

**3. BALL HOMES LLC ZONING MAP AMENDMENT & SPRING LAKE ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-20-00010: BALL HOMES, LLC (8/2/20)\*- a petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 138.20 net (143.01 gross) acres, for property located at 2300 Sandersville 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 seeking a zone change from the Agricultural Urban (A-U) zone to the Planned Neighborhood Residential (R-3) zone for the property located at 2300 Sandersville Road. The zone change application is seeking to construct a residential development that includes single family detached and attached homes, as well as apartment buildings.

The Zoning Committee Recommended: Postponement to the full Commission.

The Staff Recommends: Postponement, for the following reasons:

1. The zone change application for the subject properties, as proposed, does not completely address the Goals and Objectives of the 2018 Comprehensive Plan. The following Goals and Objectives require further discussion by the applicant to address compliance with the Comprehensive Plan:
    - a. Theme A, Goal #2.b: Respect the context & design features of areas surrounding development projects & develop design standards & guidelines to ensure compatibility with existing urban form.
    - b. Theme A, Goal #2.c: Incorporate adequate greenspace and open space into all development projects, which serve the needs of the intended population.
    - c. Theme A, Goal #3.b: Strive for positive & safe social interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians & various modes of transportation.
    - d. Theme A, Goal #3.d: Promote, maintain, and expand the urban forest throughout Lexington.
    - e. Theme E, Goal #1.b: Ensure all types of development are environmentally, economically, and socially sustainable to accommodate the future growth needs of all residents while safeguarding rural land.
  2. The zone change application for the subject property, as proposed, does not completely address the development criteria for a zone change within the New Complete Neighborhood Place-Type, specifically the Medium Density Residential Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
    - a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
    - b. A-DS7-1: Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
    - c. D-CO4-1: Dead-end streets and cul-de-sacs should be discouraged except where connections are not topographically or environmentally feasible.
    - d. D-CO5-1: Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.
    - e. A-DS4-3 Development should work with the existing landscape to the greatest extent possible, preserving key natural features.
- b. PLN-MJDP-20-00027: SPRING LAKE (8/2/20)\* - located at 2300 SANDERSVILLE RD., LEXINGTON, KY.  
Project Contact: EA Partners

Note: The purpose of this development plan is to rezone the property.

The Subdivision Committee Recommended: Postponement, due to the number of 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 location of springs.
8. Denote: Treatment of springs shall be determined at time of Preliminary Subdivision Plan/Final Development Plan.
9. Discuss road improvements for Greendale Road and Sandersville Road.
10. Discuss treatment of stonewall.
11. Discuss odd geometry of Lot 237.
12. Discuss enhanced landscaping adjacent to railroad.

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

13. Discuss proposed parking area adjacent to Lots 95 and 96.
14. Discuss extending pedestrian system to townhouses on Lot 332.
15. Discuss location of multi-family housing and roadway capacity.
16. Discuss greenway use and dedication.
17. Discuss traffic calming.
18. Discuss location of possible neighborhood park per Parks and Recreation Master Plan.
19. Discuss Placebuilder criteria:
  - a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
  - b. A-DS7-1: Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
  - c. D-CO4-1: Dead-end streets and cul-de-sacs should be discouraged except where connections are not topographically or environmentally feasible.
  - d. D-CO5-1: Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.
  - e. A-DS4-3 Development should work with the existing landscape to the greatest extent possible, preserving key natural features.

Staff Zoning Presentation – Mr. Baillie presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property, a golf course and clubhouse, and aerial photographs of the general area. He said the applicant is proposing this zone change to develop a residential neighborhood that will be comprised of 330 single-family detached homes, 65 single family attached homes, and ten apartment buildings containing 280 apartments. The proposed residential density for the site is 4.88 dwelling units per net acre. To complete the proposed development, the applicant is seeking to construct a roadway system with two main access points, one located on Greendale Road and one located on Sandersville Road opposite Calendula Road, an entrance to a new neighborhood on the north side of Sandersville Road, which is the Hillenmeyer Property. The main roadway extending from Greendale Road is proposed to be single-loaded with the residential development located on the roadway's southern edge and a large greenway along the roadway's northern edge. The proposed apartments and associated amenities are located along the eastern edge of the subject property, bordering the Norfolk Southern Railroad.

Mr. Baillie said that subject property is mostly surrounded by industrial zoning, with some residential currently being constructed to the north. He said that there is a High-Density Residential (R-4) zone, to the immediate north, which is currently occupied by two single-family house. He said that the applicant initially utilized the appropriateness versus inappropriateness within their letter of justification, which the staff did not support. He displayed the aerial and said that the applicant is seeking to utilize the existing golf pathways on the subject property for multi-use trails. There is also a historic structure, the golf clubhouse, which the applicant is seeking to maintain as an amenities space associated with this development. He also pointed to a stream that travels through this site and empties into three ponds, which are associated with an extensive floodplain.

Mr. Baillie identified a UPS shipping center within the nearby industrial uses. He said that with a residential use moving into an industrial area, that necessitates more discussion as to how the area is being developed, making sure appropriate buffers are being applied between the zones. There have been individuals move into areas and being unhappy with industrial uses nearby.

Mr. Baillie said that the applicant chose the New Complete Neighborhood Place-Type and that they are proposing both a Low Density Residential Development Type and a Medium Density Residential Development Type, which will be more of the multi-family areas and closer to the railroad. These development types recommended the R-3 zone. He displayed the development plan and said that the applicant is trying to enhance the greenway and utilize the open features of the stream and pond area. He also pointed to the proposed location of the single family residential and the medium density residential areas. He said that the staff had concerns with some of the applicant's parking locations and the connections between the two development types. He said that on the revised development plan, the applicant has relocated their parking to the rear of the buildings, which will buffer between the buildings and the railroad. He said they also moved their open space in front of those buildings, which allowed the applicant to create a large green space area along the roadway. The staff was also concerned with the connectivity between the single-family homes. The staff wants the multifamily to be part of a neighborhood and not separate from a neighborhood. He said that the applicant stated in their justification that they will seek to work with staff at a greater level at the time of the Final Development plan. They have indicated various multifamily design standards, which all are being met, and are as follows:

Site Planning	Open Space	Architectural Design
SP-1	OS-1	AD-1
SP-7	OS-3	AD-2
SP-8	OS-4	AD-3
SP-9	OS-5	AD-4
SP-12	OS-6	AD-5
SP-17	OS-7	AD-6
	OS-8	AD-7
	OS-9	AD-8

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	OS-10	AD-9
	OS-11	
	OS-12	
	OS-13	

Mr. Baillie said that there has also been discussions regarding trying to integrate the current road systems to create a frontage-like system while retaining an access easement in front of the apartment complex. He said that the staff recommends the use of a waiver so that the road could be streamlined, and reduce the use of cul-de-sacs in two locations. With that waiver, the staff is recommending the removal of 32 perpendicular parking spaces, but adding them as parallel spaces. He added that this site is over their parking requirements by 102 spaces.

He said that the staff is recommending approval of this zone change for the following reasons:

1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
  - a. The proposed rezoning will expand housing choice (Theme A, Goal #1) by accommodating the demand for housing in Lexington responsibly, prioritizing higher-density and a mixture of housing types (Theme A, Goal #1.b). The proposed development incorporates a mixture of housing types including 331 single-family lots, 63 townhomes, and 280 apartment units.
  - b. The proposed development will support Infill and Redevelopment throughout the Urban Services Area as a strategic component of growth (Theme A, Goal #2) through the infill of an underutilized portion of land that currently acts as a golf course (Theme E, Goal #1.d).
  - c. The proposed rezoning will respect the context and design features of areas surrounding development projects and develop design standards and guidelines to ensure compatibility with existing urban form (Theme A, Goal #2.b), while also incorporating adequate greenspace and open space that would serve the needs of the intended population (Theme A, Goal #2.c).
  - d. The proposed development will provide a well-designed neighborhood and community (Theme A, Goal #3) by providing connectivity to the residential neighborhoods that are currently under construction located to the north and expanding options for mixed type housing (Theme A, Goal #3.a).
  - e. The proposed rezoning will allow for positive and safe social interactions in neighborhoods (Theme A, Goal #3.b), by integrating new development with neighborhoods that are connected for pedestrians, while also providing a street alignment and road network will provide connection that will reduce police, EMS, and fire response times (Theme A, Goal #4.c).
  - f. Through the establishment of the shared-use trails, the proposed development will provide a people-first design that emphasizes accessible community facilities and promotes health, safety, and quality of life needs (Theme D, Goal #2).
  - g. The proposed development will protect and enhance natural and cultural resources by maintaining the historic structure on site as an amenity space for the potential residents. (Theme D, Goal #3.a).
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
  - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site creates a residential development that supports pedestrian mobility, while also providing cross access between different residential types.
  - b. The proposed rezoning includes safe facilities for the potential users, through the incorporation of enhanced pedestrian facilities along the single-loaded street, that provides safe and easy access to the greenway and open space. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
  - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, and limits the impacts on the surrounding environment. The proposed development has also allowed for greater continuity of greenspace extending from the identified greenway into the open space associated with the apartments.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following buffering restriction is recommended via conditional zoning:
  - a. There shall be a 25 foot landscape buffer that will include a double rows of trees from Group A or B only, which are staggered on center and spaced every 30 feet along the southern property line, where adjacent to industrial zoned (I-1 or I-2) zoned land.
4. This recommendation is made subject to approval and certification of PLN-MJDP-20-00027: Spring Lake, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

**Commission Questions** – Mr. Nicol asked what the number of dwelling units per acre is. Mr. Baillie said that this development is 4.88 dwelling units per acre, which is considered as low, because of the large open space area. He said that the staff has discussed with the applicant about how to add dwelling units on the site, which will be considered at the time of the final development plan.

**Development Plan Presentation** - Mr. Martin presented the preliminary development plan associated with this zone change. He said that the applicant is proposing to develop 143 acres of land with 331 single-family lots, 63 townhouses, and a multifamily apartment complex with 504 bedrooms. He said that the transition of the roadway systems would allow for additional higher density

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development, which would require a waiver and could be determined at the time of the final development plan. He said that revised conditions were distributed to the Planning Commission, as follows:

1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
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 location of springs.~~
7. 8. Denote: Treatment of springs shall be determined at time of Preliminary Subdivision Plan/Final Development Plan.
8. 9. Discuss Denote ½ road improvements per the requirements of the Land Subdivision Regulations for Greendale Road.
9. 40. Discuss Denote treatment of stonewall.
10. 44. Discuss Denote odd geometry of Lot 237 shall be resolved at time of Preliminary Subdivision Plan/Final Development Plan.
11. 42. ~~Discuss enhanced landscaping adjacent to railroad. Denote that ½ section improvements for Sandersville Road shall be determined at time of Final Development Plan/Preliminary Subdivision Plan.~~
13. 44. Discuss Denote that extending the pedestrian system to townhouses on Lot 332 shall be determined at time of Final Development Plan/Preliminary Subdivision Plan.
13. 45. ~~Discuss location of multi-family housing and roadway capacity. Denote that the classification of the single-loaded street (collector or local) shall be determined at time of Final Development Plan/Preliminary Subdivision Plan.~~
16. ~~Discuss greenway use and dedication.~~
17. ~~Discuss traffic calming.~~
18. ~~Discuss location of possible neighborhood park per Parks and Recreation Master Plan.~~
14. 49. Discuss Placebuilder criteria:
  - a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
  - b. A-DS7-1: Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
  - c. D-CO4-1: Dead-end streets and cul-de-sacs should be discouraged except where connections are not topographically or environmentally feasible.
  - d. D-CO5-1: Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.
  - e. A-DS4-3 Development should work with the existing landscape to the greatest extent possible, preserving key natural features.

Mr. Martin said that the staff had a concern with natural springs that are located on the property, which he pointed to on the development plan. These springs have been denoted and will be further discussed at the time of the final development plan. He said that the greenway is a FEMA floodplain and will be protected. Another concern was the road network, condition #8, is the ½ road improvements to full urban standards along Greendale Road. He said that along Sandersville Road, there is a stone wall/fence and a pedestrian system on the opposite side of the roadway. The applicant may take the same approach on this property to protect the stone wall, which is condition #9. He said that the infrastructure and the local streets will be constructed off of the Preliminary Subdivision Plan and the Final Development Plan. He said in regards to condition #12, the staff would like a more integrated pedestrian system connecting the townhomes with the rest of the system. Condition #13, the staff agrees with the single loaded street, but multifamily developments are required to access a collector street and not a local street. He said that the staff believes that the single loaded street should be a collector street. He added that collector streets have requirements for traffic calming.

Traffic Impact Study – Mr. Emmons presented the traffic impact study and said that this proposed development would generate approximately 300 trips exiting in the morning and approximately 300 trips entering in the evening peak times. The study reviewed existing intersections, Greendale Road and Sandersville Road and the proposed access points for this development. He said that the staff has concerns with the large amount of traffic currently on Greendale Road. He said that the staff agrees with the two access points that the applicant is proposing. He said that the staff recommended the road improvements along Greendale and Sandersville Road and to denote on the development plan that at the time of the Preliminary Subdivision or Final Development Plan that the developer will coordinate with the division of Traffic Engineering and the Bicycle/Pedestrian Planner and other necessary entities to further evaluate potential safety improvements, especially for pedestrians and bicycles.

Commission Questions – Mr. Bell asked where Sandersville Road and Greendale Road feed onto. Mr. Emmons said that Sandersville Road feeds into Georgetown Road and Greendale Road feeds into Citation Blvd or Leestown Road. Mr. Bell then asked if there is a concern of impact on those roads. Mr. Emmons said that the staff agrees that the increased traffic generated will not make much of an impact on those roadways.

Ms. Plumlee said the staff report states that Greendale Road and Sandersville road are classified as urban-collector roadways, although they have not been upgraded to function in that manner along this property and asked if they have been upgraded at all.

Mr. Emmons said the staff has recommended that the applicant upgrade these streets per the Land Subdivision regulations, along their frontage, which is one of the development plan conditions.

Applicant Presentation - Mr. Nick Nicholson, attorney; Buddy Goodwin; Ball Homes; Al Gross and Rory Kahly, EA Partners, were present. Mr. Nicholson said this proposal is to rezone 138 acres to develop a new complete neighborhood with a blend of low-density and medium-density residential development. He presented an aerial photo and said that this area has become more residential over the past decade. He said that this development comprises 331 single-family lots, 63 townhomes, and 280 apartment units. This area has a significant neighborhood focal point with the single-loaded street and the open area. He said that the Spring Valley Clubhouse, built in 1937, is being preserved as an amenity for this development. He said that the single-family lots have been interspersed with townhomes in order to take advantage of the floodplain.

Mr. Nicholson said that they are in agreement with the 2018 Comprehensive Plan and believe that the proposed zone will allow for a development to activate a large tract of underutilized agricultural land, which is located within the Urban Service Area. This development will be constructed at the appropriate density level to remain consistent with the nearby neighborhoods, as well as, give the density that the community needs. He said that this property is surrounded mostly by residential zoning. He said in regards to the Goals and Objectives of the Comprehensive Plan, this development is adding much needed density and housing types. This is an infill and redevelopment project and not harming the rural focus of the area. He said that they are focusing on the entry-way and open space area and natural buffers. He said that there are industrial uses in the area and wants to make sure that they all can coexist moving forward. He added that the development is also upholding the Urban Service Area concept by activating large undeveloped land.

In regards to the Design Policies, Mr. Nicholson said that they are utilizing people-first development, ensuring proper road connections and providing pedestrian-friendly street patterns while allowing them to be multi-modal. He said that there is a greenway crossing at the entrance to the development that extends to the multi-family area. In regards to the multi-family design standards, he believes that they are in compliance with the guidelines. However, they will continue to work with the design of the area. In regards to the greenspace, they are providing more than adequate greenspace for neighborhoods. He believes that this is a very well-designed area and upholds the Urban Service Area preservation strategy and is in compliance with the Comprehensive Plan. He also added that the existing zoning is inappropriate and the proposed zoning is appropriate in his opinion.

Mr. Nicholson said in regards to the staff's recommended conditions #8 and #11 for the development plan, they would like for that to occur at the time of the final development plan. He believes that both roads should be treated in the same manner and be discussed further. He also asked if the conditional zoning restrictions could be resolved at the time of the Final Development Plan. He said that at this time, they are uncertain of the types of trees that can be added to the existing property, particularly along the southeast boundary. There is also a 100-foot utility easement that runs along the southwest property line and planting is discouraged in any easements. There is a stone fence in one of these areas, which would mean it would have to be covered. He said that they are willing to discuss how the properties interact and what types of landscaping should be planted.

Commission Questions - Ms. Plumlee asked if there are two access points for this development. Mr. Nicholson confirmed. Ms. Plumlee then expressed concern about the roads with 400 vehicles traveling on them. Mr. Nicholson said that ½ road improvements are basically improving the roadway with curb and gutter and sidewalks. He would like to have that discussion at the time of the Final Development Plan.

Mr. Penn said that he is impressed by the applicant and the staff with the improvements that have been made thus far on this application. He asked if this development will be phased over the several years. Mr. Nicholson said that it will be a phased development, similar to Blackford and Hillenmeyer developments and should take at least 3-5 years. Mr. Penn also expressed concern about future traffic. He then asked if they have been in contact with the local businesses, since this is a residential development moving into an already established industrial area. Mr. Nicholson said that he has been in contact with UPS and Baumann Paper, Co., and is more than willing to continue to work them to make sure that the proper screening goes into the proper locations. He said that there are different issues at different locations, therefore he doesn't believe that the entire southern boundary can be treated the same. He added that the traffic impact study was completed prior to Sandersville Road connecting to Citation Blvd., which that intersection could make a major impact on the flow of traffic.

Citizens in Opposition - Jeff McKenzie, attorney representing UPS, said that they have been in conversation with Mr. Nicholson. He believes that there are some issues that have not been resolved and asked if this could be deferred longer. He said that they are concerned with the limited public discussions, the manner of the way the meeting is being held, and lack of time to respond to the materials that they just received on Monday. He added that there is a concern with the existing traffic on Greendale Road and loading more onto that. He said that the provisions of the Comprehensive Plan that have been cited don't reflect those that advance the industrial uses. He said that the transition from industrial to residential along the single family boundary is not common as it is along multifamily uses. He said that UPS is a 24 hour, 7 days a week employer and would like to limit the conflict between these uses as much as possible. He requested a 25-foot setback and tree boundary (exhibit) and made it known that there will be lights and noise from the UPS property. He asked the Planning Commission to postpone for more discussion.

Mr. Brandon Gross, attorney representing Baumann Paper, Co., said there are industrial uses on three sides of this proposed development. He said that their hours of operation are 4:00 a.m. to 7:00 p.m. They are currently seeking to expand their business. He also stated that there has been a failure of public engagement and communication to address concerns. He said that the applicant didn't have a pre-filing meeting with the neighbors. The applicant didn't present this to the committees Commission's and uploaded the recent materials on Monday for today's hearing. He said that it is unfair for the public to express their concerns when they get materials the day of the meeting. He believes that this lack of engagement is a violation of the Comprehensive Plan. He said that this proposal also violates the rights of industrial land users, which the Comprehensive Plan states to promote and preserve. It says that residential uses should not encroach on industrial land uses and that they are incompatible with each other. He said that the transitions and buffering are not noted on the development plan and there hasn't been any resolution with them on that. He added that he would like to see industrial use on this property. He asked the Planning Commission for a continuance of this hearing so that some of these concerns can be resolved.

Kerry Cauthin, property owner of 2370 Sandersville Road, said that he supports that this proposal is residential. He said Mr. Nicholson told him that this would be postponed, and then there had been an agreement reached between him and Ball Homes, and that this proposal was being heard today. He said that the Ball Homes community has contacted him directly and they said that they would meet the screening requests. They also want small purchases of small parcels near their property in order to buffer them.

Applicant Rebuttal – Mr. Nicholson said that this was what he expected in his preliminary presentation. He believes that all of these concerns are items that can be resolved at the time of the Final Development Plan. He said in regards to the failure of public engagement, letters were mailed out prior to the filing of this application, on April 30, 2020. He added that he had been speaking with these two attorneys since then. He said that postponing this application at this time is not necessary. There has been a lot of work completed already. The changes that were made and submitted on Monday were all internal to the site and don't impact the southern property line.

Commission Questions – Mr. Nicol asked if the applicant agrees with the staff's conditional zoning recommendation. Mr. Nicholson said that they do not believe that it needs to be a conditional zoning restriction because it would conflict with many different things. The southern boundary is very difficult, there is a very large utility easement. He asked if it could be resolved at the time of the Final Development Plan. Mr. Nicol said that this seems to be Mr. Gross's major concern.

Mr. Fred Baumann, Baumann Paper Co., said that he would like a buffer or fence installed. He also said that traffic on Greendale Road is already an issue.

Mr. McKenzie said that more discussion could resolve their concerns, such as the fence, the utility easement and safety.

Mr. Gross said that appropriate buffering and transitioning needs to be adopted prior to approving the residential property next to the existing industrial uses. He is also asking for more time to discuss these buffering concerns. He said that currently, the apartment building could be constructed 10 feet from the property boundary.

Ms. Marlee Baumann, Baumann Paper Co. said in regards to the miscommunication of notification, that and many other neighbors didn't receive notification. She asked for a postponement due to lack of information.

Staff Rebuttal – Mr. Baillie clarified that there is a buffering requirement with all zone-to-zone screening, which the staff believes that the increase of that buffer and the increase of establishment of trees is essential to buffer these two different uses. The staff believes that the 25-foot buffer is adequate for the applicant to plant those trees within it, without effecting the stone fence. He said that notice for this public hearing was sent out on May 25, 2020, and the applicant decided to be heard today, due to COVID-19. He said that the original staff reports outlines all of the staff's concerns and the supplemental staff report is based on what the applicant has responded to from the first report. He added that much of this site will not be governed by a Final Development Plan, the single-family detached residences would be presented to the Planning Commission as a Preliminary Subdivision and then a Final Record Plat, which could lead to some discontinuity to resolving items at the time of the final development plan or preliminary subdivision plan; that is why the staff is recommending the conditional zoning restriction.

Commission Questions – Ms. Plumlee asked if the Planning Commission has the authority to increase buffers, at the time of the Planning Commission hearing. Mr. Baillie affirmed and said that the Planning Commission has the ability to add increased buffering where they see there could be an incompatibility between different land uses. In this case, the residential zone is coming into the industrial zoning, so that the residential zoning would need to comply with the Article 18 requirements. However, that requirement could be extended or expanded.

Mr. Nicol asked for clarification that the staff is recommending a conditional zoning restriction. Mr. Baillie said that the staff is recommending a 25-foot buffering area with trees staggered off-center at 30-foot intervals.

Note: Ms. Plumlee left the meeting at 8:00 p.m.

Mr. Bell asked for clarification of conditions #8 and #11, that the applicant would like to change from "denote" to "resolve." Mr. Martin said that the staff is not entirely in opposition of resolving these at a later date. However, the staff feels very strongly that Greendale Road needs to be upgraded to an Urban Collector street. Mr. Bell then asked if that could be decided upon at the time of the Final Development Plan. Mr. Martin said that it will need to be on both, the final development plan or preliminary subdivision plan, because this is a land subdivision regulation requirement. Mr. Bell asked that this will be before them again. Mr. Martin affirmed. Mr. Nicholson said he stated at the time of the Final Development Plan because that was the same language used on condition #11. If staff would like that to state at the time of the Final Development or the Preliminary Subdivision Plan, they are in agreement to that. Mr. Emmons said that this depends on the starting point of this development. He said that the Subdivision Regulations states that the developer will do these improvements. He said that with experience in this area, he recognizes that there may be some waivers needed in the future. He suggested that the applicant depict the required improvements with an asterisk note stating that "at the time of the Final Development or Preliminary Subdivision Plan that it will be revisited." He said that the staff is already recommending an internal street Land Subdivision Regulation waiver.

Mr. Penn reminded the Commission that this is a zone change, which means the Commission must decide should this land be R-3 zoned land or industrial zoned land. If this area isn't developed as residential, it could be developed as industrial. He believes that staff's recommendation for conditional zoning needs to remain with the zone change. Mr. Nicholson said that the conditional zoning restrictions as proposed will have some unintended consequences. He said that this needs to be looked at closer because trees can't be planted under the utility lines. Mr. Penn said that he believes that these concerns can be worked out, but the comments from the neighbors are already happening. Mr. Nicholson said that the buffering will be applied to the areas with industrial neighbors, but there are other areas that he doesn't want it.

Ms. Meyer asked what will be the timeline for the roadway improvements along Greendale Road. Mr. Emmons said that they should be concurrent with the construction of the development. During the Improvement plan process, they submit their plans as they are constructing their internal, local roads.

Commission Discussion – Mr. Nicol asked Mr. Penn if he thinks it would be appropriate to make a decision on the zone change and then move forward to the preliminary development plan. Mr. Penn said that he believes that the zone change is more important than the development plan. The development plan will be seen again. He understands the applicant's conditional zoning concerns, but he is trying to ease the concerns of the adjacent industrial uses.

Mr. Bell said that Mr. Nicholson stated on the record that the conditional zoning restrictions locks him in to something that could be better.

Mr. Penn said that he believes that the staff is recommending them for a reason and Mr. Nicholson's concerns can be addressed as they come along. He said that it could be a different plan if the conditional zoning restrictions are removed.

Zoning Action – A motion was made by Mr. Penn, seconded by Mr. Nicol, and carried 6-0 (de Movellan, Plumlee, Pohl, and Wilson absent) to approve PLN-MAR-20-00010: BALL HOMES, LLC, for the reasons provided by the staff including the conditional zoning restrictions.

Development Plan Action – A motion was made by Mr. Penn, seconded by Mr. Nicol, and carried 6-0 (de Movellan, Plumlee, Pohl, and Wilson absent) to approve PLN-MJDP-20-00027: SPRING LAKE, for the revised recommendations presented by the staff and changing condition #8 and 11, and adding condition #14.

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: Treatment of springs shall be determined at time of Preliminary Subdivision Plan/Final Development Plan.
8. ~~Resolve Denote~~ ½ road improvements per the requirements of the Land Subdivision Regulations for Greendale Road.
9. Denote treatment of stonewall.
10. Denote odd geometry of Lot 237 shall be resolved at time of Preliminary Subdivision Plan/Final Development Plan.
11. ~~Resolve Denote~~ that ½ section improvements for Sandersville Road shall be determined at time of Final Development Plan/Preliminary Subdivision Plan.
12. Denote that extending the pedestrian system to townhouses on Lot 332 shall be determined at time of Final Development Plan/Preliminary Subdivision Plan.
13. Denote that the classification of the single-loaded street (collector or local) shall be determined at time of Final Development Plan/Preliminary Subdivision Plan.
14. Discuss Placebuilder criteria:
  - a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.

- b. A-DS7-1: Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
  - c. D-CO4-1: Dead-end streets and cul-de-sacs should be discouraged except where connections are not topographically or environmentally feasible.
  - d. D-CO5-1: Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.
  - e. A-DS4-3 Development should work with the existing landscape to the greatest extent possible, preserving key natural features.
15. Denote railroad underpass will be considered for safety improvement at the time of the Final development Plan.

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