1. <u>ANDERSON COMMUNITIES, INC ZONING MAP AMENDMENT AND PHELPS PROPERTY DEVELOPMENT PLAN</u>

a. <u>PLN-MAR-23-00005: ANDERSON COMMUNITIES, INC</u> – a petition for a zone map amendment from a Highway Service Business (B-3) zone and Agricultural Rural (A-R) zone, to a Community Center (CC) zone, for 8.36 net (11.95 gross) acres, for property located at 4075 Old Richmond 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.

The applicant is rezoning the property to allow for the construction of a mixed-use development including an automobile service station, coffee shop, two story townhouse buildings, and four story multi-family apartment buildings. The applicant proposes a total of 139 dwelling units for a density of 23.52 units per net acre. The multi-family residential use will be accompanied by amenities including a dog park, fitness center, and pool. A total of 257 parking spaces are proposed between the commercial and residential components of the development.

The Zoning Committee Recommended: Postponement.

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

- 1. The proposed Community Center (CC) zone is in agreement with the 2018 Comprehensive Plan's Goals, Objectives, and Policies, for the following reasons:
 - a. The proposal introduces multi-family residential uses into an area predominately characterized by single-family attached and detached units, the applicant expands the variety of housing types and densities present in the area (Theme A, Goal #1.c).
 - b. By developing an underutilized parcel of land within the Urban Service Area, the proposal supports goals relating to redevelopment and strategic growth (Theme A, Goal #2.a; Theme E Goal #1.c).
 - c. The proposal creates more meaningful and direct pedestrian and multi-modal connections, which contributes to an effective and comprehensive transportation system in this area (Theme D, Goal #1.c).
 - d. The proposed pedestrian network will move pedestrians and vehicles throughout the site in a contextsensitive manner that is in keeping with a "main street" feel that is appropriate for a Community Center zone (Theme A, Design Policies 1 & 5).
 - e. The development demonstrates compliance with the Multi-Family Design Standards (Theme A, Design Policy 3).
 - f. The request utilizes smaller scale townhome units to provide for more context sensitive transitions from the surrounding development (Theme A, Design Policy 4).
 - g. The development orients parking to the rear of the structures (Theme A, Design Policy 7).
 - h. The proposal increases densities and intensities along the Athens Boonesboro Road corridor in a context-sensitive manner (Theme A, Density Policies 1, 2, and 4).
 - i. The orientation of the commercial uses towards the centralized multi-modal path allows for easy connections to neighborhood scale supportive uses for the surrounding development. (Theme A, Density Policy 3).
- 2. The justification and corollary development plan are in agreement with the development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location, as the proposal demonstrates compliance with the requirements of the Multi-Family Design Standards, orients the parking to the side and rear of the development, and utilizes townhouse units to minimize contrasts in scale and massing,

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

- b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity, as the revised proposal provides a redesigned road network with significant traffic calming measures, and provides for safer and more direct pedestrian connections both within the site, and to the surrounding areas.
- c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as the proposed design works and provides for distributed and usable open space throughout the development, and avoids developing any environmentally sensitive areas.
- 3. This recommendation is made subject to approval and certification of <u>PLN-MJDP-23-00024</u>: <u>PHELPS PROPERTY</u>, 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-23-00024: PHELPS PROPERTY (8/28/2023)* located at 4075 OLD RICHMOND ROAD, LEXINGTON, KY

Council District: 12

Project Contact: Barrett Partners, Inc.

<u>Note</u>: The purpose of this plan is to depict the development of the property for commercial and residential, in support of the requested zone change from an Agricultural Rural (A-R) zone and a Highway Service Business (B-3) zone, to a Community Center (CC) zone.

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

- Provided the Urban County Council approves the zone change to CC; otherwise, any Commission action of approval is null and void.
- Urban County Engineer's acceptance of drainage, and storm and sanitary sewers, and floodplain information.
- 3. Urban County Traffic Engineer's approval of street cross-sections and access.
- 4. Urban Forester's approval of tree preservation plan.
- 5. Greenspace planner's approval of the treatment of greenways and greenspace.
- 6. Department of Environmental Quality's approval if environmentally sensitive areas.
- Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Division.
- 8. United States Postal Service Office's approval of kiosk locations or easement.
- 9. Discuss compliance with multi-family design standards.
- 10. Discuss open space area adjacent to buildings F, G, & H.
- 11. Discuss proposed right-in only and need for a waiver to the Land Subdivision Regulations.
- 12. Discuss pedestrian facility adjacent to Athens Boonesboro right-of-way.
- 13. Discuss off-site dog park.
- 14. Discuss proposed retention versus detention.
- 15. Discuss connection to existing Expansion Area development in the immediate vicinity.
- 16, Discuss proposed public street through site.
- 17. Discuss Placebuilder criteria.

<u>Note</u>: The applicant submitted a revised plan on July 12, 2023. Based on that submittal, staff can offer the following revised conditions.

The Staff Recommends: **Approval**, subject to the following revised conditions:

- 1. Provided the Urban County Council approves the zone change to <u>CC</u>; otherwise, any Commission action of approval is null and void.
- Urban County Engineer's acceptance of drainage, and storm and sanitary sewers, and floodplain information.
- 3. Urban County Traffic Engineer's approval of street cross-sections and access.
- 4. Urban Forester's approval of tree preservation plan.
- 5. Greenspace planner's approval of the treatment of greenways and greenspace.
- 6. Department of Environmental Quality's approval if environmentally sensitive areas.

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

- 7. United States Postal Service Office's approval of kiosk locations or easement.
- 8. Provided the Planning Commission grants the requested waiver to Article 6-8(q) of the Land Subdivision Regulations.
- 9. Denote pedestrian facility adjacent to Athens Boonesboro right-of-way shall be determined at time of Final Development Plan.
- 10. Denote proposed retention versus detention shall be determined at time of Final Development Plan.
- 11. Denote connection to existing Expansion Area development in the immediate vicinity shall be determined at time of Final Development Plan.
- 12. Clarify number and type of dwelling units proposed.
- 13. Discuss Placebuilder criteria.

Staff Presentation – Mr. Crum oriented the Commission to the subject property and presented the zone change request. He distributed the citizen comments that had been received, and explained that the applicant planned to use a Placebuilder argument for the appropriateness of the zone change rather than a map-based argument related to the Expansion Area Master Plan. He described the location of the subject property and the area's current zoning and development patterns. He briefly explained the road changes that would be taking place regarding Athens Boonsboro Road, Old Richmond Road, and Aphids Way. He indicated the portion of Old Richmond Road that would be closed, and Aphids Way would be connected to the remaining Old Richmond Road and align with the Hays Boulevard intersection. Mr. Crum also noted the RCUT turn lanes that were being added to Athens Boonsboro Road to improve traffic safety. He identified the topography of the parcel by sharing photos of the area, and explained the significant changes and improvements that would be occurring on Aphids Way.

He told the Planning Commission that the area was recommended EAR-1 (Expansion Area Residential) which was originally intended for the lowest density of residential. Mr. Crum noted that the Comprehensive Plan stated that it should be used "in addition to" rather than "in place of" the Expansion Area Master Plan (EAMP). He said that the applicant opined that the EAMP land use map was inappropriate. Mr. Crum shared the features of the Community Center (CC) zone. He specifically noted the open space requirements, mixed-use component, and stated that at least forty percent (40%) of the development had to be non-commercial. Mr. Crum identified other CC zoned areas and how they have developed differently than the plan had originally anticipated. He stated that, while the subject property was not originally intended for the CC land uses within the EAMP, the applicant felt that they were activating several features of the CC zone.

He shared the uses that were indicated on the development plan including commercial uses of a restaurant and convenience store, and residential use that included townhouses and four-story apartment buildings for a total of 139 units. Mr. Crum pointed out the pedestrian connectivity, open space, and access to and from the property. He explained the similarities between the CC zone and the New Complete Neighborhood Place-Type, and stated that the place-type and development type were compatible with the requested zone. Mr. Crum identified the Goals, Objectives, Policies, and Development criteria that were being met with the request. Lastly, Mr. Crum listed the reasons why staff was recommending approval for the zone change.

<u>Commission Questions</u> – Mr. Owens asked for clarity regarding the EAMP requiring low to medium density housing with a more defined buffer area. Mr. Crum reiterated that it was the reason why the applicant had used a justification that included existing roadways as a type of buffer. The justification was based more on the Comprehensive Plan and met the spirit of the CC zone. Mr. Owens asked how the Community Center fit in this location with the surrounding roadways isolating it. Mr. Crum pointed out the different connections to surrounding neighborhoods, and reminded the Planning Commission that other previously developed Community Center zones had been developed differently than expected, and towards corridor roads. Mr. Owens also asked about how many stories the proposed apartments would have. Mr. Crum replied that they would be 4-story apartment buildings.

Mr. Nicol asked about a small section of the property that was currently zoned B-3, and if it was considered at the time the CC zone was chosen. Mr. Crum responded that it was not considered because the applicant was seeking to abandon that zone at this location. He said that staff made their recommendation based on the proposed zone.

Mr. Michler asked if the proposed convenience store would work well with the neighborhood and pedestrian nature of the Community Center zone, especially regarding the number of cars buying fuel, and the lights and signage that would be included. Mr. Crum responded that the convenience store would sell many needed day

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

August 10, 2023 Minutes
Page 17

to day items, and the restaurant would provide the anchor and center of the project. He pointed out the convenience store would be located the furthest distance away from the existing residential area, and landscaping could help mitigate the lights and sounds. Mr. Michler asked what the sign allowances were in the current zone. Ms. Wade shared the sign specifications for the B-1 zone, noting that the CC zone follows those limitations.

Mr. Bell asked about the size of the parcel below the subject property, but staff did not have that information.

Staff Presentation - Mr. Martin presented the development plan for the site. He reminded the Planning Commission that it was a preliminary development plan, and they are reviewed as if the requested zone had been granted. He pointed out the part of Old Richmond Road that was closing and explained how the abandoned right-of-way would be divided. He also mentioned that it would be heavily landscaped for noise and light mitigation. He indicated the location of two right-in entrances and the full access point at Aphids Way. He made some comments regarding the elements of the plan that would be addressed during the final development phase, such as better pedestrian connections and bicycle parking areas. He told the Planning Commission that the applicant had earlier submitted a waiver request for the right-in entrance at Athens Boonsboro Road, but had withdrawn it, and would potentially request that at the time of the final development plan. Mr. Martin also stated that there may need to be further waivers for issues that would come up at that time as well.

<u>Commission Questions</u> – Mr. Bell asked for some explanation of the future RCUT turn lanes and their impact on this area. He was concerned about the additional traffic that could be caused by the development. David Filiatreau, Traffic Engineering, explained some of the benefits of the RCUTs turn lanes. He also specified where the traffic signals and U-turns, or loons, would be located in relation to the subject property. Mr. Bell asked if the new development had been considered when the new road design was studied. Mr. Filiatreau confirmed that they had considered new development off of Athens Boonsboro Road.

Ms. Meyer asked how pedestrians would be accommodated with the RCUTs. Mr. Filiatreau showed the cross-walk areas and said that it would be a two-step process to cross, and in a diagonal manner.

Mr. Owens asked again if the apartment buildings were 3 or 4 stories. Mr. Martin reiterated that they would be 4 stories. Mr. Crum clarified a typo in the original staff report, and reiterated that the applicant's proposal was for four-story buildings.

Mr. Michler shared his concern for the lack of pedestrian connection within the development, and asked if there had been discussion about improving it. Mr. Martin stated that there had been discussions, but the changes would most likely be seen at the time of a Final Development Plan. Mr. Michler also inquired if the lighting of the convenience store would also be addressed at that time, and Mr. Martin confirmed that it could also be discussed.

Mr. Nicol asked for an explanation of how and when the plan had changed some of the apartment buildings to townhouses. Mr. Martin pointed out the distances between the property and nearby homes. He further explained that the developer had re-oriented the apartment buildings and added the townhouses to help mitigate the visual impact to the adjoining neighborhood.

Mr. Bell asked who would be responsible for the maintenance of the buffer area once Old Richmond Road was no longer used. Mr. Martin replied that there had been some discussion about using the old road as part of a trail system, but it would most likely revert to the adjoining neighbors to own and maintain.

Ms. Meyer asked if the new Aphids Way would take land from the adjoining property in construction. Mr. Martin replied that it would take part of the adjoining property. Mr. Filiatreau added that Aphids Way would become part of Old Richmond Road.

<u>Applicant Representation</u> – Attorney Dick Murphy, was present to represent the applicant, along with Dennis Anderson, Mike Craft, Tony Barrett, Steve Albert, Steve Garland, Clay Johnson and Lisa Corpus. Mr. Murphy gave some background information on the subject property and mentioned that it was small, only 8 1/3 acres. He reminded the Planning Commission that it has been designated for development and inside the Urban

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

Service Area for 27 years. He also mentioned a portion of the property that has been zoned B-3 for over sixty years, but the applicant believed the commercial would be more appropriate closer to Athens Boonsboro Road. He said that the requested CC zone was more restrictive of commercial uses than the current B-3 zone. Mr. Murphy presented several slides depicting the development plan, and gave some details about the Wawa convenience store that was planned. He mentioned that they had moved the orientation of the restaurant to face the walking path. He told the Planning Commission that the apartments and townhouses would be a rental community. He reiterated some details about the RCUT project and the traffic impacts that had been previously mentioned during the staff presentation. Additionally, he informed the Commission that the State of Kentucky would be lowering the property, as well as Aphids way, down about 9 feet during the RCUT construction.

He displayed a rendering that highlighted the pedestrian walkways throughout the development and across Athens Boonsboro Road. Mr. Murphy listed several of the changes that had been made to the development at the suggestion of Planning staff, as well as changes they made to address the concerns of the nearby neighbors of Ellerslie Park. He compared the footprints of the apartment buildings to those of neighboring homes, and pointed out the buffering that already existed between Tatton Park and the new development area.

Mr. Murphy opined that the Comprehensive Plan should be used as justification rather than the Expansion Area Master Plan, and listed some reasons why it was more appropriate. He added some comments regarding the stormwater detention.

Architect, Steve Albert, Albert & Associates, shared some details regarding the apartment design and footprints. They designed the footprints to be smaller to allow for more greenspace.

Lisa Corpus, Wawa convenience stores, described some of the history of the company and the products that will be available at the store. She noted that they are community oriented and will have an electric car charging station.

<u>Commission Question</u> – Mr. Bell asked Ms. Corpus how the Wawa compared to something like a Speedway. She replied that they are not a franchise fuel centered business, but a family owned business that concentrates on what they sell inside the store.

Mr. Murphy finished his presentation by reminding the Planning Commission how this plan agrees with the Comprehensive Plan, Goals and Objectives, and even the principles and objectives of the Expansion Area Master Plan. He also reiterated that the specific details of the plan such as sidewalks and drainage would addressed at the time of the final development plan. He stated that there have been several changes to the EAMP in the form of text amendments. He asked that the Planning Commission vote in favor of the zone change.

<u>Commission Questions</u> – Mr. Bell asked if Mr. Murphy knew the size of the undeveloped property south of the subject property. He was concerned about a precedent being set. Mr. Murphy stated that it was total of 20 acres with about 10 of them being inside the Urban Service Area.

Mr. Owens thanked Mr. Anderson and Mr. Murphy for agreeing to a two-week postponement at the last Planning Commission meeting.

Opposition Representation – Attorney Bruce Simpson was present to represent the Old Richmond Road Neighborhood Association and some homeowners in the Ellerslie neighborhood. He began by noting that he had good discussions with some of the neighbors regarding their negative comments toward renters and those who live in apartments made at Committee meetings held earlier. He stated that Chairman Forester was correct in his action to put an end to the comments.

Mr. Simpson stated that he believed that this zone change should be postponed until the Comprehensive Plan update is completed, because the plan is not in agreement with it at this time. He also suggested that the neighboring property owners did not know that this type of density would be requested and assumed that the development would be low density residential. He read from page 268 of the Comprehensive Plan regarding the Expansion Area Master Plan influencing decisions made regarding place-type, development type, and zoning preference. He stated that the low density language was put in the EAMP to protect the agricultural areas. He continued to note several passages of the EAMP to suggest that the zone change was inappropriate because there was too much density, car-centric commercial use, and it is too close to active horse farms. He cited several places in the Comprehensive Plan that said the Expansion Area Master Plan should be amended,

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

August 10, 2023 Minutes
Page 19

and that such an amendment was necessary before the subject property could be developed. He urged the Planning Commission to disapprove the development plan and zone change request due to its failure to meet the guidelines of the Comprehensive Plan.

<u>Commission Question</u> – Mr. Nicol asked Mr. Simpson to comment on the balance of using the EAMP "in addition to" rather than "in place of" the Comprehensive Plan. Mr. Simpson replied that they should be used together, but that the EAMP had to be updated before that could happen.

Mr. Michler believed that there had been significant changes, especially due to the proposed RCUT project, to the area and asked Mr. Simpson if he felt those changes helped make the argument for this zone change to be considered. Mr. Simpson replied that he believed that those changes made no difference to the fact that the EAMP had to be amended before this application could be reviewed.

Mr. Nicol asked if the Law Department could comment on the interpretation of the "in addition to" rather than "in place of" wording of the Comprehensive Plan. Tracy Jones, Department of Law, believed that both the EAMP and the 2018 Comprehensive Plan needed to be used together, but that there would be constant changes in every community that would create the need for an update in one of the plans.

Ms. Worth asked if there was more than one way to update the EAMP, and if it had to coincide with the mandated update every five years to the Comprehensive Plan. Ms. Jones replied that the Planning Commission was constantly making changes through text amendments and corridor studies. Ms. Wade added that a text amendment was a form of implementation of the Comprehensive Plan, and that small area plans and corridor studies become amendments to the Comprehensive Plan.

<u>Citizen Comments</u> – James Hodge, 6050 Old Richmond Road, stated that he believed that the EAMP should be the overriding document for this request, and stated the reasons why he believed it was so.

Thadis Cox, 3961 Tatton Park, stated that he was not against development, but did not feel that this location was appropriate, because he did not want to lose his sense of community. He did not want responsibility for the released easement connected to his property.

Jeff Walker, 3051 Raven Creek Drive, felt that the development plan while very nice, did not belong at this location.

Raye Anne Thomas, 1600 Jacks Creek Pike, did not want more development in the area due to traffic safety concerns, especially regarding tractors and farming implements.

Dal Harper, 4181 Tradition Way, shared his concerns with the development in regard to the stormwater in the area.

Ray Daniels, Lexington for Everyone, felt that this project fit the Comprehensive Plan and created much needed density. He stated that the Ellerslie community had townhouses and was already zoned for apartments that could be built at any time. He was in support of the development.

Susan Wagers, 4102 Tradition Way, was troubled with the potential noise and lights that would come with a convenience store that was open 24 hours.

Greg House, 3853 Branham Park, did not want Athens Boonsboro Road to look like Nicholasville Road and wanted to preserve greenspace. He also did not feel a gas station was needed.

Lyle Hanna, 6398 Richmond Road, read a letter written by Linda Green. She was opposed to the plan, and was concerned about traffic. Mr. Hanna added that he was concerned with the RCUT project, and did not feel that they would help the traffic issues.

Mary Diane Hanna, 6398 Richmond Road, recognized several people that were out in the overflow area that were in opposition to the development. She also submitted a petition of names that she had collected that were

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

in opposition to the plan. She felt that the people in the rural areas do not have their voices heard in development matters. She asked for justice and mercy against the intrusion into the rural area.

Albert Kelley, 204 Ellerslie Park Boulevard, praised the Urban Service Area boundary, and said that the proposal did not belong at the suggested location. He stated that the parking lots around the corner of the Government Center were a more appropriate place for adding the development.

Ken Warren, 1790 Clearlake Drive, and president of Hillgate Farm Home Owner's Association, did not want the amenities of the proposed plan. He wanted to keep development to low density only.

Chair Forester asked if any of the people outside the door wished to speak at this time.

Nelson Maynard (did not sign in) stated that he wanted smart growth, and asked the Planning Commission to follow the Comprehensive Plan.

Frank Cannavo, 4553 Walnut Creek Drive, thanked the Planning Commission for their work. He shared his concern with the restaurant and the gas station not fitting with the character of the area, but felt there could be some type of residential development on the site.

Gloria Martin, Rural Land Management Board, stated that their job was to assist the government in implementing development in the Rural Service Area. She said that the proposed development would negatively affect the rural areas nearby.

<u>Applicant Rebuttal</u> – Mr. Murphy made several statements of clarification. He reminded the Planning Commission that there has been B-3 zoning there for 60 years and the subject property is not on the border of the Urban Service Area. He said that while the Comprehensive Plan was a guide, not the law, even staff had said that the proposal was in agreement of the Comprehensive Plan. He reiterated the agreement with the Placebuilder and that they were planning for the future with their proposal. Mr. Murphy said this was the best plan possible, but that several details would be addressed at the time of the final development. He asked again for approval, and told the Planning Commission that they would be proud that they voted for this development.

Opposition Rebuttal – Mr. Simpson reiterated that the EAMP still needed to be considered and amended as mentioned in the Comprehensive Plan. He reconfirmed his position that the land use recommendation of low density must be followed, and the zone change and development should be disapproved. He further quoted several parts of the Comprehensive Plan and KRS to support the request.

<u>Staff Rebuttal</u> – Mr. Crum addressed some issues that had been heard. He explained that when the EAMP was adopted, Council chose not to re-zone the properties, but wanted to see each zone change request individually. Because of this, the land use element remains a recommendation, and an applicant can deviate from the original recommendations. The Comprehensive Plan allows for what was not originally anticipated since 1996. He suggested that staff could, if the Planning Commission desired, create wording for a finding that the plan and zone change request is consistent with the elements and principles of the EAMP. Lastly, Mr. Crum reiterated the reasons why staff felt the CC zone was in agreement with the Comprehensive Plan.

<u>Commission Discussion</u> - Mr. Wilson recognized the presentations of the attorneys, and thanked the audience members for staying through the long meeting. He asked if the Costco rezoning, which had been discussed as a similar CC zone change, would be considered spot zoning. Ms. Wade replied that she did not believe so. The EAMP had recommended the zone in that general area at the time.

Mr. Bell stated that he wanted a balance that was fair for everyone. He said that he believed that this proposal was going to make an irrelevant piece of land relevant, and he supported it.

Mr. Owens said that something will be developed at this property. He weighed out the pros and cons of the proposal, but felt that, in the end, the 4-story apartments were too much for this location.

Mr. Nicol believed that this was an appropriate density on an underutilized piece of land within the Urban Service Area. Because there is a housing supply issue in our city that has become a crisis, he felt that this would help meet that need. He supported the plan.

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

August 10, 2023 Minutes
Page 21

<u>Action</u> – Mr. Nicol made a motion, seconded by Ms. Barksdale, to approve <u>PLN-MAR-23-00005</u>: <u>ANDERSON</u> COMMUNITIES, INC.

<u>Further Discussion</u> – Mr. Michler stated that he was conflicted about this vote. He knew that the rolling hills of the area would be flattened, and he appreciated the value of them. In contrast, he said that since the property was along a major corridor and was already slated for development, he would support it.

Ms. Meyer appreciated the application that was well thought out, but was very concerned with the density in this particular location. She said that this was a very difficult decision, but felt that there needed to be a transition, rather than the density being sought.

Ms. Worth shared that she sees both sides of the difficult decision. She felt that it was not affordable housing, and agreed that it did not look like a good transition. She said that if it was approved, they needed to watch very carefully what happened on the other side of Aphids Way/Old Richmond Road.

Mr. Owens stated that he felt the density requested was too much.

Mr. Pohl repeated that it was a difficult decision. He felt that the plan was very well designed and that the fears of potential issues will prove to be unfounded. While noting his concerns for housing and increasing the housing stock, he stated that he would support the plan, somewhat reluctantly.

Mr. Wilson added that he was looking at the end result for the community of Lexington.

<u>Continued Action</u> – The Planning Commission carried the motion 8-2 (Meyer and Owens opposed, Davis absent) to approve PLN-MAR-23-00005: ANDERSON COMMUNITIES, INC.

<u>Action</u> – Mr. Nicol made a motion, seconded by Ms. Barksdale, and carried 8-2 (Meyer and Owens opposed, Davis absent) to approve <u>PLN-MJDP-23-00024: PHELPS PROPERTY</u> with the 13 revised conditions presented by staff.

Mr. Forester called for a 15 minute recess at 6:00 p.m. Mr. Owens and Mr. Nicol left the meeting at this time.

The meeting resumed at 6:15 p.m.

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