Old Schoolhouse Lane.

Mr. Nicholson continued stating that the R-3 zone change is in compliance with the Comprehensive Plan, allowing Cowgill Development to use underutilized agricultural land for development. Land which is surrounded by existing residential uses. This R-3 zone has been the most residential zone used in the last 10 years and has been used right around the location, and is mixed in with R-1 zoning successfully.

Mr. Nicholson indicated that the lot sizes are going to be smaller than those that are in the Dogwood Trace neighborhood, but are in compliance with the type of lots that are being built all over Lexington today. According to Mr. Nicholson this will help absorb much needed density while maintaining the single family area. While this type of development might not be the status quo over the past 30 years of development, Mr. Nicholson says that it is the status quo over the past 10 years.

Mr. Nicholson applauded Mr. Baillie's presentation regarding the Comprehensive Plan and the development, but wanted to touch on the themes and how the application is meeting them. According to Mr. Nicholson, this plan expands housing choices, it is in support of infill in the Urban Service Area, they are providing a well-designed neighborhood, are flexible about finding solutions to access the LFUCG shared-use trail, and are adding the 10 foot tree protection on both sides of the property. Additionally, Mr.

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Nicholson noted that after discussions with the neighborhood, they have added a 6 foot wooden fence along the property lines, in conjunction with the tree protection area.

Mr. Nicholson transitioned to the traffic impact study the applicant's engineers prepared for Commission consideration. There has been concern from the neighborhood on increased cut-through traffic into the neighborhood. The traffic impact study presented a model that assumed the worst, and in the end, the numbers do not demonstrate that there is this as a real issue. Additionally, Mr. Nicholson showed various dates of meetings with the neighborhood since early February. Mr. Nicholson ended the presentation with a picture of the post-construction aerial image.

Commission Questions – This was not a question for any of the presenters, but Mr. Nicol asked if the Commission wanted to include questions of connectivity since the Commission has no authority over it. Mr. Forrester said he thought that was clear in the previous presentation, but the Commission could talk about. Mr. Nicol said we only need one 4 hour meeting, not two to discuss this. Mr. Forrester agreed. Ms. Wade explained where the Commission does and does not have authority regarding this issue.

Public Comment – Mark Amann, 2449 La Cross Ct, president of the Dogwood Trace Neighborhood Association presented a PowerPoint with the main concerns of the neighborhood, and what they would like to see. Their requests include:

- Single family detached housing;
- Larger lot sizes similar to English Station and Dogwood Trace;
- Traffic calming and creative solutions to reduce traffic on Agape Drive and Rhema Way;
- Privacy barrier between Old Schoolhouse & Dogwood Trace;
- Beautification of new entrances to Dogwood Trace;
- Opportunity to review the plan's stormwater drainage, retention, and floodplain prior to approval; and
- Easement larger than 15-feet to allow switchbacks for bicycle access to the greenway

Mike Crocetti, 4785 Rhema Way, wants to focus on the overall goals of the Comprehensive Plan. He would like to find creative solutions to disperse the traffic and to connect bicycle lanes.

Bennett Clark, 2441 La Cross Ct, stated he was initially against the zone change, but changed his mind once he saw it was single family housing only. He stated that he thought larger lot sizes, with a larger frontage, would be more contextually sensitive.

Jann Geddes, 4764 Rhema Way, conveyed her concern over flooding in the area and said that it is imperative that the proposed retention basins be sufficient enough to not make the flooding problem worse.

Kim Crocetti, 4785 Rhema Way, stated she was concerned about access to the greenway trail, the proposed access would only be available next to a busy street and said it would be dangerous. Overall she asked to have more access points to the greenways.

Gayle Page, 4761 Rhema Way, Ms. Page stated that the plan does not make a community and implored the Commission to consider the neighborhood's alternative plan presented instead.

Karen Springate- 4760 Rhema Way- expressed her dissatisfaction with the level of neighborhood engagement , and said today was the first day she had heard about a project website. The community does not feel heard.

Jim Geddes, 4764 Rhema Way, indicated that he is not an objector to the development plan; he and some other residents in the neighborhood just want to make a few tweaks and enhance the plan.

Reece Stagnolia, 2436 La Cross Ct, suggested that the neighborhood's alternative plan be considered, and asked for more attractive trees.

Dan Danford, 4709 Scenic View Rd, stated that the alternative plan proposed earlier alleviated a lot of his concerns. He opined that what the Commission had in front of them was premature and that there were things that the Commission did not know.

David Kolpek, 2408 Doubletree Court, concurred with Mr. Danford and stated that the alternative plan makes a lot of sense. He made the assertion that Agape Drive is not a collector street and said he measured it himself.

Keith Messinger, 2460 English Station Drive, provided some background about his time living in the neighborhoods and told the Commission his biggest concern is about density in the neighborhood.

Tom Connolly, 4600 Old Schoolhouse Lane, indicated his satisfaction regarding the applicant's willingness to install a 6 foot fence on the property line, but requested more communication with the English Station residents.

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Applicant Rebuttal – Mr. Nicholson started his rebuttal by saying he would jump around and try to answer the questions that came up in the neighbor's comments. On traffic calming and speeding, he pointed out that Agape Drive is barricaded, and that Larissa Lane has a spring, which means that they will not be able to be connected. Additionally, he mentioned the curvature of the roads in the neighborhood are natural traffic calming measures.

Mr. Nicholson went on to discuss the issues of context sensitivity and lot sizes. Mr. Nicholson pointed out that the types of the ideas mentioned on doubling the lots sizes, to having similar homes to those in the neighborhood are in direct opposition to what the Comprehensive Plan actually says when it asks for a diversity of housing everywhere. Mr. Nicholson mentioned recent articles from the newspaper about Lexington's current lack of housing, and how there is desperate need for single-family homes like those proposed in the development.

Mr. Nicholson brought up the storm water/flooding issue and stated that they have to prove that post-development is better than pre-development and they are showing two different basins on the property. A majority of the drainage goes toward Harrodsburg Road. Mr. Nicholson also mentioned the measures they are putting in place to capture the water before it even gets into the storm gutter system. Additionally, he stated that not one person mentioned anything about house flooding, all the flooding problems are within the greenway, associated with the stream.

On the greenway entrance, Mr. Nicholson said that the original plan had one, but Planning staff did not think that it should go in that original location, and that the nearby access was adequate. However, that has changed, and Planning staff would like an access point, which Mr. Nicholson had no issue with.

Mr. Nicholson moved on to talk about the issues with neighborhood engagement that some citizens had brought up, and gave a couple of examples of various ways the neighborhoods were contacted. He did note that English Station did not have an HOA and that those in that particular neighborhood might not have heard about it because of that.

Mr. Nicholson stated that the alternative plan brought forth by the citizens violates the Kentucky Fire Code. This plan would leave about 350 units with only a single exit. Mr. Nicholson said that the alternative plan might be great to foster a sense of community for Dogwood Trace, but it ultimately violates the Fire Code and has not been reviewed by the Planning staff.

Commission Questions – Mr. Penn asked if Mr. Nicholson if he would agree that the Commission require access to the greenway. Mr. Nicholson responded that he would be happy to have a condition that required an access point subject to an Environmental Service review. Ms. Worth asked for additional information on what exactly Mr. Nicholson is willing to agree to in regards to access to the greenway.

Mr. Nicholson responded by showing where exactly the greenway access was previously. There were concerns about the slope at the site, but Mr. Nicholson assured the Commission that if they want an access point, they will make it happen. Ms. Worth continued, asking what exactly the alternative plan that was presented to them was asking for and if they would be willing to agree to that. Mr. Nicholson said they were not willing to use the alternative plans' suggestion. Additionally, he gave the original measurements of the access point, 15 feet.

Mr. Michler asked about the location of the access to the greenway, and the way the note on the plan is written, as of now. He asked about what they are approving today and was the note in front of him changed. Mr. Nicholson gave a breakdown of his communications with staff about the access and how it has changed over time.

Mr. Pohl asked if the access point to the greenway would be ADA compliant. Mr. Nicholson stated that that would be up to Environmental Services and he could not answer that.

Public Comment Rebuttal – Mark Amann, 2449 La Cross Ct, president of the Dogwood Trace Neighborhood Association, responded to some of the comments from Mr. Nicholson. First, there has been contact between his HOA and the English Station residents. Additionally, Mr. Amann does not understand why they cannot go ahead and install traffic calming measures in the area, and how it would not hurt anything if they did.

In regard to context sensitivity, Mr. Amann said that the only issue they had was in regards to the lot size. Finally, Mr. Amann was encouraged with the access to the greenway, and he hopes they can speak with the applicant about it.

Jim Geddes, 4764 Rhema Way, stated that Mr. Nicholson's assertion that the alternative plan was in violation of the Kentucky Fire Code was incorrect.

Staff Rebuttal- Mr. Baillie gave some clarifying comments about staff and how the process of reviewing a plan works. Citing the professional staff in Engineering and Water Quality that reviews these plans daily. These reviews make sure that these plans meet the requirements of all the Engineering and Storm Water Manuals. For the public to see that, they would just need to make

an open records request. Mr. Baillie asserted that we have an excellent professional and licensed staff in the engineering Division of Engineering to ensure we get the best development possible.

Mr. Baillie clarified dispersal vs funneling in regards to traffic and that Planning staff focuses on dispersing traffic. The applicant must connect roadways, as discussed in the Comprehensive Plan. Additionally, Mr. Baillie mentioned that the suggestion for a right in, right out on Harrodsburg Road would be in violation of the Land Subdivision Regulations.

Commission Questions - Mr. Nicol asked what the Planning Commission approved as a Zoning Ordinance text amendment to provide signage for stub streets. Mr. Baillie responded saying that approximately three years ago, an Ordinance was passed that said all new stub streets needed stub street signage. Mr. Nicol asked about the cost of putting signage on every stub street and if that was a proposal that the Commission could make. Mr. Baillie said it was possible, but that would be quite a bit of work and money to make happen.

Ms. Worth asked a question about doing traffic calming devices with the development and not after the fact and if that is on the table or if it comes later. Mr. Baillie said that was something that the Commission could add, and gave a few examples of things they could add, such as speed tables.

Mr. Penn said that the Commission needed to focus on the plan in front of them and not the plan down the line. Mr. Penn did ask if Mr. Baillie saw anything in the alternative plan that would work. Mr. Baillie responded that the alternative plan unfortunately would not be supported as it would not meet the regulations.

Mr. Pohl asked if it would be appropriate for the Commission to have a condition indicating that should connecting Agape Drive or Larissa Lane be impossible for motorized vehicles, they be developed for bike and pedestrian traffic. Mr. Baillie indicated that a condition like that could work for Agape Drive, but would not make sense for Larissa Lane.

Mr. Michler asked what the Comprehensive Plan says about bringing greenways up to roads and parks, and the design and visibility of the city's greenspaces. Mr. Baillie indicated that we did not have regulations in regards to that framework at this time.

Mr. Nicol made a comment about context sensitivity, saying it's not the Commission's job to determine lot size.

Mr. Penn wanted to add a condition to the development plan to keep meaningful access to the greenway.

Zoning Action – A motion was made by Mr. Nicol, seconded by Mr. Penn, and carried 9-0 (Barksdale abstaining, de Movellan, and Bell absent) to approve PLN-MAR-22-00005: COWGILL DEVELOPMENT, LLC., for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Nicol, seconded by Mr. Pohl and carried 9-0 (Barksdale abstaining, de Movellan, and Bell absent) to approve PLN-MJSUB-22-00001: MARGARET W. CAMIC PROPERTY (W.E. SAVAGE PROPERTY) deleting the 12th condition and replacing it with a condition to keep a meaningful access to the greenway.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

** The Planning Commission voted to take Zoning Ordinance text amendments items out of order.*

1. **PLN-ZOTA-22-00003: AMENDMENT TO ARTICLES 1, 8, AND 23 TO UPDATE REGULATIONS FOR FAMILY CHILD CARE HOMES** – petition for a Zoning Ordinance text amendment to Article 1, 8 and 23 to update the regulations related to family child care in a residential zone. Current terms and their definitions must be updated to meet adopted changes to KRS 100.

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **Approval** for the reasons provided by staff.

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

1. The proposed text amendment supports and implements the 2018 Comprehensive Plan, in the following ways:
 - a. The amendment responds to the implementation item calling for an increase in flexibility on types of home occupations allowed (Theme C, Policy #6).