

**1. CLOVER COMMUNITIES (AMD) ZONING MAP AMENDMENT & BAPTIST CHURCH OF ANDOVER (CLOVER SENIOR LIVING CENTER) ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-19-00001: CLOVER COMMUNITIES (AMD) (4/25/19)\*- an amended petition for a zone map amendment from an Agricultural Urban (A-U) zone to a High Density Apartment (R-4) zone, for 8.332 net (8.385 gross) acres, for property located at 3330 Todds Road (a portion of).

**COMPREHENSIVE PLAN AND PROPOSED USE**

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The Plan's mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; providing safe, affordable and accessible housing to meet the needs of older and/or disadvantaged residents; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

The petitioner proposes to rezone the property to the High Density Apartment (R-4) zone to develop a four-story, senior housing development with 128 dwelling units. With the petitioner's amendment, this now represents a residential density of 15.36 dwelling units per net acre.

The Zoning Committee Recommended: Approval conditioned upon connectivity to be addressed.

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

1. The proposed rezoning of the subject property does not meet the 2013 Comprehensive Plan or the adopted Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
    - a. The proposed development of the site does not respect the character and context of an area (Theme A, Goal #2.a) by not properly transitioning in height and massing of the proposed structure.
    - b. The lack of a transition or buffering from the single-family residences to the proposed multi-family structure leads to the dominating of the landscape by the new use, not an enhancement of the existing urban form (Theme E, Goal #1.d). Enhancement suggests both the addition of new services or forms of housing, and the inclusion of new development that will not change the character of a neighborhood.
    - c. The proposed development does not adequately meet the Comprehensive Plan's goals for connectivity for all modes of transportation (Theme A, Goal #3.b). By terminating the stub street into the proposed development and cutting off future connections between Putter Lane and Andover Woods Lane, the applicant is reducing the availability of future connections and limiting connectivity.
  2. The Planning Commission must not consider the site from the singular perspective of what is being proposed, but from the perspective of how the site can be used into the future, as the proposed zone permits more intense land uses. The placement of a multifamily apartment complex well off of an arterial roadway, serviced primarily by an access easement, and allowing for little room for future modification should the proposed use fail, does not meet best practices. Furthermore, the goal of connectivity and location of the site is therefore heavily tied to the appropriateness of the High Density Apartment (R-4) zone. Without the availability of proper infrastructure, roadways and connectivity, for all uses within the R-4 zone, the rezoning is not appropriate at this location.
  3. There have been no major changes of an economic, physical or social nature within the immediate area, which were not anticipated in the Comprehensive Plan adopted by the Commission and which have substantially altered the basic character of such area.
- b. PLN-MJDP-19-00002: BAPTIST CHURCH OF ANDOVER (CLOVER SENIOR LIVING CENTER) (4/25/19)\* - located at 3330 TODDS ROAD, LEXINGTON, KY.  
Please Contact: Blomquist Design Group, LLC

**Note:** The applicant submitted a revised development plan on February 4th addressing several of the conditions identified by the Technical Committee on January 30th. However, the staff cannot offer a revised recommendation for the Subdivision Committee to consider due to the remaining concern with the discussion items.

**The Subdivision Committee Recommended: Approval, the following requirements should be considered:**

1. Provided the Urban County Council rezones the property R-4; 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.

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

7. Adjust location of owner's and Planning Commission certification to improve legibility and correct meeting date information.
8. Delete proposed access to Todds Road and revise proposed lotting to comply with the Land Subdivision Regulations.
9. Denote secondary access to Andover Woods Lane along existing right-of-way.
10. Revise proposed termination of Putter Lane to comply with the Land Subdivision Regulations.
11. Denote pedestrian connection to adjoining Williams Property.
12. Discuss connection of Putter Lane to Andover Woods Lane, per the Preliminary Development Plan.
13. Discuss need for Board of Adjustment approval of the revised church parking circulation and additional square footage.

Staff Zoning Presentation – Mr. Baillie presented the staff report and recommendations for the zone change. He stated that the staff has received 76 letters of opposition, 12 letters of support, and one petition, which he circulated to the Planning Commission. He said the subject property is located on the south side of Todds Road, behind the Baptist Church of Andover. It is situated between a single family residence on a large lot, located to the northwest, and the Andover Club Villas, located to the southeast of the subject property. A portion of the former Andover Country Club golf course is located directly across Todds Road to the north and the Andover Woods subdivision borders the site to the southeast and west. The Brighton East, Autumn Ridge, Andover Hills, and Andover Forest subdivisions are also located within the immediate vicinity. The subject property is bounded on three sides by residential zoning (R-1D, R-1E and R-4), but all areas are developed with single-family residential dwelling units, either detached or attached. He said the church on the northern portion of the property is proposed to remain zoned Agricultural Urban (A-U), with the exception of the area proposed as a shared driveway, which is now proposed to be rezoned to the R-4 zone. He displayed aerial photographs of the general area and photographs of the subject property, depicting the access points and proposed location of the proposed building.

Mr. Baillie said that the petitioner proposes to develop a three-story senior housing development with 125 dwelling units, which will represent a residential density of 15 dwelling units per net acre. He added that the applicant amended their application and shifted the driveway from the southern edge of the property, to the church's access point, splitting the church property, which he depicted to the map. He said that the revised corollary development plan filed in conjunction with this zone change depicts another access point located at Putter Lane with a hammer head termination into the property. He added that the purpose of stub streets are to allow for future development of an area. They are meant to continue and allow for greater connectivity, which reduces impacts on traffic, reduces carbon emissions, and allows for greater connectivity of pedestrians. He said that Andover Woods Lane is the greatest frontage for the proposed rezoning. He added that it was meant to connect with Putter Lane, which the applicant is not proposing any connection at this time. He said that Putter Lane is seen as the secondary access into the proposed development.

Mr. Baillie said the staff is generally supportive of the proposed use for senior housing, but that there are significant concerns with the applicant's proposal and its relationship to adjoining residential neighborhoods. He said that this application does not adequately meet the Comprehensive Plan's Goals & Objectives for connectivity for all modes of transportation, for creating an effective and comprehensive transportation system, or for providing an accessible place to live for older and disadvantaged residents. He added that connectivity is especially important as more density is added to the rear of an existing property, the bar for greater connectivity is higher for the entire neighborhood. He said that the staff is focusing on four of the goals of connectivity, which are as follows: choice, which allows for the multiple route options and continuous convenient facilities without gaps; environment and energy, which are efficient street systems that reduce traffic and congestion, which help mitigate noise pollution, energy consumption, and carbon emissions; public health and recreation, which connectivity creates an environment that fosters walking and biking, resulting in more daily activity and more healthy lifestyles; and efficient public services, where complete streets reduce response times for emergency vehicles and improves access and efficiency for transit, school buses and service vehicles.

Mr. Baillie said the staff recommends disapproval of this zone change; however, the Zoning Committee did recommend approval of this zone change, but asked for connectivity to be made between Putter Lane and Andover Woods Lane, which has not been made at this time.

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-4; 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. Adjust location of owner's and Planning Commission certification to improve legibility and correct meeting date information.
8. Delete proposed access to Todds Road and revise proposed lotting to comply with the Land Subdivision Regulations.
9. Denote secondary access to Andover Woods Lane along existing right-of-way.

10. ~~Revise proposed termination of Putter Lane to comply with the Land Subdivision Regulations~~ Addition of cul-de-sac detail to plan.
11. Denote pedestrian connection to adjoining Williams Property.
12. ~~Discuss connection of Putter Lane to~~ Denote pedestrian improvements to Andover Woods Lane, per the Preliminary Development Plan shall be determined at the time of Final Development Plan or Final Record Plat.
13. ~~Discuss~~ Denote need for Board of Adjustment approval of the revised church parking circulation and additional square footage shall be determined at time of Final Development Plan should access to Todds Road be approved.
14. Resolve orientation of building to provide adequate access to the building.

Mr. Martin said that the staff reviews these development plans as if the zoning was already in place. He said that the applicant submitted a revised plan and is proposing a hammer head cul-de-sac at the end of Putter Lane. He pointed out the existing church access and the proposed access to the development, and the parking located around the building. He said that the applicant is proposing 125 units and 138 parking spaces, which 35 of them will be garage spaces. This is over forty parking spaces above the requirement. He added that the Floor Area Ratio (FAR) is 0.38, with a total square footage of 141,525, which will be a three-story, 39-foot high building. He said that the subject property is surrounded by Single Family zoning which allows a 35-foot high building.

Mr. Martin said that the Subdivision Committee recommended approval of this plan subject to concerns of the connectivity and street access to Todds Road. He said that the staff has recommended on the revised conditions that access from Todds Road not serve this development, and that it is removed from the plan. He said that this is a remnant piece of property that has never been platted and that this type of geometry does not meet the Subdivision Regulations. He said that this plan does terminate Putter Lane and that the staff recommended that Putter Lane be used as an access into this development because it is near a collector street, which has access to the arterial roadway. He also said that the staff recommended that a secondary entrance should be provided on to Andover Woods Lane to serve this development, particularly in terms of emergency access. He added that this entrance will discourage cut-thru traffic because it will most likely only be residents of this development and neighbors.

Mr. Martin said that the staff is recommending approval of this development plan with the removal of the access to Todds Road. He said that regarding condition #8, the access changes the relationship of the spacing on Todds Road. He said that condition #11 denotes pedestrian connection to the adjoining Williams Property, so that pedestrians have access to the public street systems and sidewalks. Also, condition #12 to denote pedestrian improvements to Andover Woods Lane shall be determined at the time of Final Development Plan or Final Record Plat. He said that condition #13 is to denote that should approval be required by the Board of Adjustment (BOA) for the access on the church's property. He also said that condition #14 states that adequate access into the building should be finalized at the time of final development plan.

Commission Questions – Ms. Mundy asked if this acreage was included in the 17,000 acres reported to them as underutilized property. Mr. Martin said that he believes that because the church owned this property that it was not considered as underutilized at that time. Mr. Duncan agreed.

Mr. Berkley asked for verification of the height of the proposed building. Mr. Martin said that it is proposed to be 39 feet in height. Mr. Berkley also asked for verification of the applicant to remove the church entrance and that the staff would like for them to use Putter Lane. Mr. Martin agreed and also that the staff recommended a secondary entrance onto Andover Woods Lane.

Mr. Nicol asked if the conditions for the development plan are approved; how they would affect the zone change request. Mr. Martin said that staff reviews them both separately and the key will be the decision of the zone change.

Mr. Wilson asked for clarification that the zone change approval is dependent upon the access points into this development. Mr. Martin agreed.

Applicant Presentation – Mr. Nick Nicholson, attorney; Rob Jack, Clover Communities; and Marv Blomquist, Blomquist Design Group, were present representing the petitioner. He said that Clover Communities has over twenty different developments throughout the northeast. He displayed a presentation to the Planning Commission and stated that the Comprehensive Plan has said that Lexington has a need for elderly housing. He said that this proposed housing is only apartments for individuals that are 62 years and older and that there isn't any assistant living or medical component to this development.

Mr. Nicholson said that this plan has been before the Planning Commission at the Subdivision Committee and the Zoning Committee, during which they both recommended approval for this zone change and development plan. He said that he wanted to address some of the conditions that the staff had concerns with. He said regarding condition #8, the access to Todds Road; he would like to have that condition removed. He believes that this access point is critical, not only for this development, but also to make sure the surrounding neighborhoods are not impacted by any new development being constructed on an underutilized, infill-like project.

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Mr. Nicholson said that upon meeting with the neighborhood, they expressed concern with the building height, the building material, and neighborhood access. He said that they have met with the neighbors and the staff, reviewed all of the concerns and tried to coordinate them with the planning policies that has been set by the community. They believe that this is an incredibly fair compromise and that the church access point is vital to the development and required by the Subdivision Regulations because this is a multi-family development. He said that they are indicating that this is the only design for this property; they are asking that the Planning Commission to not delete the access point that they are allowed and to continue to discuss the design at the time of the Final Development Plan. He said that conditions #9, #11, and #12, are to denote an additional access point, specifically to Andover Woods Lane. He said that they would change "denote" to "resolve" at the time of the Final Development Plan. He said that when he met with the neighborhood, he gave his word that he would not submit a development plan that depicted an access point, either pedestrian or vehicular, to Andover Woods Lane unless the Planning Commission specifically required it. He does not believe that it is necessary and the neighborhood is adamant that they do not want that connection.

Mr. Nicholson said that regarding the concern of the building height, the original development plan depicted a four-story building on it when the Subdivision and Zoning Committees recommended approval. He said that after meeting with the neighborhood, they revised the building to be three-stories, which will be 39 feet in height. Regarding the building material, which he said is not relevant at this time, they agreed with the neighbors that they will not use vinyl siding and will be a mixture of hardy plank, stone veneer, and masonry work. He said that the final concern of the neighbors was the connection to Andover Woods Lane. He said that he does not believe that it will benefit the neighborhood and it also adds an adverse impact to them.

Mr. Nicholson said that staff was also concerned that there wasn't enough pedestrian improvements. He said that they have added a significant amount of sidewalks, trails, park benches, open areas, as well as pedestrian connection to Putter Lane and Todds Road. He agreed to add the note on the development that the church must obtain a revised conditional use permit from the Board of Adjustment (BOA). He said they acknowledge that the access point would change the relationship for the church.

Mr. Nicholson said that they believe that this request is in compliance with the Comprehensive Plan and is appropriate and allows for a use that is in demand. He said that this is an underutilized parcel and allows for infill development. He also believes that the senior living would result in a desirable community. He also displayed a chart of the 2017 Fayette County Housing Demand Study, which depicted that there is a shortage of housing for citizens older than 65 years. He said that in regards to other adverse impacts, he said that this couldn't have been a better user. He said that the traffic impact will be minimal. He said most of the area is currently R-4 zoning. He said that at the Committee meeting there was a concern that this site is not in close proximity to neighborhood services, such as grocery stores. He said that within 0.5 miles there are drugstores, multiple restaurants, a dry cleaner, and the Hamburg shopping center is less than one mile away. He added that within two miles there are three grocery stores.

Commission Questions – Ms. Plumlee asked what other amenities would be available for the seniors. Mr. Nicholson introduced Rob Jack, Clover Communities, to address this questions. He said that within the building there will be a community space where senior activities will be held, also a fitness center, beauty salon and a library; outdoor there will be a patio, recreational area, and the trails.

Mr. Owens asked how many units are being proposed for this development. Mr. Nicholson said that there are 125 units.

Mr. Nicol asked for the names of the multiple neighborhood associations that they had met with. Mr. Nicholson said they met at the Andover Country Club and it was open to all of the Andover neighborhood associations, as well as the neighboring associations. Mr. Nicol also asked if the access at Todds Road would reduce the traffic on Putter Lane. Mr. Nicholson said that it would.

Citizen Comments - Edwin Gibson, 713 Broadmoor Place, representing the Andover Neighborhood Association, the Golf Townhomes of Andover Homeowners Association, and the Reserve at Andover Residential Homeowners Association. He said collectively these associations represent 803 homes. He said that they are not opposed to this proposal, they support the zone change, but they are concerned with the difference of the existing homes in the adjacent communities. He said that they appreciate the applicants concession of reducing the building height, but that the height is still a concern, as well as the footprint and the magnitude of the structure. He read the staff's recommendation from the agenda and said that the architectural character of the proposed building conflicts with the surrounding single family homes. He also said that they are also concerned with noise and light pollution and that no amount of buffering will reduce those and could lead to a reduction of home values. He added that the Andover Communities have purchased the former Andover Golf and Country Club and have control over what would become of it. Their goal was to preserve and protect property values by preventing development that is contrary to the existing neighborhood-wide architectural standards.

Irvin Hurst, 3406 Country Club Drive, representing the Andover Club Villas, clarified that they are not a senior living community. He said that their Board of Directors was not contacted regarding this proposal. He displayed a presentation of photos and other Clover Communities developments. He said that they strongly oppose this proposal as it is presented. He said that the City's goals are infill and redevelopment that respects the character and context of an area and they don't believe that this project does meet that goal. He said that they don't oppose senior living, but he doesn't believe that it will integrate with the community. He said that the footprint of this development is just too large for this site. The property is located on high ground and will overlook all of the neighboring communities. He also said that they don't believe that this development meets the Goals and Objectives of the Comprehensive Plan.

Julie Lewis, 537 Huntersknoll Place, is in favor of development near their neighborhood, but wants a positive type of development. She would like development that reflects the current character of their neighborhood, not in excess of two-story single family homes. She is concerned with the ingress and egress into this proposed development seem to be very problematic. She said that the intersection of Andover Village Drive and Todds Road is very congested during peak times. She is also concerned about increased cut-thru traffic, safety, and the noise and light pollution.

Carri Lyda, 797 Andover Village Drive, said that she appreciated the previous speakers and reiterated that this site is at the top of a hill and the lights will have a greater impact on their neighborhood.

Thomas Gadd, 937 Andover Woods Lane, said that the development plan depicts that the building entrance would be 80 feet away from his home. He also has concerns with the noise and light pollution, as well as safety of the children in the neighborhood. He said that the State will not install a traffic signal at Todds Road and is concerned with the increased traffic. He asked the Planning Commission to table this decision, while the State completes a traffic study that has just begun.

Jim Sutton, 3520 Hunters Green Way, said that he is concerned about the height of this development and the light pollution. He is also concerned about the safety and the increased traffic.

Applicant Rebuttal – Mr. Nicholson addressed the concern that he didn't contact the Board of the adjacent development. He apologized for any miscommunication, but said that he spoke to the President listed on their website, who stated that he would alert the Board the next day. Mr. Nicholson also said that he spoke to two individuals in this complex who sent development related requests. He said that regarding the traffic, light, and noise pollution; this is a senior housing development and they don't want traffic, light, and noise pollution either. He said that they try to have very little, if any, pole lighting for the same concerns. He said that this is one of the lowest traffic impacts possible. He said that a note could be placed on the development plan stating that this development is for eldering living and any other change in use to the apartments would need to be approved by the Planning Commission. He said that the architectural design concerns are not within this Planning Commission purview. He said that they are happy to sacrifice on the type of materials used and will continue to meet with the neighborhoods. He said with regards to the height; after meeting with the neighborhoods, they removed a floor of their building to compromise with them. He added that most of the comments was not in opposition to the zone change, but mostly design development plan issues, which can be resolved at the final development plan. He said that Ms. Wade pointed out that he didn't provide findings, he believed that since the Zoning Committee had recommended approval that those findings would be in the record.

Citizen Rebuttal – Mr. Gibson said that regarding the safety concern, that there have recently been car break-ins and that the elderly are more susceptible to crime than others, which would be more taxing to the law enforcement in the area.

Ms. Lyda said that the applicant may have cut one-fourth of their proposed building by changing the height from four floors to three, she believes that the number of units didn't change and the footprint got larger.

Staff Rebuttal – Mr. Baillie reiterated that Lexington does have need for senior housing, but that doesn't mean that the density be added if the facilities are not available. He added that much of the staff's concern is the interconnectivity and providing those facilities that will best enhance a neighborhood. He said that the individuals that will most likely be utilizing the access into Andover Woods Lane will be the residents. He said that the nearby services that Mr. Nicholson spoke about are also available to the residents on Andover Woods Lane, which the distance will be shortened and will lessen the carbon footprint. He said that the Subdivision Regulations do not prohibit or take away the access to Putter Lane or Andover Woods Lane. It states that access may be provided to minor arterial roadways.

Commission questions – Mr. Nicol asked for the staff to confirm desire to have access via Putter Lane and via Andover Woods Lane. Mr. Baillie said that it is and that a development should be integrated into a neighborhood. He said that most of this development is focused on Todds Road and the need for a second access on Putter Lane. He also said that staff has concerns with any large scale development that seeks to nestle itself in the back of a property without trying to integrate itself within a neighborhood. He said that the street connections are not only for the road/pedestrian systems, but also for

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neighborhood interaction. The 2018 Comprehensive Plan is not only regarding density and use, it is also about social interaction, integrating into neighborhoods, and making a context development that benefit the entire community.

**Commission Questions** – Mr. Owens asked if the Division of Traffic Engineering or the Division of Fire and Emergency Services have any concerns or comments regarding the access closure at Todds Road. Mr. Greg Lengal of the Division of Fire and Emergency Services said the Subdivision Committee and Technical Committee recommend having the access at Todds Road, as well as Putter Lane.

Mr. Berkley said that he doesn't believe the Todds Road entrance will close because it is the entrance into the church. Mr. Baillie said that currently there isn't any access to rear of the property. It is being utilized at particular times, with a particular amount of traffic, which does not interact with the peak hour drives times that the neighbors are referencing. Mr. Berkley said that the traffic would not be eliminated from Todds Road but it will be controlled as to the access. Mr. Baillie said that the staff wants to control the traffic to certain access points that had been deemed appropriate by the State. Mr. Berkley then asked if this section of Todds Road is State right-of-way and would have the final approval of the location of the entrance. Ms. Wade said that this access point has been approved by the State for the church, but they will need to amend that permit for the additional vehicular traffic, if this gets approved by the Planning Commission. Mr. Nicholson confirmed that the entrance is State controlled and does require an amended permit, which is standard for any type of development. He said that if this access is denied by the State, it will change the final development plan. Mr. Berkley believes that the Todds Road entrance needs to remain on the development plan.

Ms. Mundy asked the applicant for confirmation that vinyl will not be used as a building material, that it will be hardy board, stone and masonry. Mr. Nicholson agreed and will be noted on the final development plan. He said that they don't have the percentages because they don't know if the footprint will be approved.

Mr. Bell asked how much traffic is anticipated since this will be a senior living center. Mr. Nicholson said that there would be 25 additional trips in the am peak travel period and 35 in the pm peak.

Mr. Nicol asked the applicant to restate their reason for not using the staff's recommendation and having an access at Andover Woods Lane and at Putter Lane. Mr. Nicholson said that he believes having an access at both of those locations would be a disservice to this development and to the neighborhood. They don't think that it's necessary because the requirements are being met and he gave his word to the neighborhood that he wouldn't use it.

Mr. Wilson said that he didn't hear a lot of concern regarding the zone change, but much more concern about the development plan, and most issues are related to the access. Mr. Wilson asked if the second access to Andover Woods Lane is required, would they continue with this development. Mr. Nicholson said that the removal of access onto Todds Road could be detrimental to this development.

Mr. Wilson asked Mr. Nicholson if he has revised Findings. Mr. Nicholson said that he didn't submit any written Findings since the Zoning Committee recommended approval.

*Note: Planning Commission took a recess at 3:16 p.m. until 3:23 p.m.*

Mr. Wilson asked the staff for more clarification regarding the second access road and the role that the State will have with this decision. Mr. Martin said that condition #8 is referencing the apartments utilizing the existing church access. He said that the church will not lose their access, but that the residents of the apartments will not use that access. He also verified that the Planning Commission has jurisdiction over the development plans and can approve an access point, and the State can disagree, as well as the State approving an access point on a development plan and the Planning Commission could disagree.

**Commission Comments** – Mr. Berkley thanked the neighbors and the developers for their work on the plan. He said that the zone change didn't have much opposition, but most of the comments are related to the development plan. He said that he does believe that the proposed R-4 zone is appropriate, and added that this is a preliminary development plan and that more work needs to be completed

**Zoning Action** – A motion was made by Mr. Berkley, seconded by Mr. Nicol, to approve PLN-MAR-19-00001: CLOVER COMMUNITIES (AMD), for the following reasons:

1. The proposed rezoning of the subject property meets the 2013 Comprehensive Plan by:
  - a. Expanding housing choices to address all residents of Lexington/Fayette County;
  - b. Planning for safe, affordable and accessible housing to meet the needs of older and/or disadvantaged residents by providing senior apartments;
  - c. Supports infill and redevelopment throughout the Urban Service Area boundary by developing housing units on a parcel that is currently underutilized, and;

- d. Uphold the Urban Service Area boundary by utilizing area for development that is undeveloped within the Urban Service Area boundary.

Ms. Wade clarified that the development plan would be certified within two weeks of this hearing, which is typically part of the zoning recommendation. Mr. Wilson asked if that could be added to the findings (see below). Mr. Berkley and Mr. Nicol agreed.

2. This recommendation is made subject to approval and certification of the applicable portion of PLN-MJDP-19-00002: BAPTIST CHURCH OF ANDOVER (CLOVER SENIOR LIVING CENTER), prior to being forwarded to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

Motion – Motion carried 8-1 (Plumlee opposed; Brewer and Pohl absent).

Mr. Wilson reminded the community that Mr. Berkley's statement is true and that this is a preliminary development plan. The applicant has stated for the record that there will be some changes and they will continue to work with the community and the staff. Mr. Nicholson agreed.

Mr. Berkley said that because of the low projected volume of traffic that the Todds Road, he believed that access should remain on the development plan and suggested conditions #8 and #9 be changed to "Resolve."

Development Plan Action – A motion was made by Mr. Berkley, seconded by Mr. Nicol to approve PLN-MJDP-19-00002: BAPTIST CHURCH OF ANDOVER (CLOVER SENIOR LIVING CENTER), as presented by staff, with the proposed additional notes, as follows:

1. Provided the Urban County Council rezones the property R-4; 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. Adjust location of owner's and Planning Commission certification to improve legibility and correct meeting date information.
8. ~~Delete Denote:~~ Resolve proposed access to Todds Road and revise proposed lotting to comply with the Land Subdivision Regulations at the time of Final Development Plan.
9. ~~Delete Denote:~~ Resolve secondary access to Andover Woods Lane along existing right-of-way at the time of Final Development Plan.
10. ~~Revise proposed termination of Putter Lane to comply with the Land Subdivision Regulations~~ Addition of cul-de-sac detail to plan.
11. Denote resolution of pedestrian connection to adjoining Williams Property at the time of Final Development Plan.
12. ~~Discuss connection of Putter Lane to~~ Denote resolution of pedestrian improvements to Andover Woods Lane at the time of Final Development Plan, per the Preliminary Development Plan shall be determined at the time of Final Development Plan or Final Record Plat.
13. ~~Discuss Denote~~ need for Board of Adjustment approval of the revised church parking circulation and additional square footage shall be determined at time of Final Development Plan should access to Todds Road be approved.
14. Resolve orientation of building to provide adequate access to the building.

Commission Discussion – Mr. Penn stated that there were no concerns with the zone change; however, there are several with the development plan. He said that with the newly approved Comprehensive Plan, the Planning Commission is not here to discuss design. They are here to say whether or not a plan meets within the Comprehensive Plan and to discuss access and neighborhood concerns. This development plan will return to this board for approval as a Final Development Plan.

Motion - Motion carried 8-1 (Plumlee opposed; Brewer and Pohl absent).

