

ORDINANCE NO. 46 - 2019

AN ORDINANCE CHANGING THE ZONE FROM A SINGLE FAMILY RESIDENTIAL (R-1B) ZONE TO A PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE, FOR 12.55 NET (13.83 GROSS) ACRES, FOR PROPERTY LOCATED AT 1500-1561 WINNERS CIRCLE AND 3298-3300 VERSAILLES ROAD. (EASLEY & FAUST, LLC; COUNCIL DISTRICT 12).

WHEREAS, at a Public Hearing held on May 23, 2019, a petition for a zoning ordinance map amendment for property located at 1500-1561 Winners Circle and 3298-3300 Versailles Road from a Single Family Residential (R-1B) zone to a Planned Neighborhood Residential (R-3) zone, for 12.55 net (13.93 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 8-0; 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 1500-1561 Winners Circle and 3298-3300 Versailles Road from a Single Family Residential (R-1B) zone to a Planned Neighborhood Residential (R-3) zone, for 12.55 net (13.93 gross) acres, 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 property shall be subject to the following use and buffering restrictions via conditional zoning:

- a. There shall be a 100-foot buffer area (building setback) from the right-of-way of Versailles Road. The following shall apply within the buffer area:
 1. There shall be no principal or accessory structures; and
 2. A Tree Preservation Area (TPA) shall be established. Only damaged or diseased trees, or those trees necessary for a public or private street may be removed, but shall be replaced in equal

number to preserve the existing tree canopy and buffer. Replacement trees may be selected from Group A or B or the Plant List as referenced by Article 18 of the Zoning Ordinance.

b. The total number of dwelling units within the zone change area shall not exceed fifty (50) units.

These restrictions are appropriate and necessary in order to minimize the impacts of new development on the adjacent existing residential subdivision.

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 2, 2019



MAYOR

ATTEST:



CLERK OF URBAN COUNTY COUNCIL

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PUBLISHED: July 11, 2019-1t

EASLEY AND FAUST PROPERTIES LLC, PROPERTY
Zone Change From R-1B to R-3
3298 & 3330 Versailles Road
And 1500 - 1561 Winners Circle
Lexington, Fayette County, Kentucky

A TRACT OR PARCEL OF LAND SITUATED ADJACENT TO AND SOUTH OF VERSAILLES ROAD (US 60) BETWEEN WELLESLEY HEIGHTS WAY AND NEW CIRCLE ROAD IN WESTERN LEXINGTON, FAYETTE COUNTY, KENTUCKY AND BEING MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

BEGINNING AT A POINT in the centerline of Versailles Road (U.S. 60), said point also being the common line of 3330 Versailles Road and 1500 Wellesley Heights Way extended; thence with Versailles Road centerline for the following two calls; 138.92 feet along a curve to the left, having a radius of 1909.86 feet and a chord which bears North 73 Degrees 12 Minutes 34 Seconds East a distance of 138.88 feet to a point; thence North 71 Degrees 07 Minutes 33 Seconds East a distance of 568.11 feet to a point; thence leaving said centerline South 00 Degrees 24 Minutes 07 Seconds West a distance of 307.40 feet to a point; thence North 89 Degrees 32 Minutes 57 Seconds West a distance of 107.50 feet to a point; thence South 10 Degrees 01 Minutes 29 Seconds West a distance of 958.56 feet to a point; thence North 67 Degrees 17 Minutes 06 Seconds West a distance 567.09 feet to a point; thence North 09 Degrees 04 Minutes 54 Seconds East a distance of 817.85 feet to the **POINT OF BEGINNING** and containing 13.83 acres gross and 12.55 acres net.

MAP AMENDMENT REQUEST (MAR) APPLICATION

1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)

Applicant: EASLEY AND FAUST PROPERTIES LLC, 656 RAINTREE RD, LEXINGTON, KY 40502
Owner(s): EASLEY AND FAUST PROPERTIES LLC 656 RAINTREE RD, LEXINGTON, KY 40502
Attorney: JACOB WALBOURN, 201 E MAIN ST #900, LEXINGTON, KY 40507 PH: 231-8780

2. ADDRESS OF APPLICANT'S PROPERTY

1500 - 1561 WINNERS CIR, LEXINGTON, KY 40513
3298 - 3300 VERSAILLES RD, LEXINGTON, KY 40510

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

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
R-1B	Vacant	R-3	Townhouses	12.55	13.83

4. COMPREHENSIVE PLAN

a. Utilizing Placebuilder, what Place-Type is proposed for the subject site?	Enhanced Neighborhood
b. Utilizing Placebuilder, what Development Type is proposed for the subject site? If residential, provide the proposed density	Low Density Residential 3.5 DU per Acre

5. 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

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

Roads:	Private
Storm Sewers:	LFUCG
Sanity Sewers:	LFUCG
Refuse Collection:	Private
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



April 9, 2019

Lexington-Fayette Urban County Planning Commission
200 East Main Street
Lexington, Kentucky 40507

Re: Rezoning Proposal – Winners Circle (The Silks Club)

Dear Commissioners:

Please be advised that I represent Easley & Faust Properties, LLC. My client desires to rezone approximately 13.83 gross acres from the Single Family Residential (R-1B) zone to the Planned Neighborhood Residential (R-3) zone in order to construct a townhome development on the property. We submit that this proposal is in accord with the recently adopted “Imagine Lexington” Comprehensive Plan, and request your approval of this map amendment request.

Winners Circle is a loop street located off of Versailles Road near its intersection with New Circle Road, within but near the border of the Urban Service Boundary (“USB”). These parcels are presently zoned R-1B, but have failed to develop as a single family residential development. Our proposal is to rezone these lots into a townhome development, with an eye towards marketing these units towards Lexington’s aging population. As you are certainly aware, as our population ages, many residents are looking to downsize their homes and reduce maintenance obligations (such as yard work). We believe this site is appropriate for rezoning according to the guidance provided in “Imagine Lexington.”

We think this development is a highly appropriate development that activates underutilized land along an important corridor (Versailles Road) in our community, while minimally impacting adjacent development. This proposal provides for additional residential density without negatively impacting existing neighborhoods. It provides for density along corridors, a key component of the 2018 Comprehensive Plan. And it is a well-designed single-family attached residential development that provides for housing choice in an area that presently presents no options aside from single-family detached residential.

In sum, we are excited to present this proposal to the Planning Commission for consideration. We think it meets numerous goals and objectives of the Comprehensive Plan, and further complies with relevant standards articulated in the “Placebuilder” included as part of the Comprehensive Plan.

We submit that this proposal comports with the 2018 Comprehensive Plan in the following ways:

Theme A – Growing Successful Neighborhoods

We submit that this proposal comports with Theme A of the Comprehensive Plan. In reviewing Theme A, we maintain that this development comports with the applicable design policies articulated, and is appropriately dense. We further submit that it meets the following goals and objectives articulated in Theme A:

Expand Housing Types

We believe this proposal meets objectives (b) and (c) of Goal 1 of Theme A, in that the development is designed for pedestrian utilization of an adjacent undeveloped park, and that it minimizes disruption of natural features inasmuch as it utilizes infrastructure placed for a previously unsuccessful development. In this area of our community, there is virtually no housing variety, as all surrounding areas are single-family or agriculturally zoned. However, we think this development appropriate integrates with that existing design, inasmuch as this development does not require utilization of existing community infrastructure that could be considered problematic for current residents – i.e., the development is self-contained and does not require utilization of existing neighborhood streets, for instance.

Support Infill & Redevelopment throughout the Urban Service Area as a Strategic Component of Growth

We also believe that his proposal meets objective (a), (b), and (c) of Goal 2 of Theme A, in that it utilizes a presently underutilized area that is ready for development, that it is context sensitive development, and that it permits utilization of a large community greenspace area in the adjacent park. Our proposal provides an additional housing option in the area – namely, single-family attached residential development. The development is located along Lextran Route 21, which would permit residents to utilize public transit. And we are providing pedestrian infrastructure to connect to the adjacent park, as well as maintaining the existing structure and pool on the property for resident use, which will meet the needs of the anticipated residential population.

Provide Well-Designed Neighborhoods & Communities

Finally concerning Theme A, we submit that this proposal meets objectives (a) and (b) of Goal 3, in that it furthers the commitment to provide mixed-type housing, and provides locations for safe, positive social interactions. As mentioned above, the development intends to provide access to the open greenspace on the adjacent parcel, and to maintain a community “center” in the form of the clubhouse and pool for residential use. Our plan will permit residents of the community to engage in positive social interactions with their neighbors. It also preserves existing neighborhoods while providing additional residential density in their general vicinity without overburdening or really even impacting their existing infrastructure.

Theme B – Protecting the Environment

Reduce Lexington-Fayette County's Carbon Footprint

We submit that this development comports with the above-referenced goal of Theme B. This site is located very near Versailles Road's intersection with New Circle Road. New Circle Road has historically been considered the gateway to the inner-core of Lexington, and along virtually every other corridor, has dense development adjacent to it. Versailles Road is one location where development has lagged. However, because of its closer proximity to the core of our city, and its adjacency to an existing Lextran route, this development provides for an opportunity to reduce our carbon footprint. Residents of our development can be in the urban core in ten (10) short minutes and are less than five (5) miles from the urban core, which is a rare feat for new residential developments in our community.

Theme D – Improving a Desirable Community

Work to Achieve an Effective & Comprehensive Transportation System

We submit that our proposal meets objectives (a) and (c) of Goal 1 of Theme D. Our development will incorporate pedestrian facilities within the development, as well as provide a pedestrian linkage to the adjacent undeveloped park, and will further provide additional density along our corridors, thus potentially facilitating an expansion of mass transit on the Versailles Road corridor. As the proposed site is along a major corridor of our community, the public infrastructure already in place will be efficiently able to serve the proposed development.

Protect & Enhance the Natural & Cultural Landscapes that Give Lexington-Fayette County its Unique Identity & Image

We further submit that our proposal meets objectives (a) and (b) of Goal 3 of Theme D. As part of our proposal, we are requesting to retain the existing home on the property that was constructed in 1930. We envision this serving as a community center, and represents an appropriate and effective reuse of an existing structure. This directly addresses the above mentioned objectives, which encourage retention and reuse of existing structures, and reflects our commitment to these goals and objectives.

Theme E – Urban & Rural Balance

Uphold the Urban Service Area Concept

Finally, we submit that the subject proposal addresses objectives (a), (b), (c), and (d) of Goal 1 of Theme E of the Comprehensive Plan. As I know you are well aware, maintaining the current USB and encouraging denser development within the existing USB is a chief goal of the 2018 Comprehensive Plan. We believe this is precisely the type of proposal envisioned by the Comprehensive Plan: it utilizes an underutilized area, provides density along a major corridor, and reduces further pressure on expansion of the USB by

providing additional residential density without negatively impacting existing communities. By permitting this type of development, the Planning Commission ensures that undue pressure is not placed on expansion of the boundary. We think this is particularly relevant along the Versailles Road corridor in this location, which has not previously significantly developed.

Maintain the Current Boundaries of the Urban Service Area

We further submit that this proposal meets the intent of Goal 3 of Theme E, which is currently in effect pending resolution of the study contemplated in Goal 4. Permitting additional density along a significant corridor that does not negatively impact neighborhood certainly assists in the maintenance of the existing boundary, while also providing crucially needed additional residential density. As this body is well aware, Lexington is currently projected to need thousands of additional housing units. The almost three-fold increase in density for this site from its present category to the proposed category will aid in maintenance of the boundary.

The Placebuilder

We have further evaluated our proposal under the design criteria in the Placebuilder. In consultation with Planning staff, we submit that this proposal should be evaluated as the Enhanced Neighborhood Place Type, and that the proposed development is appropriately classified as low density (notwithstanding that it increases the existing permitted density on the site). We submit that this classification is appropriate because the general area already has residential uses, and is providing new housing types in the area. R-3 is one of the suggested zoning categories for this place type.

Attached hereto is a color-coded reflection of how we have addressed the design criteria listed in that Placebuilder category. Items highlighted in green are represented graphically on our amended preliminary development plan; items in yellow are addressed in this letter, and items highlighted in orange we do not believe are applicable to our proposal.

Standards That Are Applicable to Our Proposal

A-DS5-3: The buildings are oriented towards the planned internal pedestrian improvements, and further, we intend to provide a pedestrian connection to the adjacent undeveloped park to create a more pedestrian friendly environment.

B-SU11-1: To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, green infrastructure will be considered for inclusion.

C-LI6-2: We have discussed with staff and are open to consideration of alternative dwelling units (“ADUs”) being incorporated in the final development plan; however, since our proposal is intended to be marketed towards Lexington’s aging population, we are considering the most appropriate way this could be integrated and utilized as part of the development.

C-LI7-1: Because of the small size of our proposed project, we do not believe it is appropriate to incorporate commercial uses at this location. However, the development is located on a major corridor, and in reasonably close proximity to retail uses.

C-PS10-3: The development is not overparked and appropriate parking has been provided.

D-PL7-1: The adjacent Wellesley Heights Neighborhood has been consulted prior to filing.

D-PL9-1: The existing home on the property is proposed to be retained and reused.

D-SP9-1: As our development is intended to be marketed to a senior population, we think we meet this goal. Further, as listed above, we are open to continued discussion as to whether ADUs can be effectively incorporated in to this development.

A-DS4-1: This development is proposed along a major corridor that presently receives service from Lextran. We are open to working with Lextran to see whether a transit stop at this location is advisable as we further refine our development plans.

A-DS5-1: Due to the size of our development, we do not believe there will be significant traffic conflicts between various modes of transit; however, we will provide pedestrian infrastructure in the interior of our development.

D-CO2-2: Pedestrian facilities are proposed for use within the development. There are no existing pedestrian nor bike facilities along Versailles Road, and thus, we do not believe it would be appropriate for us to provide more than the proposed internal sidewalks.

Standards Not Applicable

A-DS7-2: Our development proposal is considered single-family attached residential. However, it is noteworthy that our parking areas are in fact buffered by our proposed townhouse units.

A-EQ7-1: No school is proposed for this site.

C-PS10-2: Our development does not feature a currently underutilized parking lot.

D-SP1-1: No school is proposed for this site.

D-SP1-2: No school is proposed for this site.

D-SP3-1: We submit that the existing right-of-way and facilities are adequate to support our development.

D-SP3-2: No cellular towers are proposed as part of this application.

E-GR9-1: Due to the intended residential occupants of our development, we have not sought to include live/work units in this proposal.

A-DS1-1: There is presently not a bus stop at this location; though, as stated above, we are open to working with Lextran to determine whether this is appropriate.

A-DS1-2: As above, at this time there is not a transit stop at this location; though, again, we remain open to discussion of this point.

A-DS5-2: Due to building setback considerations, suburban location, and the proposed HOA ownership of the front areas of the development, we do not believe this standard is applicable.

A-DS10-2: We are utilizing existing focal points (the existing home and pool and the undeveloped park), and thus, are not designing a new focal point.

A-DS13-1: There are no stub streets impacting this development, nor are any proposed.

B-SU4-1: Greenspace is located within walking distance of this development.

D-CO1-1: We are utilizing existing streets and infrastructure to support the proposed development.

D-CO4-2: We are utilizing existing streets and infrastructure to support the proposed development.

D-CO4-3: We are utilizing existing streets and infrastructure to support the proposed development.

D-CO5-1: We are utilizing existing streets and infrastructure to support the proposed development.

D-SP1-3: No school is proposed for this site.

B-PR2-2: There are no floodplain areas on this site.

B-PR2-3: There are no floodplain areas on this site.

B-RE2-1: There is not a greenway network in this area.

D-SP2-1: No school is proposed for this site.

D-SP2-2: No school is proposed for this site.

E-GR3-1: There is not a greenway network in this area.

E-GR3-2: We are utilizing the existing focal point.

Conclusion

In sum, we submit that our proposal is in accord with the 2018 Comprehensive Plan. We look forward to our continued discussions with staff and the Commission, and request your approval of our request. Of course, if I can be of further assistance, please do not hesitate to contact me.

Very Truly Yours,



Jacob C. Walbourn

LOW DENSITY RESIDENTIAL

SITE DESIGN, BUILDING FORM, & LOCATION

- A-DS5-3** Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
- A-DS7-1** Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
- A-DS7-2** Any non-residential or multi-family parking not buffered by a building should be screened from the streetscape view and adjacent properties.
- A-DS10-1** Residential units should be within reasonable walking distance to a focal point.
- A-DS11-1** Common public uses that serve as neighborhood focal points, such as parks and schools, should be on single loaded streets.
- A-DN2-1** Infill residential should aim to increase density.
- A-DN6-1** Allow and encourage new compact single-family housing types.
- A-EQ7-1** School sites should be appropriately sized.
- B-PR9-1** Minimize disturbances to environmentally sensitive areas by utilizing the existing topography to the greatest extent possible.
- B-SU11-1** Green infrastructure should be implemented in new development. (E-GR3)
- C-LI6-2** ADUs and/or affordable housing options should be incorporated into existing and new single-family residential development. (A-DN5)
- C-LI7-1** Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.
- C-PS10-2** Developments should explore options for shared and flexible parking arrangements for currently underutilized parking lots.
- C-PS10-3** Over-parking of new developments should be avoided. (B-SU5)
- D-PL7-1** Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
- D-PL9-1** Historically significant structures should be preserved.
- D-SP1-1** Elementary and middle schools should be located within residential neighborhoods, and high schools primarily along collector streets. (A-EQ7)
- D-SP1-2** An open and inviting school campus/locale should utilize frontage on single-loaded streets (also true for other support facilities, like parks, community centers, social services, healthcare).
- D-SP3-1** Adequate right-of-way, lease areas and easements for infrastructure, with emphasis on wireless communication networks should be provided to create reliable service throughout Lexington.

- D-SP3-2** Cellular tower antennae should be located to minimize intrusion and negative aesthetic impacts, and stealth towers and landscaping should be used to improve the visual impact from the roadway and residential areas.
- D-SP9-1** Encourage co-housing, shared housing environments, planned communities and accessory dwelling units for flexibility and affordability for senior adults and people with disabilities.
- E-GR4-1** Developments should incorporate reuse of viable existing structures.
- E-GR5-1** Structures with demonstrated historic significance should be preserved or adapted.
- E-GR9-1** Live/work units should be incorporated into residential developments.
- E-GR9-3** Less intense multi-family residence types (duplexes, four-plexes, courtyard apartments, etc.) should be incorporated into primarily single-family areas.
- E-GR9-4** Development should intensify underutilized properties and develop vacant and underutilized gaps within neighborhoods. (E-GR6)

TRANSPORTATION & PEDESTRIAN CONNECTIVITY

- A-DS1-1** Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7).
- A-DS1-2** Direct pedestrian linkages to transit should be provided.
- A-DS4-1** A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided. (A-DS2, A-DN1, B-SU1, B-SU2, C-LI7, E-AC5)
- A-DS5-1** Adequate multi-modal infrastructure should be provided to ensure vehicular separation from other modes of transport.
- A-DS5-2** Roadways should provide a vertical edge, such as trees and buildings.
- A-DS10-2** New focal points should be designed with multi-modal connections to the neighborhood.
- A-DS13-1** Stub streets should be connected. (D-CO4)
- B-SU4-1** Where greenspace/community centers are not located within walking distance of a new development, applicants should attempt to incorporate those amenities. (A-DS9)
- D-CO1-1** Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type.
- D-CO2-1** Safe facilities for all users and modes of transportation should be provided.

Theme Letter - Pillar Abbreviation & Policy Number – Criteria Number
Ex: from Theme A - Design Pillar & Policy #1 - Criteria #1 = A-DS1-1. Full decoder on page ###

Criteria that include additional policy items in parentheses refer to companion policies that will provide additional context to the related criteria.

LOW DENSITY RESIDENTIAL

TRANSPORTATION & PEDESTRIAN CONNECTIVITY (CONT.)

- D-CO2-2** Development should create and/or expand a safe, connected multimodal transportation net-work that satisfies all users' needs, including those with disabilities.
- D-CO4-1** Dead-end streets and Cul-de-sacs should be discouraged except where connections are not topographically or environmentally feasible.
- D-CO4-2** Roadway capacity should be increased by providing multiple parallel streets, which alleviate traffic and provide multiple route options, in lieu of additional lanes.
- D-CO4-3** Street pattern and design should consider site topography and minimize grading where possible.
- D-CO5-1** Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.
- D-SP1-3** Developments should provide multi-modal transportation infrastructure to school sites, including sidewalks, shared-use paths, and roadways that can accommodate the bus and vehicle traffic associated with the site.

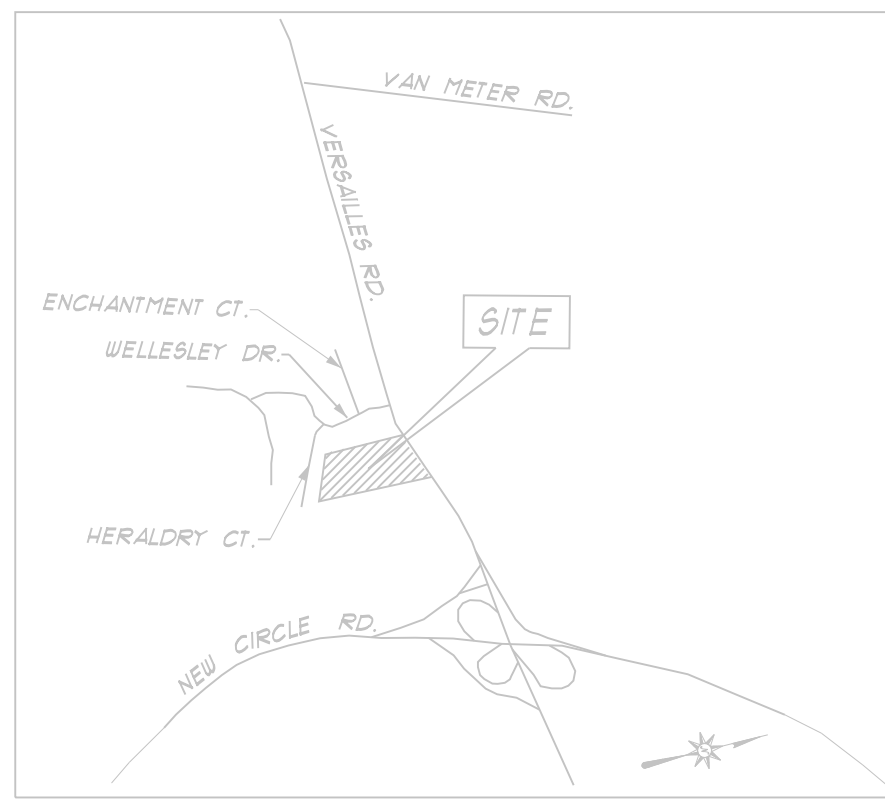
GREENSPACE & ENVIRONMENTAL HEALTH

- A-DS4-3** Development should work with the existing landscape to the greatest extent possible, preserving key natural features.
- A-EQ7-3** Community open spaces should be easily accessible and clearly delineated from private open spaces.
- B-PR2-1** Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.
- B-PR2-2** Dividing floodplains into privately owned parcels with flood insurance should be avoided.
- B-PR2-3** Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them.
- B-PR7-1** Connections to greenways, tree stands, and stream corridors should be provided.
- B-PR7-2** Trees should be incorporated into development plans, prioritize grouping of trees to increase survivability.
- B-PR7-3** Developments should improve the tree canopy.
- B-RE1-1** Developments should incorporate street trees to create a walkable streetscape.
- B-RE2-1** Green infrastructure should be used to connect the greenspace network.

- D-SP2-1** Visible, usable greenspace and other natural components should be incorporated into school sites.
- D-SP2-2** Active and passive recreation opportunities should be provided on school sites.
- E-GR3-1** Physical and visual connections should be provided to existing greenway networks.
- E-GR3-2** New focal points should emphasize geographic features unique to the site.

Theme Letter - Pillar Abbreviation & Policy Number – Criteria Number
Ex: from Theme A, Design Pillar, Policy #1, Criteria #1: A-DS1-1. Full decoder on page ###

Criteria that include additional policy items in parentheses refer to companion policies that will provide additional context to the related criteria.

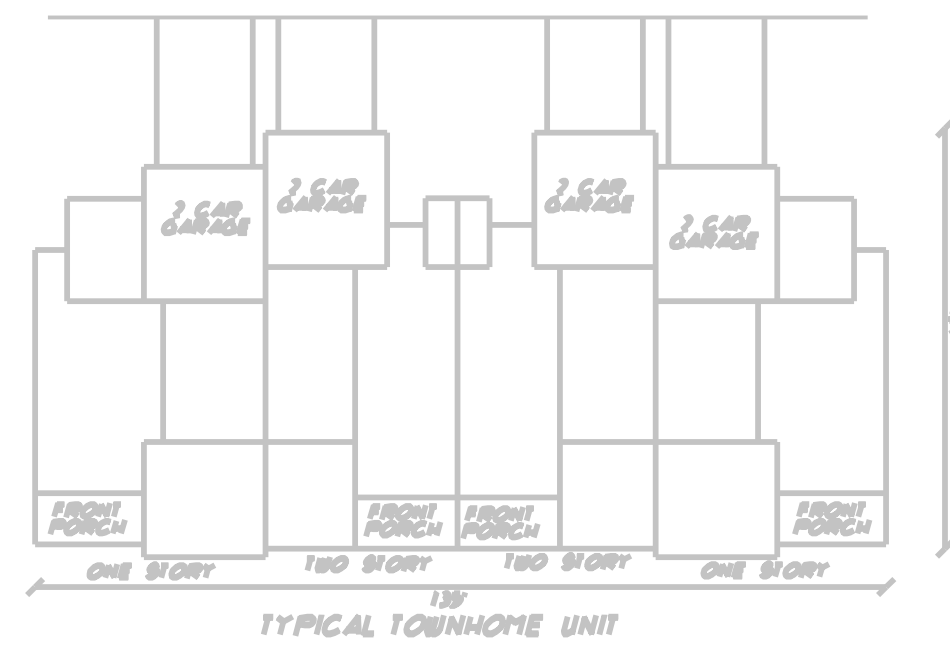


VICINITY MAP
(NOT TO SCALE)

TREE INVENTORY MAP
(PER TREE PROTECTION ORDINANCE)
EXISTING TREE CANOPY = 4.2 ACRES
CANOPY REQUIRED = 3.8 ACRES (30%)
Existing Soil Type:
MAURY SILT LOAM

Existing tree species:
Oak, Cherry, Beech, Maple, Pine, Magnolia & Sycamore.
STREET TREES REQUIRED WITH PREVIOUS FINAL RECORD PLATS HAVE BEEN PLANTED.

B-PR7-3
B-RE1-1



A-DN6-1

PURPOSE OF AMENDMENT:
REZONE THE PROPERTY TO R-3 AND DEVELOP A TOWNHOME COMMUNITY.



NOTES:

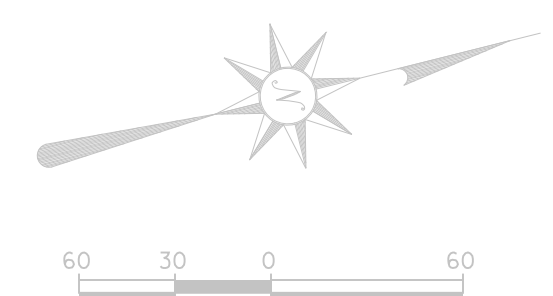
- THIS PLAN SHALL NOT BE USED AS A BASIS FOR SALE OF THIS PROPERTY. ANY SALE OF LAND SHALL BE BASED UPON A RECORDED SUBDIVISION PLAT.
- THIS PLAN MAY BE AMENDED WITH THE APPROVAL OF THE URBAN COUNTY PLANNING COMMISSION.
- ACCESS SHALL BE LIMITED TO THE POINTS INDICATED ON THIS PLAN.
- NO GRADING, STRIPPING, EXCAVATION, FILLING, OR OTHER DISTURBANCE OF THE NATURAL GROUND COVER SHALL TAKE PLACE PRIOR TO APPROVAL OF AN EROSION CONTROL PLAN. SUCH PLAN MUST BE SUBMITTED IN ACCORDANCE WITH CHAPTER 16 OF THE CODE OF ORDINANCES, THE ACCEPTANCE OF THE EROSION CONTROL PLAN IS TO OBTAIN A LAND DISTURBANCE PERMIT.
- ALL AREAS THAT HAVE BEEN DISTURBED BY GRADING SHALL HAVE TEMPORARY VEGETATIVE COVER PROVIDED. SUCH COVER WILL CONSIST OF ANNUAL GRASSES OR SMALL GRAINS. SLOPES EXCEEDING 4:1 WILL HAVE ADDITIONAL PROTECTION OF ADEQUATE MULCHING OR SODDING IN ORDER TO PREVENT EROSION.
- LANDSCAPING SHALL CONFORM TO ARTICLES 18 OF THE ZONING ORDINANCE, ARTICLE 6-10 OF THE LAND SUBDIVISION REGULATIONS AND TREE PROTECTION ORDINANCE.
- SANITARY SEWERS, STREETS AND STORMWATER MANAGEMENT SHALL MEET THE SPECIFICATIONS OF THE L.F.U.C. ENGINEERING MANUALS.
- CONSTRUCTION ACCESS SHALL BE FROM VERSAILLES ROAD.
- UTILITY COMPANIES SHALL HAVE ACCESS TO ALL OPEN SPACE AREAS FOR THE PROVISION AND MAINTENANCE OF SERVICES.
- THE LOCATIONS OF FIRE HYDRANTS, FIRE DEPARTMENT CONNECTIONS, OR FIRE SERVICE FEATURES IF REQUIRED SHALL BE APPROVED BY THE DIVISION OF FIRE WATER CONTROL OFFICE. AUTOMATIC AND MANUAL GATE SYSTEMS SHALL REQUIRE PRE-APPROVAL OF THE LEXINGTON FIRE DEPARTMENT WATER CONTROL OFFICE PRIOR TO BEING INSTALLED.

SITE STATISTICS:

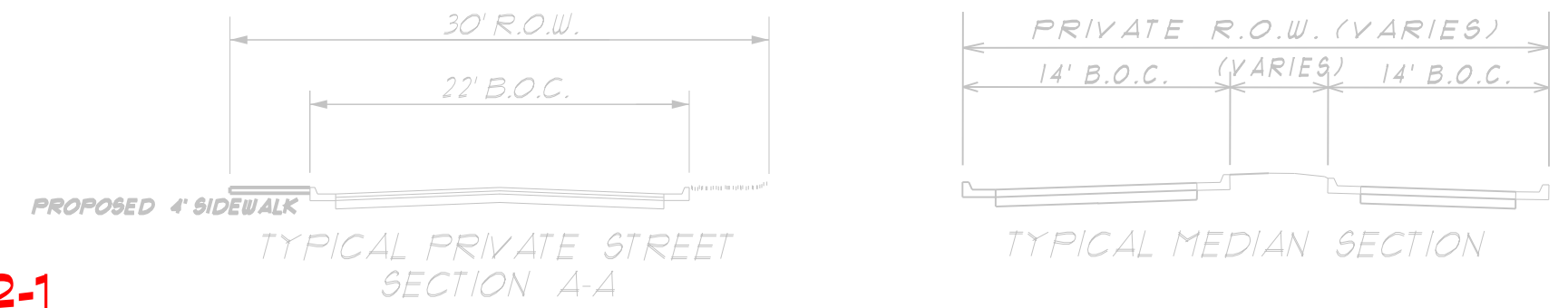
TOTAL AREA = 13.83 ACRES (GROSS 12.55 ACRES (NET))
EXISTING ZONE = R-1B
PROPOSED ZONE = R-3
NO. OF UNITS = 44 BUILDABLE & 3 HOA LOTS
PARKING SPACES REQUIRED @ 1.5/UNIT = 66
PARKING SPACES PROVIDED = 88 (2 CAR GARAGE PER UNIT)
MAX. LOT COVERAGE ALLOWED = NO LIMIT
LOT COVERAGE SHOWN = 2.1 ACRES (17% NET)
MAX. F.A.R. ALLOWED = NO LIMIT
F.A.R. SHOWN = 137,000 S.F. (10.25 NET)
USABLE OPEN SPACE REQUIRED = 10%
USABLE OPEN SPACE PROVIDED = 10% (TO BE DEFINED ON FDP)
VEHICULAR USE AREA = 39,000 S.F. NEW ACCESS EASEMENTS
INTERIOR LANDSCAPE AREA REQUIRED = 1,750 S.F. (5%)
INTERIOR LANDSCAPE AREA PROVIDED = 2,000 S.F.
MAX. BUILDING HEIGHT = 35' BUILDINGS SHOWN 34'
DENSITY = 3.5 UNITS PER NET ACRE
LENGTH OF PRIVATE STREET = 1,510 LF.

SOURCE OF CONTOURS:
AERIAL MAPPING PROVIDED BY L.F.U.C.G.

A-DN2-1



D-CO2-1



OWNER/DEVELOPER:
EASLEY AND FAUST
PROPERTIES, LLC
656 RAIN TREE RD.
LEXINGTON, KY 40502

SECRETARY _____ DATE _____

OWNER'S CERTIFICATION
I DO (WE DO) HEREBY CERTIFY THAT I AM (WE ARE) THE SOLE OWNER(S) OF RECORD OF THE PROPERTY SHOWN HEREON, DO FULLY AGREE TO ALL GRAPHIC AND TEXTURAL REPRESENTATIONS SHOWN HEREON, AND DO HEREBY ADOPT THIS AS MY (OUR) PLAN FOR THIS PROPERTY.

NAME _____ ADDRESS _____

SIGNATURE _____

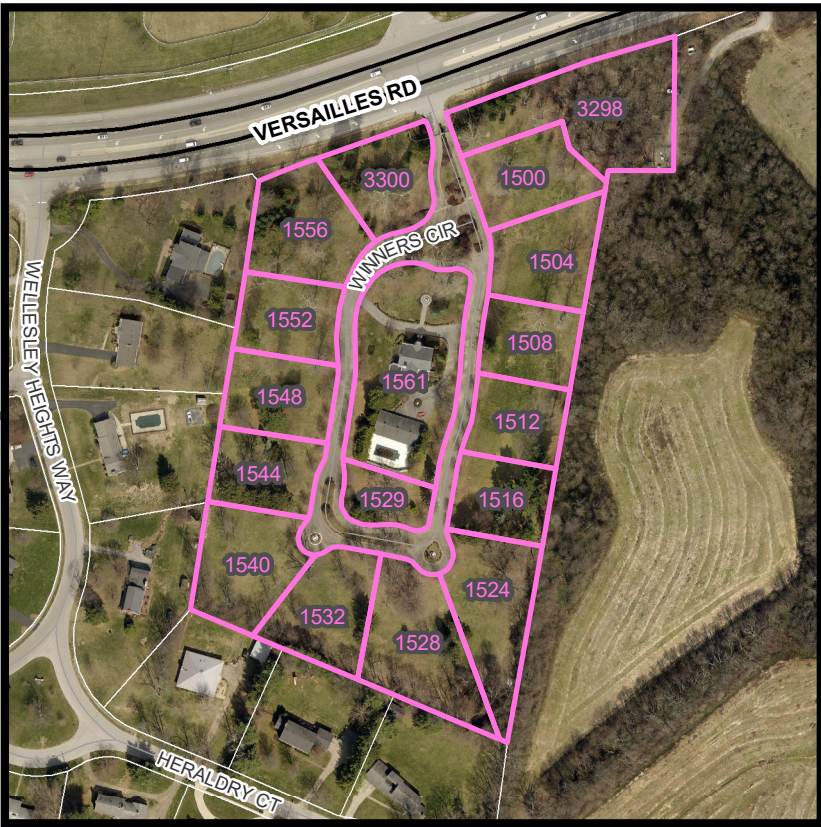
S&A Partners, PLLC
CIVIL ENGINEERS • LAND SURVEYORS • LANDSCAPE ARCHITECTS
3111 WALL STREET
LEXINGTON, KY 40504
PHONE: (606) 298-5880
FACSIMILE: (606) 298-8887

AMENDED PRELIMINARY DEVELOPMENT PLAN
THE SILKS CLUB
(FORMERLY LEXINGTON ESTATES)
3298 & 3330 VERSAILLES ROAD
AND 1500-1561 WINNERS CIRCLE
LEXINGTON, FAYETTE COUNTY, KENTUCKY

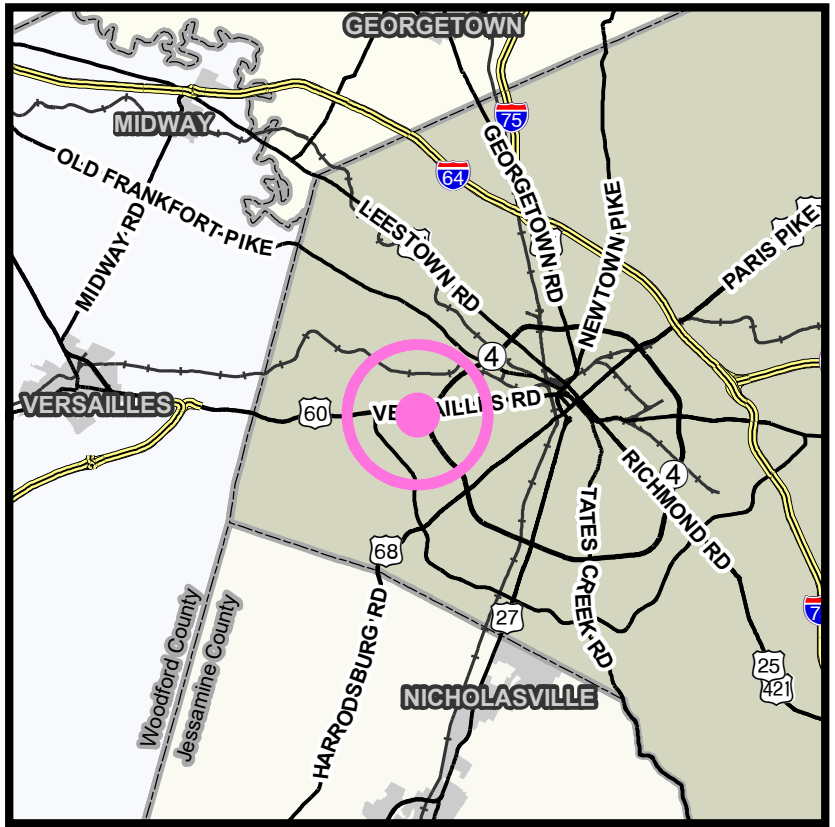
DRAWN **RS**
DATE **04/01/19**
CHECKED _____
REVISED _____

SHEET
1

0 0.05 0.1 Miles



0 5 10 Miles



At 200%

0 0.25 0.5 Miles

Planning Considerations

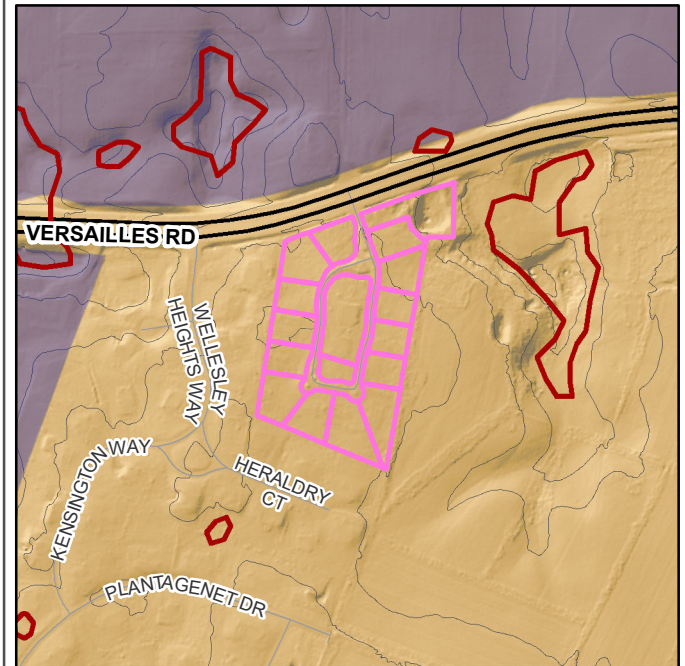
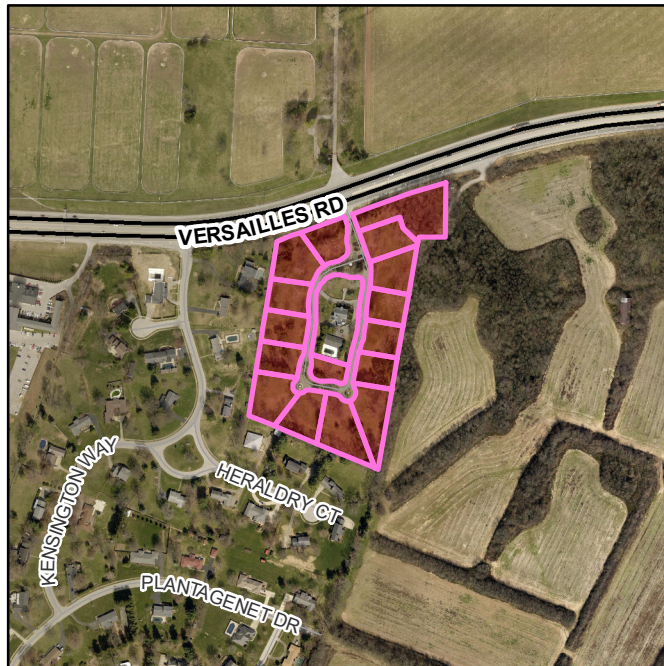
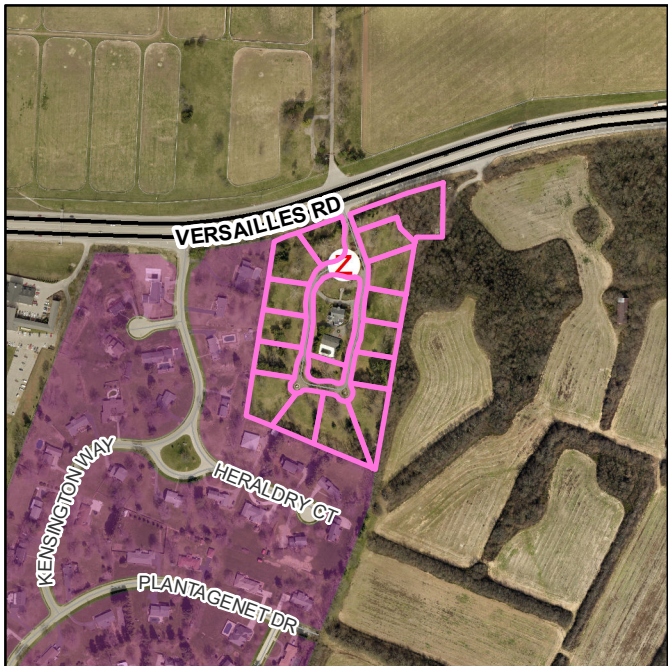
- | | |
|-----------------------------|------------------------------------|
| Z Conditional Zoning | Rural Land Mgmt Plan (2017) |
| Ped Oriented Bus. District | Buffer Area |
| Small Area Plan | Existing Rural Residential |
| Zoning Overlay | Historic Rural Settlement |
| PDR Properties | Rural Activity Center |

Development Opportunities

- | |
|-------------------------------|
| Opportunity Zones |
| Vacant Land (2016) |
| Infill and Redevelopment Zone |
| Urban Service Expansion Area |

Environment Factors

- | | |
|------------------------------|------------------------------------|
| 10-ft Contour | Greenway Master Plan |
| Stream | Greenway |
| FEMA Floodplain (2014) | Rural Land Mgmt Plan (2017) |
| Lake | Natural Area |
| Known Sinkhole | Core Agricultural Land |
| Royal Spring Protection Area | |



At 500%

0 0.25 0.5 Miles

Resources & Transit

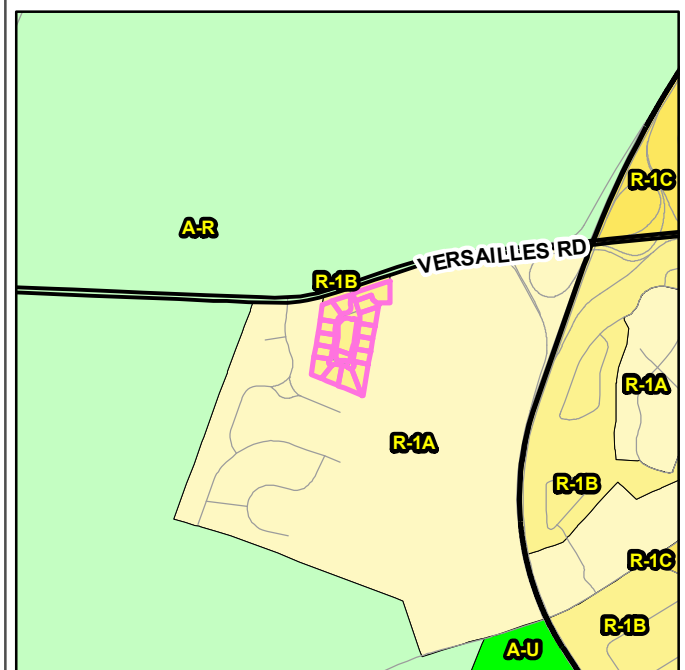
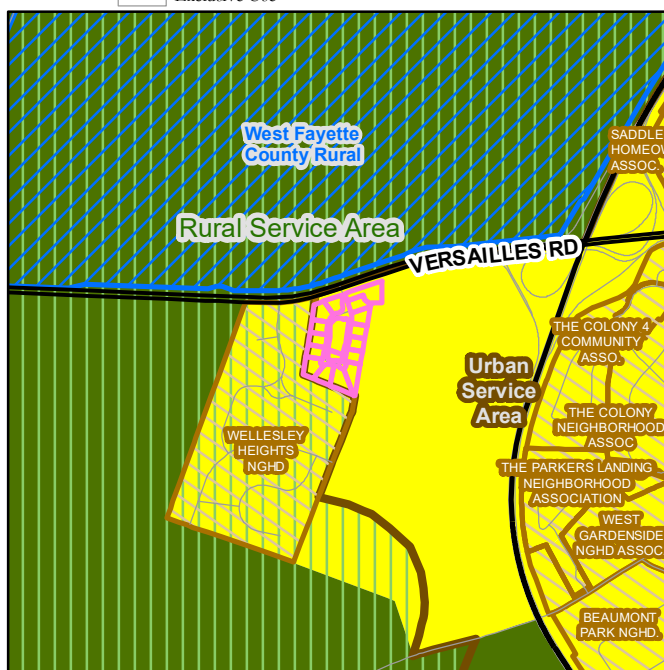
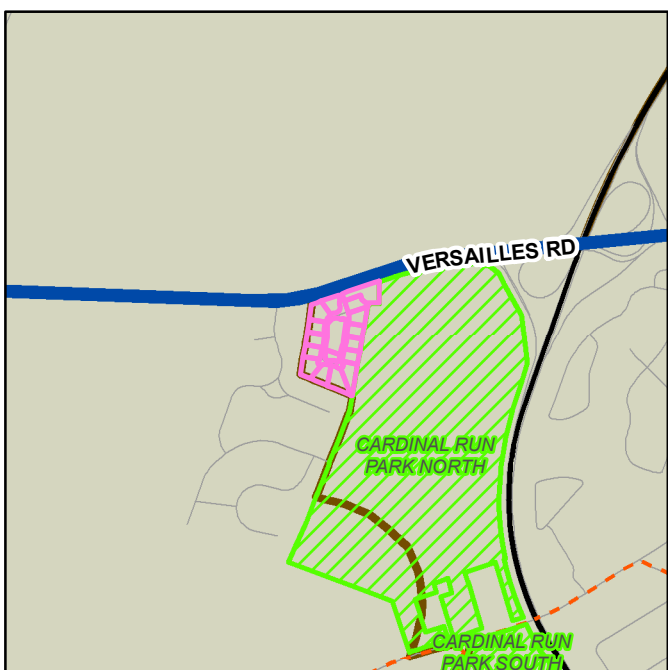
- | | | |
|----------------|----------------|---------------|
| Hospital | Post Office | Park |
| Govt Site | POI | School |
| Community Cntr | Fire Station | Bicycle Route |
| Library | Bicycle (prop) | Lextran |

Zoning Groups & Other Areas

- | | |
|----------------------|-----------------------|
| Zoning Groups | Central Bus. District |
| Agriculture/Greenery | National Register |
| Office/Business | Neighborhood Assoc. |
| Industrial | Rural Service Area |
| Mixed Use | |
| Residential | |
| Exclusive Use | |

Full Zoning

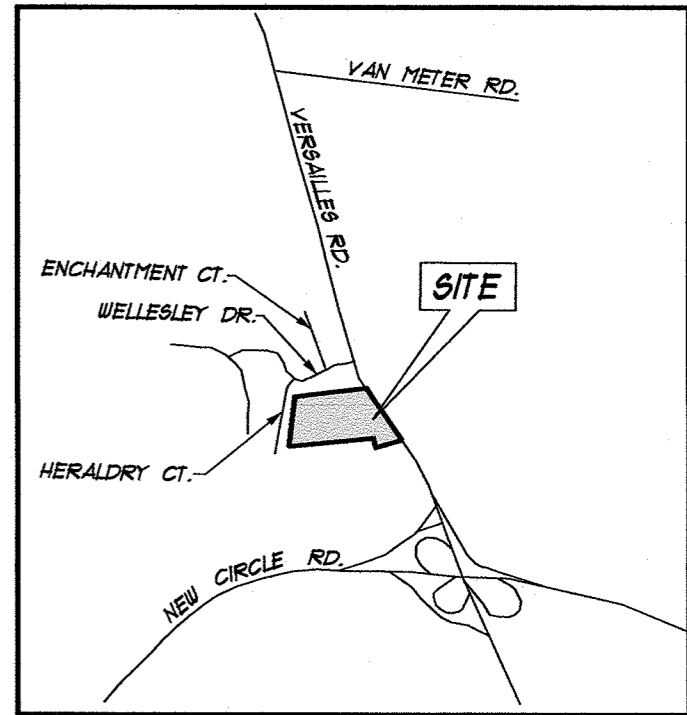
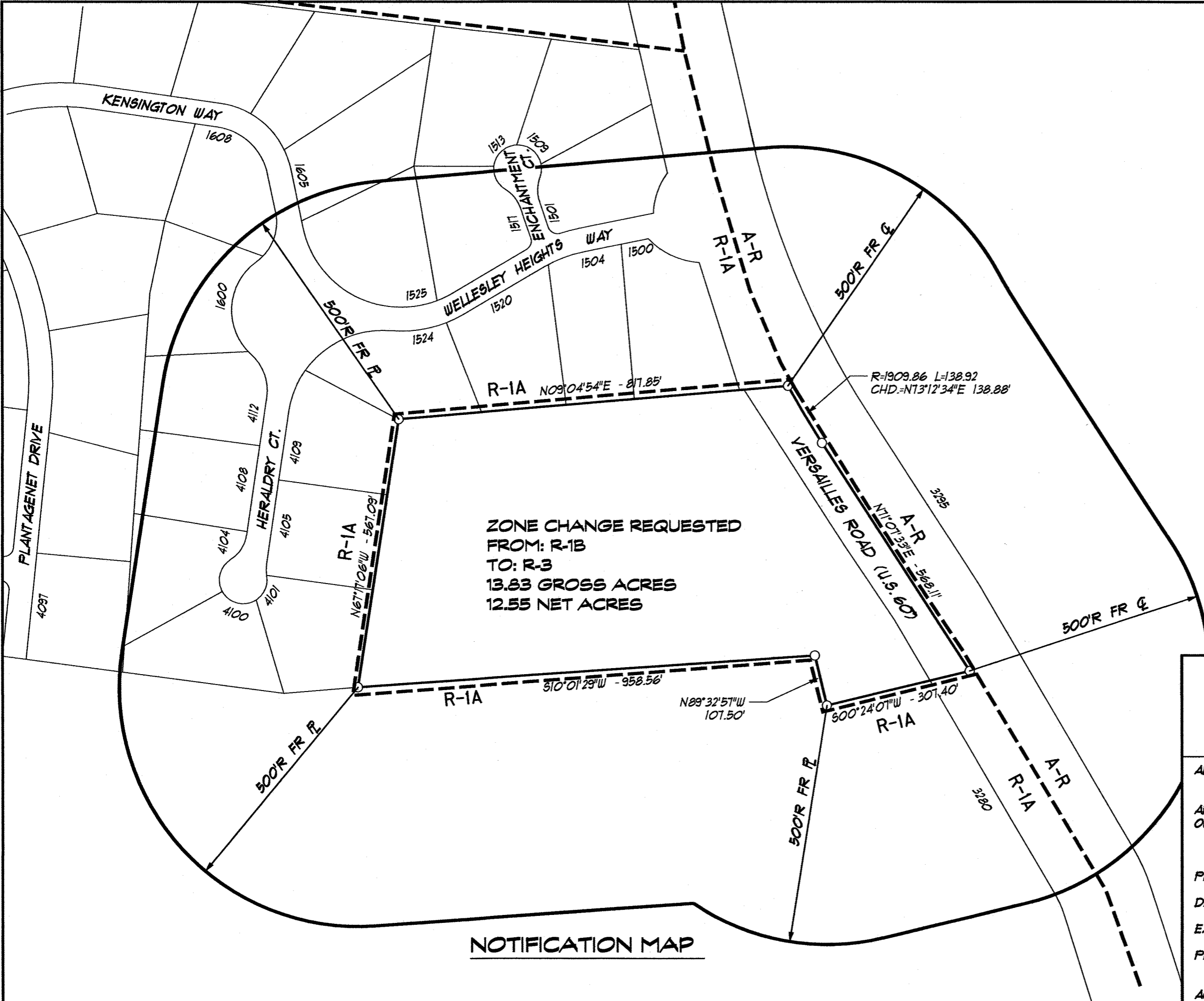
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|------|------|-------|-------|-------|-----|
| A-B | B-2B | EAR-1 | M-1P | PUD-2 | R-2 |
| A-N | B-3 | EAR-2 | MU-1 | R-1A | R-3 |
| A-R | B-4 | EAR-3 | MU-2 | R-1B | R-4 |
| A-U | B-5P | ED | MU-3 | R-1C | R-5 |
| B-1 | B-6P | EX-1 | P-1 | R-1D | |
| B-2 | CC | I-1 | P-2 | R-1E | |
| B-2A | CD | I-2 | PUD-1 | R-1T | |



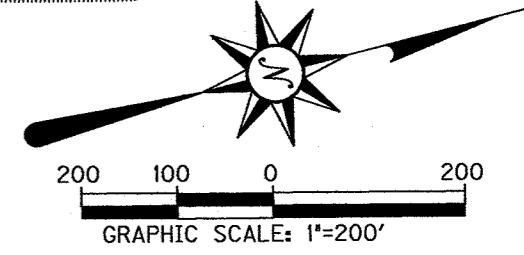
EASLEY AND FAUST PROPERTIES LLC, PROPERTY
Zone Change From R-1B to R-3
3298 & 3330 Versailles Road
And 1500 - 1561 Winners Circle
Lexington, Fayette County, Kentucky

A TRACT OR PARCEL OF LAND SITUATED ADJACENT TO AND SOUTH OF VERSAILLES ROAD (US 60) BETWEEN WELLESLEY HEIGHTS WAY AND NEW CIRCLE ROAD IN WESTERN LEXINGTON, FAYETTE COUNTY, KENTUCKY AND BEING MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

BEGINNING AT A POINT in the centerline of Versailles Road (U.S. 60), said point also being the common line of 3330 Versailles Road and 1500 Wellesley Heights Way extended; thence with Versailles Road centerline for the following two calls; 138.92 feet along a curve to the left, having a radius of 1909.86 feet and a chord which bears North 73 Degrees 12 Minutes 34 Seconds East a distance of 138.88 feet to a point; thence North 71 Degrees 07 Minutes 33 Seconds East a distance of 568.11 feet to a point; thence leaving said centerline South 00 Degrees 24 Minutes 07 Seconds West a distance of 307.40 feet to a point; thence North 89 Degrees 32 Minutes 57 Seconds West a distance of 107.50 feet to a point; thence South 10 Degrees 01 Minutes 29 Seconds West a distance of 958.56 feet to a point; thence North 67 Degrees 17 Minutes 06 Seconds West a distance 567.09 feet to a point; thence North 09 Degrees 04 Minutes 54 Seconds East a distance of 817.85 feet to the **POINT OF BEGINNING** and containing 13.83 acres gross and 12.55 acres net.



STATE OF KENTUCKY
 ALBERT WILLIAM GROSS
 LS-2115
 LICENSED
 PROFESSIONAL
 LAND SURVEYOR



ZOMAR: THE SILKS CLUB (FORMERLY LEXINGTONIAN ESTATES)	
ADDRESSES:	3298 & 3330 VERSAILLES ROAD AND 1500-1561 WINNERS CIRCLE
APPLICANT/ OWNER:	EASLEY AND FAUST PROPERTIES, LLC 656 RAINTREE RD. LEXINGTON, KY. 40502
PREPARED BY:	EA PARTNERS, PLC
DATE FILED:	APRIL 1, 2019
EXISTING ZONE:	SINGLE FAMILY RESIDENTIAL (R-1B) ZONE
PROPOSED ZONE:	PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE
ACREAGE:	12.55 ACRES NET & 13.83 ACRES GROSS

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-19-00007: EASLEY & FAUST PROPERTIES, LLC

DESCRIPTION OF ZONE CHANGE

Zone Change: From a Single Family Residential (R-1B) zone
To a Planned Neighborhood Residential (R-3)
zone

Acreage: 12.55 net (13.83 gross) acres

Location: 1500-1561 Winner Cir.
3298-3300 Versailles Rd



EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	R-1B	Vacant / Single Family
To North	A-R	Agricultural
To East	R-1A	Park
To South	R-1A	Single Family
To West	R-1A	Single Family

URBAN SERVICE REPORT

Roads - Versailles Road (US 60) is a six-lane, divided, principal arterial highway at this location, and bounds the subject property to the north. The interchange of Versailles Road and New Circle Road is approximately one half mile to the east of the subject property. This portion of Versailles Road experiences approximately 45,500 AADT. Winners Circle is a private roadway that wraps around the historic residence at the center of the subject property.

Curb/Gutter/Sidewalks - Versailles Road has been constructed without curbs, gutters, and sidewalks. This portion of the road is rural in nature and would not require such improvements. Emergency shoulders are present along both sides of the roadway. Winners Circle has been constructed without curbs, gutters, and sidewalks. The applicant is proposing limited sidewalks throughout the site, and curbs along the private street.

Utilities - All utilities, including natural gas, electric, water, phone, and cable television are available in the area, and can be extended to serve the proposed development.

Storm Sewers - The subject property is located within the Wolf Run watershed. Storm sewers and basins will be constructed by the developer in accordance with LFUCG Engineering Manuals to protect water quality as needed. No FEMA special flood hazard area exists on the site and no known flooding issues are present.

Sanitary Sewers - Sanitary sewers currently serve the subject property, which is currently located in the Wolf Run sewershed, and are served by the Town Branch Sewage Treatment Facility, located on Old Frankfort Pike. Sanitary sewer capacity will need to be verified by the Capacity Assurance Program (CAP) prior to certification of the final development plan, as an increase in sanitary sewer flows are anticipated for the townhouse residential land use.

Refuse - The Urban County Government serves residences in this portion of the Urban Service Area with collection on Mondays.

Police - The nearest police station is the West Sector Roll Call Center, which is located on Old Frankfort Pike near New Circle Road, approximately 3 miles northeast of the subject property.

Fire/Ambulance - The nearest fire station (# 14) is located approximately 1½ miles southeast of the subject property at Roanoke Road and Maywick View Lane, within the Gardenside subdivision.

SUMMARY OF REQUEST

The petitioner has requested a zone change from a Single Family Residential (R-1B) zone to a Planned Neighborhood Residential (R-3) zone for 12.55 net (13.83 gross) acres for the properties located at 1500-1561 Winner Circle and 3298-3300 Versailles Road. The proposed development includes 44 attached single family dwelling units and the reuse of the existing historic house as a common space or club house for the residents of the development. The proposed development represents a density of 3.5 dwelling units per acre.

PLACE-TYPE

ENHANCED NEIGHBORHOOD
An Enhanced Neighborhood is an existing residential area to be enhanced with additional amenities, housing types, and neighborhood-serving retail, services, and employment options. Development should be context-sensitive to surrounding areas and must add to the sense of place. Incorporating multi-modal connections is crucial to neighborhood success and viability.

DEVELOPMENT TYPE

LOW-DENSITY RESIDENTIAL
Primary Land Use, Building Form, & Design
Primarily attached and detached single-family homes of varying formats, including accessory dwelling units. Homogeneous neighborhoods that do not include a mix of housing types should be avoided. Low density residential is only appropriate as a component of “Enhanced Neighborhoods” and “New Complete Neighborhoods”, and should be supplemented by a variety of uses and housing options to create sustainable places.
Transit Infrastructure & Connectivity
Multi-modal network connections, including connected streets, are required to keep an efficient transportation network that provides viable options for all users.
Quality of Life Components
These developments should include intentional open space designed to fit the needs of area residents, and be in walking distance of nearby neighborhood-serving commercial/employment uses.

PROPOSED ZONING



The Planned Neighborhood Residential (R-3) zone is primarily for multi-family dwellings and other residential uses. This zone should be at locations and at the density (units/acre) recommended by the Comprehensive Plan, and in areas of the community where necessary services and facilities will be adequate to serve the anticipated population.

PROPOSED USE



This petitioner is proposing the Planned Neighborhood Residential (R-3) to construct a single family residential development containing attached single family dwelling units (townhouses). The developer is planning to subdivide the properties as part of a 55 and older community. Additionally, the petitioner will be maintaining the historic residence located at the center of the subject property, and will utilize the space as a clubhouse or community facility, which will be supported and maintained by an HOA.

APPLICANT & COMMUNITY ENGAGEMENT



The applicant has indicated to staff that they have met with the neighboring Wellesley Heights Neighborhood Association, but has not provided details regard date, attendance or discussion.

PROPERTY & ZONING HISTORY



The subject property is located on the south side of Versailles Road across from the main entrance to Calumet horse farm, and between the Wellesley Heights neighborhood and Cardinal Run Park North. The interchange of Versailles Road and New Circle Road is located less than a mile east of the property. The property's western boundary and Versailles Road are the Urban/Rural Service Area boundary line at this location. The subject property is bounded to the west and south by the Wellesley Heights subdivision (zoned R-1A); to the north by Versailles Road, and Calumet farm (zoned A-R); and to the east by the park (zoned R-1A).

Prior to 1996, the subject property was partially in the Urban Service Area and partially in the Rural Service Area because the boundary line followed the watershed divide, which crosses the subject property. During the 1996 Comprehensive Plan update, an Urban Service Area boundary adjustment was adopted by the Planning Commission, which added the remaining 2.9 acres of the property, and simultaneously removed a portion of the Wellesley Heights subdivision from the Urban Service Area. The Urban Service Area boundary currently borders the site to the west and south. The 2001 and 2007 Comprehensive Plans recommended Low Density Residential future land use for the subject property, which is defined as 0–5 dwelling units per net acre.

In 2006, a zone change application was approved for this location, shifting from the R-1A zone to the R-1B zone to allow for the construction of 17 detached single family residential units on the subject property, for a residential density of 1.35 units per net acre. While the proposed plan and density were both in compliance the 2001 Comprehensive Plan, the developments impact on the scenic Versailles Road corridor led to the use of conditional zoning, which included the limiting of the density of the site, the inclusion of a 75 to 100-foot buffer area from the right-of-way of Versailles Road, and the prohibition of residential dwelling units within 200 feet of the right-of-way of Versailles Road.

COMPREHENSIVE PLAN COMPLIANCE



GOALS & OBJECTIVES

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 applicant opines that they are in compliance with the adopted Goals and Objectives of the 2018 Comprehensive Plan. They state that the proposed rezoning encourages the expansion of housing choices (Theme A, Goal #1.b and c), while also supporting infill and redevelopment (Theme A, Goal #2.a, b and c), and providing well-designed neighborhoods (Theme A, Goal #3.b). While the applicant is proposing single family residential dwelling units, which is a continuation of the current composition of the area, they are seeking an attached townhouse development, which provides variability in housing type and a modest increase in housing density. Additionally, by utilizing the historic residence and by providing the residents of the community private access to the neighboring Cardinal Run Park North, the applicant is providing amenities to the potential residents and opportunities for healthy activities (Theme D, Goal #2 and 3). Staff agrees with these aspects of the proposal and that several goals and objectives are being met.

In addition to those aspects that staff agrees meet the Goals and Objectives of the 2018 Comprehensive Plan, the applicant indicates that they seeking to reduce Lexington-Fayette County's carbon footprint (Theme B, Goal #2). While the proposed site is located along a LexTran transit corridor, and the applicant has stated that they would work with LexTran (Theme D, Goal #1.a and c), without providing specific solutions as to how they are limiting greenhouse emissions, staff cannot concur with this supposition.

Staff is also concerned with the need for separation of vehicular and pedestrian movement throughout the subject property. While there are some sidewalks depicted on the corollary development plan, there are areas of improvement, specifically concerning access to the park, where separation of vehicles and pedestrians can allow for safer movement throughout the subject property. This element is further described in the analysis of the criteria applied to the site under the proposed place-type.

COMPREHENSIVE PLAN COMPLIANCE CONTINUED



CRITERIA

The criteria for a zone change are the distillation of the adopted Goals and Objectives, as well as the policies put forth in the 2018 Comprehensive Plan. The criteria for development represent the needs and desires of the members of the Lexington-Fayette Urban County community in hopes of developing a better built environment. The criteria are refined by the applicant based on the proposed place-type and development type. The applicant has indicated that the site is located within the Enhanced Neighborhood place-type and is seeking to create a low density residential development. Staff concurs with the applicant's assessment of the place-type and agrees that low density residential can be appropriate for the subject property within a Planned Neighborhood Residential (R-3) zone.

1. Site Design, Building Form and Location

While staff agrees with much of the justification provided by the applicant, there are several areas of concern as to how the applicant has applied, not applied, or not addressed the criteria. While the applicant has indicated that they are utilizing green infrastructure through their development (B-SU11-1), a greater description of how this is being completed should be provided. The comprehensive plan notes several forms of green infrastructure, including but not limited to urban agriculture, green walls, urban woodlands, suburban street trees, green roofs, and sensitive urban design.

Additionally, new development should address how safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment (C-LI7-1) is being addressed. As stated, there are some sidewalks depicted on the corollary development plan, there are areas where separation of vehicles and pedestrians are needed for safer movement to community facilities. In the case of this development, there are three community facilities of concern: the clubhouse, the park, and a mail box kiosk. Residents of the community should have delineated pedestrian access from their residences or community parking to these facilities.

In an effort to provide increased communication between the development community and the nearby established communities, stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application (D-PL7-1). The applicant has indicated that they have conducted some outreach, however, no description of the meetings was provided.

2. Transportation and Pedestrian

Additionally, the applicant has indicated on the illustrative document that the townhouses provide some pedestrian facilities. Staff suggests greater separation for other modes of transportation (A-DS5-1) or safe facilities for all users and modes of transportation (D-CO2-1). Without those additional facilities the proposed development can put pedestrians at greater risk of endangerment.

3. Greenspace and Environmental Health

The applicant has met the criteria associated with Greenspace and Environmental Health.



CONDITIONAL ZONING RESTRICTIONS

The Versailles Road corridor has been identified as one of Lexington's historic turnpikes and is a connection point for one of the gateways into the Bluegrass Region by the Rural Land Management Plan (RLMP), an adopted element of the 2018 Comprehensive Plan. As a gateway and historic turnpike, Versailles Road provides "a glimpse of the rural area as it was in the past." One of the primary goals of the RLMP is the preservation of the existing character of the rural roads, which encompasses such physical features as fencing, walls, trees, creeks and streams, shrubs, houses and barns. Based upon the goals and recommendations of the RLMP, and in order to protect the unique character of the corridor, conditional zoning restrictions are recommended for the subject property.

To protect the historic turnpike there shall be a 100-foot buffer area from the right-of-way of Versailles Road. Within the buffer area there shall be no principal or accessory structures. Additionally a Tree Preservation Area (TPA) shall be established within the buffer area. Only damaged or diseased trees, or those trees necessary for a public or private street may be removed, but shall be replaced in equal number to preserve the existing tree canopy and buffer. Replacement trees may be selected from Group A or B of the Plant List as referenced by Article 18 of the Zoning Ordinance.

STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASONS:



1. The requested 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 encourages the expansion of housing choices (Theme A, Goal #1), while also supporting infill and redevelopment (Theme A, Goal #2), and providing well-designed neighborhoods (Theme A, Goal #3).
 - b. The proposal seeks to accommodate the demand for housing in Lexington responsibly, by prioritizing a mixture of housing types (Theme A, Goal #1.b).
 - c. By utilizing the historic household and by providing the residents of the community private access to the neighboring Cardinal Run Park North, the applicant is providing amenities to the potential residents and opportunities for healthy activities (Theme D, Goal #2 and 3).
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site creates a residential development that is pedestrian-friendly, while also providing access to focal points and public green space. Additionally, the proposed rezoning seeks to utilize a vacant parcel of land while also minimizing the impacts on the surrounding environment and communities. Finally, the proposed development retains the historic structure and adaptively reuses it as a clubhouse for the community.
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity providing safe facilities for the potential residents of the site. Should LexTran determine a stop at this location, the applicant has indicated a willingness to work to achieve proper facilities.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, limits the impacts on the surrounding environment, maintains the current tree lines and canopy, and provides delineated access to the nearby public park.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use and buffering restrictions are recommended via conditional zoning:
 - a. There shall be a 100-foot buffer area (building setback) from the right-of-way of Versailles Road. The following shall apply within the buffer area:
 1. There shall be no principal or accessory structures; and
 2. A Tree Preservation Area (TPA) shall be established. Only damaged or diseased trees, or those trees necessary for a public or private street may be removed, but shall be replaced in equal number to preserve the existing tree canopy and buffer. Replacement trees may be selected from Group A or B of the Plant List as referenced by Article 18 of the Zoning Ordinance.
4. This recommendation is made subject to approval and certification of PLN-MJDP-19-00019: Lexingtonian Estates (The Silks Club) (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.

1. **EASLEY & FAUST PROPERTIES, LLC ZONING MAP AMENDMENT & LEXINGTON ESTATES (THE SILKS CLUB)(AMD) ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-19-00007: EASLEY & FAUST PROPERTIES, LLC (6/30/19)*- a petition for a zone map amendment from a Single Family Residential (R-1B) zone to a Planned Neighborhood Residential (R-3) zone, for 12.55 net (13.83 gross) acres, for property located at 1500-1561 Winner Circle and 3298-3300 Versailles Road.

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.

This petitioner is proposing the Planned Neighborhood Residential (R-3) to construct a single family residential development containing attached single family dwelling units (townhouses). The developer is planning to subdivide the properties as part of a 55 and older community. Additionally, the petitioner will be maintaining the historic residence located at the center of the subject property, and will utilize the space as a clubhouse or community facility, which will be supported and maintained by an HOA.

CONDITIONAL ZONING RESTRICTIONS

The Versailles Road corridor has been identified as one of Lexington's historic turnpikes and is a connection point for one of the gateways into the Bluegrass Region by the Rural Land Management Plan (RLMP), an adopted element of the 2018 Comprehensive Plan. As a gateway and historic turnpike, Versailles Road provides "a glimpse of the rural area as it was in the past." One of the primary goals of the RLMP is the preservation of the existing character of the rural roads, which encompasses such physical features as fencing, walls, trees, creeks and streams, shrubs, houses and barns. Based upon the goals and recommendations of the RLMP, and in order to protect the unique character of the corridor, conditional zoning restrictions are recommended for the subject property.

To protect the historic turnpike there shall be a 100-foot buffer area from the right-of-way of Versailles Road. Within the buffer area there shall be no principal or accessory structures. Additionally, a Tree Preservation Area (TPA) shall be established within the buffer area. Only damaged or diseased trees, or those trees necessary for a public or private street may be removed, but shall be replaced in equal number to preserve the existing tree canopy and buffer. Replacement trees may be selected from Group A or B of the Plant List as referenced by Article 18 of the Zoning Ordinance.

The Zoning Committee Recommended: Approval 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 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning encourages the expansion of housing choices (Theme A, Goal #1), while also supporting infill and redevelopment (Theme A, Goal #2), and providing well-designed neighborhoods (Theme A, Goal #3).
 - b. The proposal seeks to accommodate the demand for housing in Lexington responsibly, by prioritizing a mixture of housing types (Theme A, Goal #1.b).
 - c. By utilizing the historic household and by providing the residents of the community private access to the neighboring Cardinal Run Park North, the applicant is providing amenities to the potential residents and opportunities for healthy activities (Theme D, Goal #2 and 3).
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site creates a residential development that is pedestrian-friendly, while also providing access to focal points and public green space. Additionally, the proposed rezoning seeks to utilize a vacant parcel of land while also minimizing the impacts on the surrounding environment and communities. Finally, the proposed development retains the historic structure and adaptively reuses it as a clubhouse for the community.
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity providing safe facilities for the potential residents of the site. Should LexTran determine a stop at this location, the applicant has indicated a willingness to work to achieve proper facilities.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, limits the impacts on the surrounding environment, maintains the current tree lines and canopy, and provides delineated access to the nearby public park.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use and buffering restrictions are recommended via conditional zoning:

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

- a. There shall be a 100-foot buffer area (building setback) from the right-of-way of Versailles Road. The following shall apply within the buffer area:
 1. There shall be no principal or accessory structures; and
 2. A Tree Preservation Area (TPA) shall be established. Only damaged or diseased trees, or those trees necessary for a public or private street may be removed, but shall be replaced in equal number to preserve the existing tree canopy and buffer. Replacement trees may be selected from Group A or B of the Plant List as referenced by Article 18 of the Zoning Ordinance.
4. This recommendation is made subject to approval and certification of PLN-MJDP-19-00019: Lexingtonian Estates (The Silks Club) (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.
- b. PLN-MJDP-19-00019: LEXINGTON ESTATES (THE SILKS CLUB)(AMD) (6/30/19)* - located at 3298 & 3300 VERSAILLES ROAD AND 1500 THROUGH 1561 WINNERS CIRCLE.
Project Contact: EA Partners

The Subdivision Committee Recommended: Postponement due to concerns with Placebuilder Criteria.

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.
7. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
8. Dimension existing house, pool and garage.
9. Denote height of townhouses in feet on plan.
10. Dimension townhouses and garages.
11. Discuss note #9 relative to existing and proposed easements.
12. Discuss additional screening adjacent to R-1A zone.
13. Discuss revision to access to provide greater tree protection of significant trees for Units 32-36.
14. Discuss location of park access to avoid vehicular and pedestrian conflicts.

Subsequent to the Technical Committee meeting, Planning Staff completed an evaluation of the Placebuilder development criteria.

15. Discuss the following Placebuilder Criteria:
 - I. D-PL7-1: Provide documentation of public outreach to adjacent property owners as indicated in the applicant justification.
 - II. B-SU11-1: Provide written or graphical description of green infrastructure as indicated in the applicant justification.
 - III. C-LI7-1, A-DS5-1, D-CO2-1: Improve the delineation between vehicular and pedestrian infrastructure in areas near the clubhouse, mailbox kiosk, and the future connection to the LFUCG park space.

Commission – Mr. Owens said that he knows some of the individuals present in the audience. He stated that he has had conversations with some of them, only in regards to the process. He said that he has referred particular questions to the staff. He added that he doesn't have any financial interest in any surrounding properties, and plans to act on this request from the information presented today. He asked if any parties feel that this would be inappropriate, and if so that he would disqualify himself before the hearing begins.

Mr. Wilson asked if anyone related to this request have any issues or concerns with Mr. Owens participating with this Commission. There were no comments made by the citizens.

Staff Zoning Presentation – Mr. Baillie presented the staff report and recommendations for the zone change. He said that the subject property is located at 1500-1561 Winner Circle and 3298- 3300 Versailles Road. The proposed development includes 44 attached single family dwelling units and the reuse of the existing historic house as a common space or clubhouse for the residents of the development. The proposed development represents a density of 3.5 dwelling units per acre. He displayed aerial photographs of the general area and photographs of the subject property.

Mr. Baillie gave a brief history of the subject property and said that prior to 1996, the subject property was partially in the Urban Service Area and partially in the Rural Service Area because the boundary line followed the watershed divide, which crosses the subject property. During the 1996 Comprehensive Plan update, an adjustment to the Urban Service Area boundary was adopted by the Planning Commission, which added the remaining 2.9 acres of the property, and simultaneously removed a portion of the Wellesley Heights subdivision from the Urban Service Area. The Urban Service Area boundary currently borders

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the site to the west and south. The 2001 and 2007 Comprehensive Plans recommended Low Density Residential future land use for the subject property, which is defined as 0–5 dwelling units per net acre. In 2006, a zone change application was approved for this location, shifting from the R-1A zone to the R-1B zone to allow for the construction of 17 detached single family residential units on the subject property, for a residential density of 1.35 units per net acre. While the proposed plan and density were both in compliance the 2001 Comprehensive Plan, the development's impact on the scenic Versailles Road corridor led to the use of conditional zoning, which included the limiting of the density of the site, the inclusion of a 75 to 100-foot buffer area from the right-of-way of Versailles Road, and the prohibition of residential dwelling units within 200 feet of the right-of-way of Versailles Road.

Mr. Baillie said that the applicant opines that they are in compliance with the adopted Goals and Objectives of the 2018 Comprehensive Plan. They state that the proposed rezoning encourages the expansion of housing choices, while also supporting infill and redevelopment, and providing well-designed neighborhoods. The applicant is proposing single family residential dwelling units, which is a continuation of the current composition of the area. They are seeking an attached townhouse development, which provides variability in housing type and a modest increase in housing density. He said that by utilizing the historic residence and by providing the residents of the community direct access to the neighboring Cardinal Run Park North, the applicant is providing amenities to the potential residents and opportunities for healthy activities. Staff agrees with these aspects of the proposal and that several goals and objectives are being met.

Mr. Baillie said the staff agrees that the applicant meets the Goals and Objectives of the 2018 Comprehensive Plan; however, the applicant must provide context and refinement to the application by choosing a place-type and development type. The applicant has indicated that the site and its proposed use is within the Enhanced Neighborhood place-type, which is an existing residential area to be enhanced with additional amenities, housing types, and neighborhood-serving retail, services, and employment options. He said that they are seeking to add a variable type of housing into the area, as well as provide an open and common space. The development type should also be context sensitive to the areas surrounding it and must add to a sense of place, while also trying to incorporate some aspects of multimodal design or the ability for connection to LexTran services. He said that for the development type, the applicant chose the low density residential development type, which is comprised primarily with attached and detached single-family homes of varying formats with an efficient multi-modal network and open space designed to fit the needs of the area's residents. He said that the staff agrees with the applicants assessment of the place-type and that low-density residential is appropriate for this location.

Mr. Baillie said that there are also development criteria used to distill the adopted Goals and Objectives, as well as the policies put forth in the 2018 Comprehensive Plan. He said that staff concurs with much of the applicant's assessment, but there were three areas of concern as to how the applicant applied, not applied, or not addressed the criteria. Since the Zoning Committee meeting, which was held on May 2, 2019, the applicant has addressed one of these concerns; safe access to community facilities and greenspaces, by increasing the delineated space for safe pedestrian movement throughout the site. He added that the staff would like a greater description as to how the applicant is utilizing green infrastructure, such as, urban agriculture, green walls, urban woodlands, suburban street trees, green roofs, and sensitive urban design, through their development. He said that that this can be further discussed at the time of the final development plan, and noted as such on the preliminary development plan.

Mr. Baillie said that the staff is also concerned about the stakeholder engagement in the process. The applicant stated that they have met with the Wellesley Heights neighborhood, but the staff would like to know who was involved, when did they meet, and what type of resolutions were discussed. He said that the applicant can discuss this at today's hearing. He said that the subject property is also part of the Versailles Road corridor, which has been identified as one of Lexington's historic turnpikes and is also a connection point for one of the gateways into the Bluegrass Region. As a gateway and historic turnpike, Versailles Road provides "a glimpse of the rural area as it was in the past." One of the primary goals of the Rural Land Management Plan (RLMP) is the preservation of the existing character of the rural roads, which encompasses such physical features as fencing, walls, trees, creeks and streams, shrubs, houses and barns. Based upon the goals and recommendations of the RLMP, and in order to protect the unique character of the corridor, conditional zoning restrictions are recommended for the subject property. He said that to protect the historic turnpike there shall be a 100-foot buffer area from the right-of-way of Versailles Road, and within that buffer area there shall be no principal or accessory structures. Additionally, a Tree Preservation Area (TPA) shall be established within the buffer area, in which, only damaged or diseased trees, or those trees necessary for a public or private street may be removed, but shall be replaced in equal number to preserve the existing tree canopy and buffer.

Mr. Baillie said that the staff and the Zoning Committee recommend approval of this zone change. He said that the staff is in agreement with the Goals and Objectives provided by the applicant, as well as, a majority of the criteria they have submitted at this time. He said that with the provision that there will be a buffer along Versailles Road to protect the historic turnpike.

Development Plan Presentation – Mr. Martin presented a revised rendering of the preliminary development plan associated with this zone change. He indicated that revised conditions were distributed to the Planning Commission, 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.

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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.
7. ~~Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.~~
7. Revise plan to meet required 25' setback adjacent to R-1A zone (unit 16).
8. ~~Dimension existing house, pool and garage.~~
9. ~~Denote height of townhouses in feet on plan.~~
10. ~~Dimension townhouses and garages.~~
11. ~~Discuss note #9 relative to existing and proposed easements.~~
8. 12. Discuss additional screening adjacent to R-1A zone.
13. ~~Discuss revision to access to provide greater tree protection of significant trees for Units 32-36.~~
14. ~~Discuss location of park access to avoid vehicular and pedestrian conflicts.~~

Subsequent to the Technical Committee meeting, Planning Staff completed an evaluation of the Placebuilder development criteria.

9. 45. Discuss the following Placebuilder Criteria:
 - I. D-PL7-1: Provide documentation of public outreach to adjacent property owners as indicated in the applicant justification.
 - II. B-SU11-1: Provide written or graphical description of green infrastructure as indicated in the applicant justification.
 - III. C-LI7-1, A-DS5-1, D-CO2-1: Improve the delineation between vehicular and pedestrian infrastructure in areas near the clubhouse, mailbox kiosk, and the future connection to the LFUCG park space.

Mr. Martin pointed out the road frontage for the subject property the existing entrance off of Versailles Road and the internal street system. He said that the applicant is proposing a one-way circulation of vehicular traffic. He pointed out the historic house, which will remain as the clubhouse and the pool area. He said that they are proposing access easements at the rear of the proposed townhouses to serve the parking and garages of them. He said that they will have two-car garages with a total of 123 parking spaces, which includes guest spaces throughout the development. He said that the lot coverage of the property is only 17% and the floor area is 137,000 square feet, which will allow for a large open space and green area.

Mr. Martin said that this revised plan has met many of the staff's conditions. He said that condition #7 is in regards to Unit 16 encroaching into the required setback, which is 25 feet and they are at 20 feet. He said that the staff was also concerned with condition #8 regarding the additional screening adjacent to the R-1A zone. He said that the staff is aware of the neighborhoods concerns about the buffer. He said that from the staff's perspective, the concern is the access easements and driveways in the rear, making that a vehicular use area, which will produce light pollution. He said that this concern is addressed by Article 18 of the Zoning Ordinance. He presented the property perimeter requirements of Article 18-3(a)(1), number 7, which states that the requirement from R-3 zone to R-1A zone is 6 feet adjacent to all common boundaries except street frontage. He added that it also states that they must have a continuous 6-foot high planting, hedge, fence, wall, or earth mound, which the staff believes is adequate to screen the adjoining properties from the vehicular traffic.

Mr. Martin said that in regards to condition #9, the Placebuilder Criteria; the applicant has provided a suitable pedestrian system around the perimeter of the property, serving all of the townhouses, and into the clubhouse. They have also provided a separate pedestrian access into the park. He said that there may need to be changes made to these sidewalks because of the mailbox kiosks that needs to be constructed. He said in regards to the written or graphical description of green infrastructure on the plan; there are existing public improvements along Versailles Road from the previous development. He also pointed out the area of the sinkhole and the pump station for the sanitary sewer services. He said that the staff would like for the applicant to denote on the plan that they will utilize appropriate green infrastructure. He added that Mr. Baillie had already addressed the public outreach concern. He said that the Subdivision Committee had originally recommended postponement because of the Placebuilder Criteria, which has been partially addresses by changes made to this plan and the staff is currently recommending approval of this development plan.

Commission Questions – Mr. Berkley asked for clarification of the green infrastructure, how the applicant receives credit for suburban street trees and the concern of noting it on the development plan. Mr. Martin said that it is a Comprehensive Plan issue and the Stormwater Manual does give a tremendous amount of credit for quality efforts, such as the suburban street trees, gutters, and detention basins. He said that with complying with the Comprehensive Plan is a commitment to green infrastructure, which can be above and beyond pure quality and quantity controls. Mr. Baillie said that one of the elements of the development criteria is that it be noted on the development plan or described in their justification. He added that at this time, the staff doesn't have a clear identification of how the applicant is addressing that element.

Mr. Pohl asked if the reference to green infrastructure limited to stormwater related issues. Mr. Martin replied that it would not be. Mr. Pohl then asked if spray foam insulation would count as green infrastructure effort. Mr. Martin said that he believes that would be something that the staff would accept as a green building.

Mr. Penn said that the sinkhole was discussed in great detail at the Subdivision meeting, and asked if the staff is comfortable with the sinkhole being part of the stormwater drainage. Mr. Martin said that the staff is comfortable with that. He added that the Engineering manuals and the staff address them in the infrastructure plan. Mr. Penn then asked if a geological study had been conducted on the site. Mr. Martin said that it has not, but if it is necessary, they will be required to conduct a study.

Mr. Nicol commended in regards of the Placebuilder criteria, that there are 56 criteria and asked for verification that the applicant satisfied all but two of those criteria. Mr. Baillie agreed. Mr. Nicol then asked if that occurred at the Subdivision Committee. Mr. Baillie said that it was a combination of their document and their written justification. He said that since the Subdivision Committee, the applicant had submitted a revised development plan that addressed one of the staff's concerns. He added that staff would like to hear more about the other two criteria that they are concerned with.

Mr. Owens asked the staff when the revised development was received. Mr. Martin it was submitted to the staff on May 21, 2019.

Applicant Presentation – Mr. Jacob Walbourn, attorney; Robert Easley, Mike Warner, Koller-Warner Construction, and Rory Kahly, EA Partners, were present representing the petitioner. He said they are in agreement with the staff's recommendations and findings. He said that they reviewed the staff's concerns regarding Unit 16 and said that they will either move the entire building over or remove that particular unit. He said that they are in agreement with the staff regarding buffering; that the ordinance requirement is ample to protect the adjacent properties. He also said that they are in agreement with the staff's conditional zoning restrictions. He added that regarding the pedestrian system; they had convened a meeting with the Division of Traffic Engineering regarding a way to implement a pedestrian system that didn't require them to remove the mature street trees. He said that the system being proposed is closer to the buildings is an effort to preserve those trees. He said that there may be some changes needed as they complete the final development plan.

Mr. Easley said that he had three meetings at the clubhouse. The first meeting was held on May 2, 2019, and two more meetings about every week after that. He said that they discussed the neighborhood's concerns, which the main issue was the screening between the properties. He said that at the last meeting, he met with the President of the homeowners association and a homeowner; they drove around the perimeter of the subject property to view the trees. He added that he is continuing to work with them to decide the types of screening trees that they would agree to use in that area. He is also negotiating with them, what types of shrubs they would like along the driveway area to block the light pollution from vehicles. He said that as of now, they have agreed to a 3-foot hedge along the driveways located in the rear of the buildings. They have also agreed to increase the density of trees along the development perimeter from 40 feet apart to 30 feet apart from each other and to provide a 6-foot fence.

Mr. Kahly said that they don't have any statement on the plan regarding the green infrastructure because at this time, they are unaware of what the details of the building will be. He mentioned that insulation in the buildings, and stormwater recirculation through a pond could meet this criteria. He also mentioned that the re-use of the existing infrastructure that is on the site should also be given credit towards this criteria. He said that they agree to note these details, when they are known, on the development plan. He said that the colored rendering of the plan that was displayed, displayed 45 units, not 44, which is the number they are seeking to develop.

Commission Questions – Mr. Owens asked the applicant if they had any renderings of the proposed buildings. Mr. Walbourn presented exemplars, which are close to the style of the buildings. He said that they will be a high-end product. He said that this will be an age restricted, senior living community, which HUD defines as 55 and older.

Mr. Pohl said that at the Zoning Committee it was noted that the plan and the elevation were mutually exclusive and asked if that had been resolved. Mr. Kahly said there have not been any changes since that meeting and that these are only sketches and there isn't an architectural type as of this time. Mr. Pohl then asked if this is an approximation of what will be developed at this site. Mr. Kahly agreed and said that this is preliminary development plan.

Citizens in Opposition:

Paul Natof, 1600 Tropicana Drive, representing Wellesley Heights Neighborhood Association, said they are hoping to work with the Division of Park and Recreation to get Cardinal Run Park North developed into a park that they could all enjoy. He said that they would rather have 13-17 single-family detached homes be constructed on this property. He said that he understands that this proposal agrees with many elements of the 2018 Comprehensive Plan; however, they fear what else could be developed there if any of the conditional zoning restrictions change. He said that their neighborhood has seven homeowners that will border this development and is asking that, on the deed to the property, it be noted that there be a limit of units of 45-50, so that a large

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developer can't over build this property. He asked that the existing house being kept as the clubhouse be deeded to the homeowners association. He said that the applicant responded to that request by stating that placing ownership of the house to the homeowners association on the deed may restrict future repairs and restorations. He said that they also have concerns regarding the buffering, which has already been discussed. He added that he has never seen the development plan and was hoping to be able to work with them with the development of this property. He said that at the meeting that took place on May 16, 2019, they had expressed some of their concerns, which was to have an 8-foot fence or wall, instead of a 6-foot fence and the materials for the fence. He said that the neighborhood was told that a variance would be needed to change the fence height, and the applicant stated that they would not apply for that variance. He said that the neighborhood was not notified of this zone change prior to the pre-application process and is concerned that since this step is part of the new criteria, that it will set a negative precedent. He added that their main concern regarding the buffering is the proximity of the garages and their associated driveways, parking lots, car lights, and noise. He said that he would like the developer to move the garages to the side or fronts of the units. He would also like the proposed development to keep with the design, look and feel of their neighborhood. He is also concerned about lighting and it be at a maximum height of 8 feet, pointed down.

True Baker, 4105 Heraldry Ct., will be a rear neighbor to the proposed development and is concerned with the integrity of their neighborhood. He said that regarding the criteria of the 2018 Comprehensive Plan's Placebuilder; he believes that it fails the citizens by not having any concern for their sense of place. He said that he agrees with Mr. Natof with the same concerns, especially the light pollution.

Debbie Miller, 1500 Wellesley Height Way, is concerned about the buffer and who will maintain the required fence and landscaping, and the height of the proposed structure.

Jim Taylor, 4101 Heraldry Ct., would like to see a valuable development that would raise their property values. Agrees with Mr. Natof that they were not notified and unable to participate in the process prior to the application being filed.

Jessie Fennell, 1524 Wellesley Heights Way, is concerned with Unit 16 encroaching on the setback limit, and doesn't want this to set a precedent. She requested that conditional zoning restrictions be set, so that they can't add more units to this development.

Carrie Trapp, 1565 Wellesley Drive, former vice president of the neighborhood association, expressed concern with the buffer and she believes that a fence should be 8 feet instead of 6 feet, to offer privacy for both developments. She is also concerned with the safety and increased traffic.

Applicant Rebuttal - Mr. Walbourn said in regards to adding the deed restrictions on the property that the Planning Commission does not have that authority. He said that the fear the neighbors have that the project will fail and a more objectionable development will coming in, would require the plan to come back to Planning Commission for approval. He doesn't believe that preservation of the house is appropriate for a conditional zoning restriction and advised the Commission to speak with their Counselor. He said that their intent is to preserve the house. He said that the objection that was voiced was in the event of a property causality, such as a fire, and it becomes more financially beneficial to tear down the building. A note on the development plan that compels preservation of that property, would not be appropriate. He said that in regards to the variance; he can't request one because they are for individual properties not multiple properties. They can't justify a variance and also it won't meet the legal requirements to request one. He apologized for miscommunication in the application and said that he wasn't involved in the process of meeting with the neighbors and will allow those involved with the meetings to address that matter. However, he would dispute that they haven't been engaged in this process. He said that they have met with the neighbors multiple times, driven around the property and allowed to select the location of the trees and the types they prefer. He added that the citizens haven't objected to this zone change, they are more concerned with what may happen to the property if this doesn't work out. He said that they are willing to continue to work with the neighbors. He said that regarding the concerns of the site, the neighbors would be seeing the landscape buffer that the staff has deemed appropriate, which will be three foot shrubs and the trees that they selected. The 123 parking spaces are throughout the entire development and half of the units don't face Wellesley Heights. He said that if Unit 16 doesn't comply with the setback requirements, the building will be shifted over or that unit will be removed from the development plan. He said that in regards to the safety concerns; that he has met with the Division of Traffic Engineering and at this time, they have not expressed any concern at this location.

Citizen Rebuttal - Mr. Natof, said that he now understands that the deed restriction cannot be required by the Commission, but asked in their good faith they do it anyway. He said that he agrees with the preservation of the house, but is concerned with it being deeded to the homeowners association, which could be sold at a later date. He said that they would prefer an 8-foot fence. He said that a 6-foot fence will not be tall enough and the neighbors could see a parking lot from their second story of their homes. He is still concerned about the applicant stating that they met with the neighbors to discuss this development prior to them filing their application, which is part of the Placebuilder criteria.

Staff Rebuttal - Mr. Baillie said that Article 18-3(a)(1) of the Zoning Ordinance states that a 6-foot high fence is required and Article 15-4(b) states that within a rear portion of a yard it allows a fence up to 8 feet. He also clarified what the staff meant of meaningful engagement within the process. He said that it is a recommended aspect of the Placebuilder, however when the

staff stated "meaningful engagement", it's traditionally more expansive, and something that includes a greater amount of the neighborhood, describing priorities of the neighborhood.

Commission Questions - Mr. Penn asked if the house is on the Historic Preservation list. Ms. Wade said that she believes it is. Mr. Walbourn said he believes that it is not. He added that there was a proclamation made by Governor John Y. Brown that this was a historic property, but it is not on the Historic Register. Ms. Wade stated that she had researched it when the application was filed and will verify.

Mr. Owens asked if this development was context sensitive per the 2018 Comprehensive Plan. Mr. Baillie said that from the staff's perspective, it is, since it is continuing a low density single family housing. He said that enhancing the context of the area doesn't mean that it has to be exactly the same. By adding in new types of housing, which compliments the height and density of the area, it isn't much of a change. Mr. Owens said that many of the citizens stated that they are fearful of the unknown if this development doesn't progress. He said that if there are conditional zoning restrictions, the Planning Commission will need to have significant reasons. Ms. Jones agreed that reasons will be needed to add conditional zoning restrictions as related to this proposed development, which are also limited as to what they can be. She said that they will be limited to use, buffering, and architecture (only if it is within an H-1 Overlay, which it is not). Mr. Owens then asked if limiting the residential units would need to be on a voluntary basis from the applicant. Ms. Jones said that density is a proponent of use and is often used in conditional zoning restrictions, but the Planning Commission would need reasons to support it. Mr. Owens also asked if an 8-foot fence would be possible. Mr. Baillie said that within the height and yard restrictions, which covers fences, allows up to 8 feet for a rear yard fence line in all residential zones, however 6 feet is required by Article 18.

Mr. Berkley asked if a variance is necessary to request an 8-foot fence. Mr. Baillie said that one is not, that it is available to them.

Mr. Wilson asked if it has been verified if the house is on the Historical Preservation list. Mr. Walbourn stated that subject to Ms. Wade's confirmation, the house is not on Historical Register.

Mr. Penn asked Mr. Warner if the greenspace, the clubhouse and the pool is turned over to the homeowners association, will it be their right to complete improvement as they deem necessary. Mr. Warner agreed and said that the intent is to deed it to the homeowners association.

Mr. Owens said that staff stated that an 8-foot fence would be possible. He asked the neighbors if they would be willing to agree to that. Mr. Warner said that he believed that a 6-foot fence was the limit without asking for a variance. He agreed that an 8-foot fence will be acceptable and stated that he would construct a fence at that height.

Mr. Berkley said that there is an electrical easement along that boundary. Mr. Warner said that he will comply with the easement requirements as well.

Note: Ms. Mundy left the meeting at 3:15 p.m.

Zoning Action – A motion was made by Mr. Owens, seconded by Mr. Forester, to approve PLN-MAR-19-00007: EASLEY & FAUST PROPERTIES, LLC, as recommended by the staff.

Mr. Penn stated for the record that the 45 units will be responsible for the maintenance of the clubhouse, pool and greenspace. He also said that the Placebuilder is new to them as well, and everyone is learning as we go. He is not satisfied with the amount of discussion and stated that in the future, discussions need to begin prior to submitting zone change applications.

Motion – Motion carried 8-0 (Brewer, Mundy and Plumlee absent).

Development Plan Action – A motion was made by Mr. Owens, seconded by Mr. Forester to approve PLN-MJDP-19-00019: LEXINGTON ESTATES (THE SILKS CLUB)(AMD), as presented by staff, with 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.
7. ~~Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.~~
7. Revise plan to meet required 25' setback adjacent to R-1A zone (unit 16).
8. ~~Dimension existing house, pool and garage.~~
9. ~~Denote height of townhouses in feet on plan.~~

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- ~~10. Dimension townhouses and garages.~~
- ~~11. Discuss note #9 relative to existing and proposed easements.~~
- 8. ~~12. Denote Discuss an 8' fence shall be installed along additional screening adjacent to R-1A zone the Wellesley Heights Subdivision.~~
- ~~13. Discuss revision to access to provide greater tree protection of significant trees for Units 32-36.~~
- ~~14. Discuss location of park access to avoid vehicular and pedestrian conflicts.~~

Subsequent to the Technical Committee meeting, Planning Staff completed an evaluation of the Placebuilder development criteria.

9. ~~15. Denote Discuss the following Placebuilder Criteria:~~

- ~~I. D-PL7-1: Provide documentation of public outreach to adjacent property owners as indicated in the applicant justification.~~
- II. B-SU11-1: Provide written or graphical description of green infrastructure as indicated in the applicant justification at the time of the final development plan.
- ~~III. C-LI7-1, A-DS5-1, D-CO2-1: Improve the delineation between vehicular and pedestrian infrastructure in areas near the clubhouse, mailbox kiosk, and the future connection to the LFUCG park space.~~

Motion - Motion carried 8-0 (Brewer, Mundy and Plumlee absent).

Citizen Comment – Ms. Trapp asked that in the future, if the neighbors could meet with the staff and the applicant at the same time in order to resolve concerns more efficiently.