

1. WHITESBURG RE DEVELOPMENT CO., LTD ZONING MAP AMENDMENT & MASTERSON STATION CENTER (CITATION VILLAGE) (AMD) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-18-00025: WHITESBURG RE DEVELOPMENT CO., LTD (12/3018)*- a petition for a zone map amendment from a restricted Highway Service Business (B-3) zone to a Planned Neighborhood Residential (R-3) zone, for 6.41 net (8.69 gross) acre, for property located at 2679 Leestown Road.

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; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

The petitioner proposes a rezoning to the Planned Neighborhood Residential (R-3) zone to construct 39 townhouse dwelling units at a residential density of 6.1 units per acre.

The Zoning Committee Recommended: Approval to the full Commission.

The Staff Recommends: Approval, for the following reasons:

1. The Planned Neighborhood Residential (R-3) zone is in agreement with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
 - a. The R-3 zone allows for a mix of housing types and densities within the broader neighborhood (Theme A, Goal #1).
 - b. The Comprehensive Plan allows for the supporting infill and redevelopment (Theme A, Goal #1.b. and Goal #2), while increasing the density of the development, which will help to uphold the Urban Service Area concept (Theme E, Goal #1).
 - c. The proposal maximizes development on vacant land within the Urban Service Area and promote use of underutilized or vacant land in a way that enhances the existing urban form (Theme E, Goal #1.a and 1.b.).
 - d. The plan provides a neighborhood which is connected for pedestrians and various modes of transportation, through the connections of sidewalks, bike paths, and the use of trail systems (Theme A, Goal #3.b.).
 - e. The plan allows for the protection of natural resources and landscapes before development occurs by protecting the stream that crosses the property (Theme B, Goal #3.b). The open space associated with the stream will also enhance the quality of the proposed residential development and provide a land use buffer to the remaining B-3 zone
 2. This recommendation is made subject to the approval and certification of PLN-MJDP-18-00091: Masterson Station Center (Citation Village)(AMD), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. PLN-MJDP-18-00091: MASTERSON STATION CENTER (CITATION VILLAGE) (AMD) (12/30/18)* - located at 2679 LEESTOWN ROAD. (EA Partners)

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

1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
8. Denote that screening and building articulation for proposed retail building shall be determined at final development plan.
9. Denote timing of resolution of townhouse and water line easement conflict.
10. Discuss status of stone fence per note #13.
11. Discuss need for note #15.
12. Discuss stormwater detention.
13. Discuss orientation of townhouses nearest the creek (type B units).
14. Discuss access spacing on Robinson Way and need for a waiver.
15. Discuss access to existing shared use trail.

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

Staff Zoning Presentation – Mr. Baillie presented the staff report and recommendations for the zone change. He displayed photographs of the subject properties and aerial photographs of the general area. He said that this development is along Leestown Road, but will have access to Ferndale Pass and Robinson Way. He said the subject property is surrounded by various land uses and zoning. Residential zoning is located to the west and north, Professional Office zoning to the north and east, Agricultural Urban zoning to the south, and industrial development to the southeast. He added that the southern portion of the property that is not seeking a zone change will remain in a Restricted Highway Service Business (B-3) zone. He said the majority of 2679 Leestown Road was rezoned from an Agricultural Urban (A-U) zone to Highway Service Business (B-3) zone in 1996 and the other portion was changed at a later date just to conform to the overall lot. He added that many development plans have been approved and one subdivision plat, which created the Houchens Grocery Store site and Abigail Way that extends off of Robinson Way into the site, providing internal access for future development. He added that some of the recent plans for the site were small strip shops and a big box store, which led to the tributary stream that runs west to east through the site being put underground. The stream would have needed to be covered if the area was redeveloped under the previous plans, which would have resulted in complex engineering and significant modifications to the natural environment of the area.

Mr. Baillie said the applicant is proposing this zone change in order to construct 41 townhouse dwelling units at a residential density of 6.4 units per acre, which is an increase of two townhouses since the Zoning Committee meeting on November 1, 2018. He said that the applicant opined that the application is consistent with 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan because it supports maintaining the Urban Service Boundary, while increasing the density of housing. He added that the petitioner indicates that the rezoning of the site will accommodate the demand for housing in Lexington responsibly, prioritizing higher-density and a mixture of housing types, supports infill and redevelopment throughout the Urban Service Area, and will provide a neighborhood which is connected for pedestrians and will utilize various modes of transportation. He said that this proposal also maximizes development on vacant land within the Urban Service Area and promote use of underutilized land in a way that enhances the existing urban form. The staff concurs with the applicant's justification, and the staff also believes this development allows for the protection of natural resources and landscapes before development occurs. He added that by protecting and maintaining the stream that crosses the property, leaving it sunlit and in its natural state, the plan is supporting the natural environmental features of the area. He said that the staff and the Zoning Committee are recommending approval of this zone change.

Development Plan Presentation – Mr. Martin presented a rendering of the revised preliminary development plan, and he distributed an updated staff report to the Commission with revised conditions, as follows:

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

1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. ~~Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.~~
8. ~~Denote that screening and building articulation for proposed retail building shall be determined at final development plan.~~
9. Denote timing of resolution of townhouse and water line easement conflict shall be resolved at time of final development plan.
10. ~~Discuss status of stone fence per note #13.~~
11. ~~Discuss need for note #15.~~
12. ~~Discuss stormwater detention.~~
8. 43. Discuss Resolve orientation of townhouses nearest the creek (type B units) at time of final development plan.
14. ~~Discuss access spacing on Robinson Way and need for a waiver.~~
9. 45. Discuss Resolve access to existing shared use trail at time of final development plan.

Mr. Martin pointed out the proposed access points to the subject property. He said that the applicant originally had multiple access points along Ferndale Pass and one along Robinson Way. He said that this revised development plan depicts a single access point, which reduces conflict and the concerns for a waiver. He said that the townhouses are oriented to the street with parking in the rear, with an exception of a few on the rear of the property that will be front loaded with garages, which is condition #8, to be resolved at the time of final development plan. He said that staff would like the applicant to emphasize the creek as an amenity. He said that this creek was to be piped and the applicant attempted to do mitigation, which didn't get completed. He added that there is a proposed trail system in the area, which is condition #9, to be resolved at the time of final development plan. He said that there is also a water line that will need to be released to be resolved at the time of final development plan, which is condition # 7. He said the staff is aware of the topographical concerns of this property and is recommending approval of this development plan.

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Commission Question – Ms. Mundy asked Mr. Martin if topographical concerns could be dealt with by locating the garages underneath the townhouse rather in the rear. Mr. Martin said that is part of the discussion because the elevation changes as the property slopes down towards the creek.

Applicant Presentation – Mr. Bruce Simpson, attorney representing the petitioner, said that the applicant is in agreement with the staff's recommendations, and will continue to resolve the concerns at the time of the final development plan.

Citizen Comment – There were no citizens present to speak to this application.

Zoning Action – A motion was made by Ms. Mundy, seconded by Mr. Forester, and carried 9-0 (Brewer and Owens absent) to approve PLN-MAR-18-00025: WHITESBURG RE DEVELOPMENT CO., LTD., for the reasons provided by the staff.

Development Plan Action – A motion was made Ms. Mundy, seconded by Mr. Forester, and carried 9-0 (Brewer and Owens absent) to approve PLN-MJDP-18-00091: MASTERSON STATION CENTER (CITATION VILLAGE) (AMD), with the revised conditions provided by the staff.