

1. **BALL HOMES, INC. (AMD) ZONING MAP AMENDMENT & BLACKFORD PROPERTY (PHASE 4) ZONING DEVELOPMENT PLAN**

- a. **PLN-MAR-19-00003: BALL HOMES, INC. (AMD) (8/22/19)\***- a petition for a zone map amendment from a Community Center (CC) zone to an Expansion Area Residential (EAR-2) zone, for 16.53 net (17.14 gross) acres, and to an Expansion Area Residential (EAR-3) zone, for 8.09 net and gross acres, for property located at 6600 Man O' War Blvd.

**COMPREHENSIVE PLAN AND PROPOSED USE**

The Expansion Area Master Plan (EAMP), an adopted element of the 2013 Comprehensive Plan (Expansion Area 2a), recommends Community Center (CC) land use for the subject property. The petitioner proposes to rezone the subject property to the Expansion Area Residential – 2 (EAR-2) and the Expansion Area Residential – 3 (EAR-3) zones to allow an apartment complex development, comprised of 10 3-story and 4-story apartment buildings, at an average residential density of 12.84 units per gross acre, with a total 324 dwelling units. Within the remaining CC zoned land, the applicant is proposing a 3-story mixed-use building with 16 dwelling units and 11,600 square feet of non-residential space.

**The Zoning Committee Recommended: Approval** to the full Commission.

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

1. The requested rezoning is not in agreement with the adopted Land Use Element of the Expansion Area Master Plan (EAMP). However, the Expansion Area 2a retains approximately the same number of planned acres of CC zoned land necessary for the development of services for the residents in the area.
  2. There have been social, economic and physical changes within the immediate area since the adoption of the EAMP and the 2013 Comprehensive Plan. This is primarily the result of the three zone changes within the Expansion Area 2a that have modified the Land Use Element of the EAMP.
  3. The proposal to increase density within Expansion Area 2a meets the Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
    - a. The requested rezoning to EAR-2 and EAR-3 expands housing choices (Theme A, Goal #1) by providing mixed-use and housing near employment and commercial areas (Theme A, Goal #1.b).
    - b. The proposed rezoning encourages compact, contiguous, and/or mixed-use sustainable development within the Urban Services Area, as guided by market demand, to accommodate future growth needs for safe, affordable and accessible housing to meet the needs of older and/or disadvantaged residents (Theme E, Goal #1.b).
    - c. The proposed rezoning and the corollary plan strive for positive and safe social interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians and various modes of transportation (Theme A, Goal #3.b).
  4. This recommendation is made subject to approval and certification of **PLN-MJDP-19-00009: Blackford Property (Phase 4)** 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-19-00009: BLACKFORD PROPERTY (PHASE 4) (8/22/19)\*** - located at 6600 MAN O' WAR BLVD., LEXINGTON, KY.  
Project Contact: EA Partners

**Note:** The Planning Commission postponed this item at their May 23, 2019 meeting. The purpose of this amendment is to propose a rezoning of the property.

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

1. Provided the Urban County Council rezones the property **EAR 2 & EAR 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. Remove optional access through LFUCG property.
8. Revise note #11 to include the Division of Traffic Engineering.
9. Denote improvements to Man o' War Boulevard on proposed cross-section.
10. Include Community Center (CC) zone site statistics per Article 21 & 23A-9 of the Zoning Ordinance.
11. Resolve compliance with Article 23A-2(r)2 of the Zoning Ordinance (landscape buffer).
12. Resolve land use relationships as recommended by the Expansion Area Master Plan (EAMP).

**Staff Zoning Presentation** – Mr. Baillie said that the staff has received 53 letters of opposition and a petition with 1,073 signatures also in opposition, which he distributed to the Planning Commission. He presented the staff report and recommendations for the

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amended zone change application. He said that the Expansion Area Master Plan (EAMP), an adopted element of the 2013 Comprehensive Plan (Expansion Area 2a), recommends Community Center (CC) land use for the subject property. He stated that this zone change was reviewed under the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan and that this zone change is not subject to. The Placebuilder or other new elements of the 2018 Comprehensive Plan.

Mr. Baillie said the subject property is located within Expansion Area 2a, on the east side of Man o' War Boulevard, between Interstate 75 and Winchester Road. He said there is one local street, Constantine Avenue, that stubs into the western boundary of the subject property. He said that a new entrance is expected to be constructed on the property to allow access to Man o' War Boulevard. He said this portion of the Expansion Area is primarily characterized by residential land use of varying types, including some apartments nearby. There is a Community Center (CC) zone located to the south and west of the subject property, which includes a gas station, convenient store, bank, Costco and a future Starbuck's. He displayed photos and an aerial photo that depicts the greenways along the subject property, which will remain, but will eventually be dedicated to the city. He said that the applicant is also proposing an extension of Caversham Park Lane that would travel into the property owned by Kentucky Utilities (KU). The subject property was added to the Urban Service Area in 1996 with the approval of the Expansion Area and adoption of the Expansion Area Master Plan (EAMP). The property has remained vacant since the initial rezoning in 2000.

Mr. Baillie said that the subject property was initially rezoned from the Agricultural Rural (A-R) zone in 2000. During that rezoning of the 385-acre farm, the applicant indicated a desire to conform to the Expansion Area Master Plan (EAMP) by mixing the development with Expansion Area Residential-1 and 2 (EAR-1, EAR-2) zoning, Community Center (CC) zoning, Transition Area/Expansion Area Residential-2 (TA/EAR-2) zoning, and including the designation on a Special Design Area (SDA). Subarea 2a of the EAMP recommended a range of 527 to 1,591 dwelling units for the residentially zoned portions of the Blackford Property split between the EAR-1 and EAR-2 zoning. Over the course of the last two decades, the applicant has completed much of the Blackford Property development, which is single family residential, primarily detached with a small portion of attached single family townhomes. The development currently includes 1,288 dwelling units, or a density of 3.63 dwelling units per acre. The current proposal for the portion of the Blackford Property that is within the CC zone will not amend the possible total density of the overall development, but rather seeks to remove the CC land uses to create a purely residential development with greater heights and larger structures in the EAR-2 and EAR-3 zones. The proposed shift from the CC zone to the residential zoning and development would exceed the Expansion Area Master Plan recommendation for a maximum of 1,591 dwelling units for the Blackford Property by 21 dwelling units.

The subject property is recommended by the EAMP for the CC future land use, which would allow for a variety of uses, including residential, retail, and community amenities. There are no restrictions on dwelling unit density within the CC zone; however, there is a limitation on the zone, which states that at least 40% of the aggregated floor area should be designated as residential. He said that other land uses permitted in EAR-3 zone are also allowed in the CC zone, including schools, places of religious assembly and their accessory structures and public buildings. This special provision will allow for either vertical or horizontal mixed-use to serve the new neighborhoods within the Expansion Area. There is a restriction on the size of structures, as well as the floor area ratio (FAR), which were put into place to minimize the impacts on the surrounding neighborhoods. He said that for the CC zone, the maximum height of a structure is 48 feet, and the zone has a maximum FAR of 1.0.

Mr. Baillie said that while the vision for the CC land use in the Expansion Area 2a is still important, there have been several deviations from the initial plans for development. In 1996, this portion of the CC-zoned land was recommended to mirror a large portion of CC land across Man o' War Boulevard, between Polo Club Boulevard and the North Elkhorn Creek. In 2010, this portion of land was rezoned to the Expansion Area Residential-3 (EAR-3) zone and the CC zone was relocated to the west side of Polo Club Boulevard. The applicant argued that the area east of Polo Club Boulevard was more appropriate for residential development than the area adjacent to I-75, and that the proximity to the proposed greenway system, and a future park, planned to the north along Polo Club Boulevard, was more advantageous to residential development. The Planning Commission agreed, which resulted in the construction of Costco west of Polo Club Boulevard and a multi-family residential development and an assisted living facility south and east of Polo Club Boulevard. Following the flipping of the zoning across Polo Club Boulevard, an additional parcel of CC zoned land was added, located at 2350 Polo Club Boulevard. This portion of property was rezoned from the Expansion Area Residential-3 with a Transition Area Overlay (EAR-3/TA) zone to the CC zone. The zone change was approved to allow for job growth and economic development, provide land uses that are more compatible with the surrounding land uses; and provide for a more appropriate mix of land uses than previously planned. In 2017, a portion of 6800 Man o' War Boulevard was rezoned from the Expansion Area Residential-2 (EAR-2) zone to the Community Center (CC) zone. The change to the zoning in this area and the modification of the plan was to allow for greater community services for the residents of the Justice Property (Meadow Oaks). This inclusion of a greater amount of uses would allow for services for many residents of Expansion Area 2a, as it is connected so as to allow for easier access.

Mr. Baillie said that due to these three zone changes over the last nine years, there has been a significant modification in the location and total need of the CC land uses in the Expansion Area 2a. This proposed zone change retains approximately the same number of planned acres of CC-zoned land necessary for the development of services for the residents in the area. However, it does place a greater need for the proper multi-modal infrastructure and connectivity. By expanding the distances that residents must travel to access goods and services, this could continue to promote auto-centric development within the Expansion Area, but by providing a diverse transportation system, residents can choose how they travel throughout the area.

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Mr. Baillie said that since the original submission of this application, the petitioner has requested postponement of their application twice, during the May 23<sup>rd</sup> and July 25<sup>th</sup> Public Hearings, in an effort to work with the staff regarding their concerns. Since that date, the applicant has met with staff and amended their application to leave a portion of the CC-zoned land along Man o' War Boulevard, connected to the portion of CC zoning located at 6411 Man o' War Boulevard. The inclusion of the CC-zoned land represents a modification of the plan and a recognition of the need for community services for the surrounding neighborhoods. Furthermore, the applicant has alleviated the staff's concerns regarding the continuity of the land uses and the association with nearby transitional areas by locating EAR-3 zoning adjacent to the existing CC and TA zoned areas. He added that the applicant opines that they are expanding housing choices by providing mixed-use and housing near employment and commercial areas. They also indicated that they will encourage compact, contiguous, and/or mixed-use sustainable development within the Urban Services Area, as guided by market demand, to accommodate future growth needs for safe, affordable and accessible housing to meet the needs of older and/or disadvantaged residents. The applicant also indicates that they will strive for positive and safe social interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians and various modes of transportation.

Mr. Baillie said that the staff agrees with these aspects of the applicant's proposal and that these specific goals and objectives can be met. However, within the applicant's justification, they state they are in agreement with several other Goals and Objectives that the staff believes still needs greater discussion. One of those areas is that the applicant's statement that they will develop a viable network of accessible transportation alternatives for residents and commuters and the staff would like to know what transportation alternatives they are providing for residents at this location.

Commission Questions – Nicol asked how many acres are remaining CC in the zone. Mr. Baillie said that 1.85 net (2.25 gross) acres of CC zoning will remain. The total for the EAR 2 and EAR-3 zones is 24.62 net (25.23 gross) acres. Mr. Nicol then asked what the differences were between the original, current, and proposed CC zoned land in the Expansion Area 2a. Mr. Baillie stated that he would review their data to provide an exact acreage, but due to the previous zone changes, the amount of CC zoned land has increased. By retaining a portion of the CC zoned land the applicant is proposing to return the CC zoned land in the Expansion Area 2a to an acreage closer the original amount recommended by the EAMP.

Mr. Owens said the proposed height of the building could be 48 feet, and asked if that would be three or four stories. Mr. Baillie said that 48 feet could be four stories, depending on the height of each story. Mr. Owens also said that this zone change request is in compliance with Comprehensive Plan, and asked if the CC zone is still appropriate. Mr. Baillie said that the staff believes that the CC zone can still be appropriate, but the applicant's argument that is has remained vacant is not one that supports the appropriateness or inappropriateness.

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 EAR 2 & EAR 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. ~~Remove optional access through LFUCC property.~~
8. ~~Revise note #11 to include the Division of Traffic Engineering.~~
9. Denote improvements to Man o' War Boulevard on proposed cross-section per traffic study recommendation.
10. ~~Include Community Center (CC) zone site statistics per Article 21 & 23A-9 of the Zoning Ordinance.~~
11. ~~Resolve compliance with Article 23A-2(r)2 of the Zoning Ordinance (landscape buffer).~~
12. ~~Resolve land use relationships as recommended by the Expansion Area Master Plan (EAMP).~~
8. Correct note #12 – Denote: Secondary access improvements via Caversham Park Lane shall be resolved at the time of the Final Development Plan.
9. Resolve location of parking within the CC zone at the time of the Final Development Plan to meet Article 23A-(9)(k) of the Zoning Ordinance.

Mr. Martin pointed to Man o' War Boulevard and the proposed entrance into this development and the parking designed in the interior of the subject property. He said that the apartment buildings have been positioned along the perimeter of the property and adjacent to the greenways. He said that the applicant is proposing ten residential buildings with 324 units, which will be a mix of 1, 2, and 3 bedrooms. He said that the floor area ratio (FAR) is 0.41 for the residential development, which is well under the maximum available to them. He said that they are also proposing more than 6 acres of open space, which includes the greenways. There will also be an amenity area for the complex, which will include a 6,100 square foot clubhouse, and 2 pools. He said that the buildings have different bedroom numbers. Typical building number one contains one bedroom units, and typical building number six contains two bedroom units, the other building types include mixes of one and two bedroom units. He said that building numbers three and six will be four-story buildings, 45 feet in height, and the rest of the buildings will be three stories tall and 35 feet in height. He said that the applicant is proposing 517 parking spaces, which will include some located within garages.

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Mr. Martin pointed to the CC area and said that the applicant is proposing the commercial building to have commercial on the first floor with two stories of residential above, which would be a total of 34,800 square feet, with 11,600 square feet of commercial. He said that the applicant is proposing a secondary access at Caversham Park Lane, which is mandated for this development for public service vehicles. He said that the applicant is proposing to have a connection onto the KU property as their secondary access. He said that if for any reason that access cannot be completed, the hammerhead termination depicted may need to change. He added that will be determined at the time of the final development plan. He said that there is a specific and strict landscape requirement in the EAMP and the Zoning Ordinance between the CC and residential zones, which the parking area being proposed doesn't meet; however, the revised plan does meet that requirement.

Commission Questions – Mr. Nicol verified that the building heights in the CC zone can be 45 feet. He understood that two of the apartment buildings will be 45 feet and all of the others will be 35 feet in height. He then asked if that is the same height requirements for the R-1 zones. Mr. Martin replied that single-family zoning allows a 35-foot tall structure.

Ms. Plumlee said that vehicles can't cross LFUCG land nor has the access on the KU property been given, therefore the applicant will need to seek a second access into this development. Mr. Martin replied that the applicant will need to resolve this access issue at the time of the final development plan, should this zone change be approved.

Mr. Owens asked for the clarification of the buildings that appear on the development plan to have 3-4 stories. Mr. Martin replied that part of those buildings are three stories and part of them is four stories. He added that the applicant can explain their intent during their presentation. Mr. Owens then asked if the secondary access could go through the KU property directly on to Polo Club Boulevard. Mr. Martin said that option will not meet the Subdivision Regulation's spacing standards for an intersection. Mr. Owens also asked if there was any discussion regarding parking on a through access roadway. Mr. Martin said that there was and that concern will be revisited at the time of the final development plan. He said that it is a private residential apartment complex with parking and a pedestrian path that travels through the development to the CC area.

Traffic Study – Mr. Emmons presented the traffic study summary review for the traffic study that was submitted by the applicant. He said that some of the major intersections that were reviewed are the applicant's proposed primary access located point on Man o' War Boulevard, as well as the intersection of Barrington Lane and Polo Club Boulevard. He said that they reviewed the distribution of the traffic from this development and said approximately 85-90% of this traffic will use Man o' War Boulevard as the main access. He added that the study was amended with an addendum, which caused a slight increase in the amount of traffic generated. He said that the only thing changed with the addendum was the access point on Man o' War Boulevard went from a Level of Service D to E, which measures the length of time one would need to wait at an intersection. He said that a Level of Service D is actually very desirable and provides a safer environment. He added that the staff was not significantly concerned about this change and that it will only be impacted during peak travel times.

Mr. Emmons stated that the applicant's traffic study recommended both right and left turn lanes into their development on Man o' War Boulevard, which the staff agrees with. He said that the staff is recommending the applicant provide half-section improvements, especially a sidewalk or multi-use path along Man o' War Boulevard, to the approval of the Divisions of Engineering, Traffic Engineering, the Bicycle and Pedestrian Planner, and the Kentucky Transportation Cabinet (KYTC). He said that the KYTC recognizes that this area is urbanizing, but this section is currently classified as a rural road. He added that they would be supportive if the Planning Commission were to require the half-section urban improvements, and would hold the developer to those standards during the permitting process. He said that the staff also expressed concern about the transportation alternatives, since this area is developing and does not have the available infrastructure.

*Note: Mr. Owens stated for the record that there are time limits that are shown on the first page of the agenda and that there hasn't been any requests made for additional time.*

Applicant Presentation – Mr. Nick Nicholson, attorney, Buddy Goodwin, Ball Homes, LLC and Rory Kahly, EA Partners, and Bill Blackford, were present to represent the petitioner. He said that they are happy to answer any questions about this zone change, the development plan and about the history of the property. He said that this property was recommended for CC future land use about 25 years ago, with the Expansion Area Master Plan, in which the owner has had little to no success being able to develop the property for commercial and residential consistent with the CC zone. He said that he believes that this zone change has come at an opportune time because Lexington is in a housing crisis. He presented aerial photos of the history of the property, which has remained vacant in the 23 history. He said that when a community commits to an Urban Service Boundary, that doesn't mean to not continue to grow. It is a recognition that we have something to protect and that we are committing to grow internally, which means that we need to maximize infill sites, provide a mix of housing, reduce vehicle miles traveled, and plan new development near existing infrastructure. He said most communities that are well known for their urban growth boundaries, have desired densities around 6 to 18 dwelling units per acre and our updated 2018 Comprehensive Plan also aims to meet that goal. He said that the existing Blackford Neighborhood contains 1,250 dwelling units with a density of 3.52 per acre, which is different from the staff's because they included HOA lots. The total of the current neighborhood and this proposed development will be only 4.14 dwelling units per acre.

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Mr. Nicholson said that instead of discussing the compliance with the Comprehensive Plan he is focusing on the appropriateness of this development and inappropriateness of the majority of this property to be a CC zone. He said that this is an ideal location for density and multi-family, because it is located directly on arterial roadways, which is what the Comprehensive Plan has stressed. He said that while this development is introducing a new use inside the Blackford neighborhood, it is not introducing a new use to this area. There is a development directly across the street that is multi-story, multi-family and very similar in height. He said one of the reasons why this site will work so well for multi-family is the buffer, which is approximately 100 feet wide of thick dense trees. This buffer will be retained between the existing single family and proposed multi-family residential. He said that there is another buffer between the commercial use and the proposed multi-family use, which is the type of transitions that are encouraged by the Comprehensive Plan.

In regards to the inappropriateness of the existing zoning, Mr. Nicholson said that Mr. Baillie mentioned a few of the changes, but he missed the Gleneagles apartments. He said that Gleneagles was originally slated for EAR-3 zone, but it is currently EAR-2 and that the area had lost 30 acres of what was supposed to be high-density multi-family residential, according to the Expansion Area Master Plan and that has yet to be recovered. He said that after the all of the rezonings, there was a larger CC zone area than was previously planned. Mr. Nicholson displayed a graph depicting the EAMP's recommended acreage and said that in regards to Mr. Nicol's question, the total acres recommended for the CC zone was 62.29, and there are currently 94.19 zoned. With this proposed development it will be 65.32 acres, which still exceeds the original amount. He said that there have also been changes in the community and to the way people shop, interact and engage. He said that with the rise of Amazon and other online retailers, as well as social media, the way we interact as a society has changed. He displayed an aerial photo of the area and said that there is 3.5 million square feet of commercial area and one million square feet of office space and he believes that continuing to serve commercial, office, and neighborhood engagement is no longer appropriate. He added that there is 14.97 acres of vacant CC land that has major traffic generators directly across the street from this proposed development. He said that the days of the neighborhood centers are starting to see their end, which has been seen throughout the entire community. He said that they are keeping 1.85 acres as CC zone, in order to make sure the community still has some form of neighborhood services available. He added that they will be connected with pedestrian pathways so that the existing community could benefit from the access to services.

Mr. Nicholson said that Mr. Baillie reviewed many of the reasons why this development is in compliance with the Comprehensive Plan, but he reiterated that this proposal will allow them to take advantage of a major infill project at an appropriate density and adds multi-family residential to complete the neighborhood. He then displayed some of the Goals and Objectives from the Comprehensive Plan and said that this is an infill project and that in order to maintain the urban service boundary, we must take advantage of infill and redevelopment throughout the Urban Service Area. He said that the need for more residential housing is because, according to the housing study, the population is increasing by 40,000 people in a span of ten years. He added that we are losing a percentage of that to other counties. He said that in 2014, less than 50% people live and work in Lexington. More than 50% of our workforce is driving in from our surrounding communities and that is where traffic problems stem from. He said that we must provide renter occupied (non-student) housing so that our population can live near where they work, which would necessitate an additional 7,408 more units, and 6,335 of those units are designated to be multi-family units.

Mr. Nicholson said that the main concerns of the neighbors are that they don't want apartments at this location, the connection to Constantine Avenue, the height of the buildings near single family houses, and the buffer area. He said that he has met with the board twice and these issues have been addressed. The access on Constantine Avenue was originally vehicular and has been changed to pedestrian access only, so that the neighborhood could walk to the CC land uses. He said that Ms. Plumlee's comment is correct regarding the rear access and that it will need to be addressed at the time of the final development plan. He said that there will be another public meeting to address that access. He doesn't believe that it will connect, because it doesn't logistically make sense for the apartment users to travel through the development; therefore, it would mostly be access for the single family residents to access Man o' War Boulevard. In regards to the height of the buildings adjacent to the single family, he said that all of the structures have been reduced to 35 feet. He said that Mr. Nicol's comment was correct and that 35 feet is in the maximum height in the R-1A zone. He added that some of the buildings will have a greater setback of 130 feet from the property line, which doesn't include the significant buffer along the single family side. He displayed photos of the buffer along Constantine Avenue. He said that in regards to the traffic concerns that this development will be adding trips from existing conditions, but that will be a fraction of what would be generated if it were developed under the existing CC zone, which could be four times the amount projected by this proposed development. He said, with the existing conditions, this development will add a one second delay on Man o' War Boulevard. In regards to the concern that there is already too many multi-family residences in this area, he displayed the aerial photographs again. He said that multi-family residences are encourage along arterial and collector streets.

Commission Questions – Mr. Wilson said that the staff report states that the market demand is to accommodate future growth needs for safe, affordable and accessible housing to meet the needs of older and/or disadvantaged residents. He asked the applicant for verification that the market for this development is not towards students. Mr. Nicholson said that is correct. Mr. Wilson then asked for the definition of older residents. Mr. Nicholson said that they're target demographic is just out of the student range.

Mr. Penn asked the applicant to clarify their justification of no longer needing the CC land use. Mr. Nicholson said that there is currently 90 acres of CC land, where the intent was 62 acres of CC land, and since the Planning Commission increased the CC

land on the adjacent parcel, he believes that is no longer necessary to have this acreage as CC. Mr. Penn said that the neighbors are concerned about the density and said that this still isn't the amount of density that the city is requesting.

Ms. Mundy asked for verification that the floor area ratio (FAR) is below the maximum allowed in this zone. Mr. Nicholson said that the structures could be higher.

Mr. Owens said that the CC building does have a business component to it and asked the applicant what they foresee going it there. Mr. Nicholson said it could be retail, restaurant, or office space.

Ms. Plumlee asked if the CC could be a neighborhood market store. Mr. Nicholson said that it could and that is why they are showing the pedestrian connection to that area.

Mr. Pohl asked Mr. Nicholson to address the neighborhood concern with the wetlands area. Mr. Nicholson pointed to the floodplain area on the map and said that area won't be disturbed. He added that there hasn't been any wetlands identified on this site, but it has been identified as floodplain.

Mr. Wilson asked Mr. Nicholson if they are in agreement with the traffic study recommendations. Mr. Nicholson said that they are and the improvements are on the updated development plan.

Mr. Nicol asked Mr. Nicholson where the social interactions may occur. Mr. Nicholson said that the ability to interact will increase with the trail going through the property. The trail will not have any vehicular access. Mr. Nicol then asked what size the sidewalk will be along Man o' War Boulevard. Mr. Nicholson said the sidewalk will be a four-foot wide sidewalk.

Citizens in Favor: There were no citizens present to speak in favor of this application.

*Note: Mr. Owens asked the citizens if there is any one person as a spokesperson for the group. He said that anyone is welcome to speak that wants to, however there is a three minute time limit for speaking. He asked that they not be repetitive in the situation.*

Citizens in Opposition:

Ronald Gifford, 3109 Scottish Trace said he is delighted to hear about a major traffic improvements at the entrance into this proposed development, however he is concerned with traffic traveling onto Barrington Lane. He believes that the intersection of Barrington Lane and Polo Club Boulevard is dangerous and perhaps the developer could improve it. He is also concerned with their property values and the landscape buffer. He doesn't want these apartments to be visible from his backyard.

Heather Claycomb, 3273 Tranquility Point, representing Blackford Oaks Place Owners Association, said that they believe the CC zone is still appropriate for this area because it would serve the needs of the neighborhood surrounding the development. She said that amenities are lacking in their area and that it would be a place to network with their neighbors, to improve their quality of life. There isn't a grocery store, coffee shop or post office to travel to without driving a significant distance or crossing the interstate and creating more traffic. She said that the proposed CC zone only shows one little small commercial building and it is only going to be partially commercial. She asked the Planning Commission to deny this zone change.

Jeremy Perryman, 3492 Jacob Court, representing Blackford Oaks Homeowners Association, and also a real estate agent in the area. He displayed a presentation and said that these apartments may be needed in Lexington, but they are not needed at this location because they will negatively affect their property values. He said they currently have most of the factors that maintain a home property values with the exception of a shopping center. However, with this proposed development they would gain increased traffic and possibly more crime. This would cause less of their neighborhood appeal, causing their property values will decrease. He said that they desire coffee shops or restaurants. He displayed photos of home value comparisons from nearby neighborhoods. He then asked the Planning Commission if it is ethical to change the zone if it will affect property values.

Nick Ratliff, 3101 Sunningdale Court, said he is also a real estate agent and that every home value in that neighborhood was determined based upon the current zoning of this property. This will have a negative impact on the single family residential. He said that it isn't their fault that the property owner wants more than the land is worth. He said that there has been an uprising of "shop local" rather than in the big box stores. He said that he is for infill and redevelopment but would like to see it be more compatible with the surrounding area.

Mercedes McClean, 2873 Mahala Lane, is concerned about the property value and resale of their home.

Keith Rice, 3116 Timberneck Cove, said that there are enough apartments in the area already. He believes that this area should be a park with a playground and shops for the elderly.

Amanda Akers, 3488 Jacob Court, is concerned about the safety of children and the increase of students in the schools.

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Lee Carolan, 1826 Rachels Run, said that Mr. Nicholson misrepresented the wetland that is located in the front of this property, which runs along the creek system. However, he was correct about the floodplain. She said that the overall needs of the area should be reviewed. She is concerned with the traffic on Barrington Lane, since there is parking on both sides of the street.

Mary Takhtjian, 3424 Scottish Trace, agrees with Ms. Carolan's comments, but added that she is concerned with the density of this development. She also believes that the buffer should be greater than 25-feet wide.

Linda Nardin, 3416 Bay Springs Park, is also concerned with the increase of traffic, crime and the type of people that apartment buildings attract. She encouraged the Planning Commission to look at the entire Hamburg area.

Brian Rugman, 3196 Caversham Park Lane, said that there are 1,073 signatures of citizens that are concerned about this property and ignoring them will set a precedence for any other group. He asked for the Planning Commission to deny this zone change.

Mike Lutz, 1873 Rachel's Run, also asked the Planning Commission to consider all of the citizens that signed the petition. He said that their neighborhood wasn't ever fully developed and that the comment regarding the Gleneagles apartment area not being recovered is strictly a profit issue.

Mike Atkins, property manager for Blackford Oaks Homeowners Association, said that the height of the proposed apartments will be taller than their homes. He asked the Planning Commission to deny this zone change and wait for a developer that will build than a better community center.

Brad Wallace, 2848 Mahala Lane, said this development will be in their view from their front door. He said that it will affect their property value and that this community needs more single family houses not apartments.

*Note: Planning Commission took a recess at 3:20 p.m. until 3:30 p.m.*

Applicant Rebuttal - Mr. Nicholson said in regards to the buffer meaning that the apartments will not be visible is incorrect. Buffers are to mitigate any type of adverse impact, such as noise, light, and traffic. He added that the nearest single family house is approximately 250 feet away with a solid line of 100 feet of trees. In regards to the CC still being needed for groceries, coffee, he said that there are two grocery stores within a mile of this site, and a coffee shop within 1/2 mile, and several restaurants also within a mile. He said that he feels that the Blackford neighborhood does not have a true neighborhood commercial center, as well as the majority of Lexington, because they don't last. In regards to the comments that no one wants to live next to apartments, he said that there has been successful apartment developments within neighborhoods, such as the Tracery and Chilesburg. In regards to the comment that this was the plan to wait twenty years to build apartments, he said that Mr. Blackford has actively tried to develop this property. He said that apartments are ideal for school districts, because they have a very low unit to child ratio. In regards to the wetlands, he said that they are not aware of any on this specific property, and if there are, they will be in the buffer area and left undisturbed. He said that according to the Comprehensive Plan, Lexington needs density.

Mr. Nicholson said that with all due respect to the 1,073 citizens that signed the petition against this zone change, there has been many discussions over the past eight months with over 11,000 citizens that have come forward stating the need to protect the Urban Service Area boundary, and the need for diverse neighborhoods. He said that the community has spoken and it is necessary to put this type of density on vacant properties and he believes that this development won't have an adverse impact on this neighborhood.

Mr. Blackford, property owner, said that he has incongruent uses that he can't sustain (agricultural next to residential). He listed all of the contracts to sell this land, but all have fallen through.

Citizen Rebuttal - Ms. Claycomb, said that their understanding of the CC is for alternative ways of traffic, such as walk, bike, or run. She said that there are other shopping areas but they are not leased. She said that LFUCG had told their homeowners association that they couldn't mow a specific part of the property because it was designated as a wetland. She doesn't believe that the intent of the CC zone is being achieved with this plan and the zoning is not achieving goals of the CC land use. She then asked the Planning Commission to consider the citizens that would be impacted by this zone change first.

Staff Rebuttal - Mr. Martin clarified that this is a preliminary development plan, and under the Expansion Area requirements, at the time of the final development plan the applicant will need to submit compliance statements, which the staff will evaluate and issue a compliance report. He said that there are not any identified wetlands on the property. There are greenways, drainage ways and floodplains. He added that per the stormwater plan, the applicant will not be allowed to negatively impact those environmental areas. He said that the issue regarding the buffer will be addressed at the time of the final development plan.

Mr. Baillie clarified that the CC zone has no restriction on dwelling unit density and that the greatest limitation is "at least 40% of the aggregated floor area of the buildings within the CC zone shall be devoted to residential uses as permitted in the EAR-3 zone." He added that the EAR-3 zone has a higher height limit, which is 60 feet, where the CC zone allows 48 feet. There is also a

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difference with the FAR, the CC zone allows 1.0 and there isn't any requirement in the EAR-3 zone. He said that the applicant is allowed to build an apartment complex within the CC zone, as it stands now.

Commission Questions - Ms. Mundy asked if staff could address the concern with emergency services within the area. Mr. Greg Lengal, Division of Fire and Emergency Services, said that this complex will not add any more burden to their services. He said that Fire Station (No. 21) is located about 2.5 miles southwest of the subject property, and Fire Station No. 17 is located approximately 2.7 miles northeast of the subject property. He said that regarding the public comments about the street width, and if anyone has further concerns, they should contact the Division of Fire and Emergency Services.

Mr. Owens said the applicant stated that this development would strive for positive social interaction with neighborhoods, while enabling existing and new neighborhoods to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and asked Mr. Nicholson if this request would be accomplishing those goals and objectives. Mr. Nicholson said that he believes that it can, even though it is not necessarily what the citizens in the room desire, he believes that multi-family can be integrated into this community.

Mr. Penn asked the applicant if the roadway improvements should be a condition on the development plan. Mr. Nicholson said that it is currently condition #7, and said that the revised development plan does depict those improvements.

Commission Comments – Ms. Plumlee thanked the neighbors for this input. In regards to the school overcrowding, she said that the Planning Commission doesn't have any input on that. She said that the Comprehensive Plan has promoted walkable neighborhoods and they are asking for support for successful neighborhoods. She said that this is one and the citizens are trying to promote it as such. She would like to see more CC zoned area to accommodate the neighbors, the apartments to address the housing need in Lexington, and avoid expanding the Urban Service Area boundary. She added that she supports neighborhoods and said that this, as it has been presented, isn't supporting the existing neighborhood.

Mr. Pohl said that he also appreciates the neighbors for attending this hearing and pointed out that the Planning Commission has seen this project multiple times and stated that their lack of asking questions may be a result of already seeing this plan, and it is not for a lack of interest.

Mr. Penn said that the Planning Commission's duty is to do what is best for the City of Lexington, and the 2018 Comprehensive Plan states that in order to accomplish their goals for the next 40-50 years and to not expand the Urban Service Area boundary, that infill and redevelopment is a priority. He said that the task at this hearing is to determine whether this zone change is appropriate or not appropriate. He said that he reviews the staff reasoning and most of the time their first reason is that the case complies with the EAMP, and the second reason is that there has been a social, economic and/or physical change in the area.

Mr. Owens said that he has been conflicted since this application was first presented. He is usually a proponent for mixed-use, which he believes that the CC zone should be. He agrees that the neighbors do not have a place to call their own and that this community center should be, as well as be located in the middle the property, not on the outside fringe. He said that currently within the CC zone, residential could be built; however, this proposal has lesser height than what is allowed to be built. He also thanked the citizens for attending the hearing and said that when 1,073 people sign a petition, the Planning Commission does take it seriously.

Zoning Action – A motion was made by Mr. Nicol, seconded by Ms. Mundy, and carried 7-2 (Plumlee and Pohl opposed; Bell and Brewer absent) to approve PLN-MAR-19-00003: BALL HOMES, INC. (AMD), for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Nicol, seconded by Ms. Mundy, and carried 8-1 (Plumlee opposed; Bell and Brewer absent) to approve PLN-MJDP-19-00009: BLACKFORD PROPERTY (PHASE 4), as presented by the staff.

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