

1. OVERBROOK FARM, LLC ZONING MAP AMENDMENT (AMD) & SAMFORD & MCCrackEN FARMS, UNIT 2 & ALFORD PROPERTY ZONING DEVELOPMENT PLAN

- a. PLN-MAR-18-00002: OVERBROOK FARM, LLC (AMD) (5/2418)*- an amended petition for a zone map amendment from an Agricultural Rural (A-R) zone to a Planned Neighborhood Residential (R-3) zone, for 51.53 net (54.55 gross) acres, for property located at 2451 and 2525 Armstrong Mill 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 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 Comprehensive Plan has established six themes, with goals and objectives to support each of the themes, which include: Growing Successful Neighborhoods (Theme A), Protecting the Environment (Theme B), Creating Jobs and Prosperity (Theme C), Improving a Desirable Community (Theme D), Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land (Theme E) and Implementing the Plan for Lexington-Fayette County (Theme F).

The petitioner has amended their zone change request, and now proposes an R-3 zone for the subject site in order to develop a mix of single family homes, townhouses, and apartment buildings on 51.53 net acres. A total of 319 dwelling units are now proposed, for a residential density of approximately 6.2 dwelling units per acre.

The Zoning Committee Recommended: Referral to the full Commission.

The Staff Recommends: Approval, for the following reasons:

1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2013 Comprehensive Plan and the Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
 - a. The Comprehensive Plan recommends *Growing Successful Neighborhoods* (Theme A, and Chapter 3), which encourages expanding housing choices that addresses the market needs for all of Lexington-Fayette County's residents (Goal #1b.); encourages infill, redevelopment and adaptive reuse that respects the area's context and design features (Goal #2a); and providing well-designed neighborhoods, including neighborhoods that are connected for pedestrian and various modes of transportation (Goal #3 and #3b.). The petitioner has proposed a mixture of single-family, townhouses, and multi-family residential dwelling unit types to meet the needs of the community at a density of 6.2 units per net acre.
 - b. The 2013 Plan recommends *Protecting the Environment* (Theme B and Chapter 4) by encouraging sustainable use of natural resources (Goal #2b.) and management of green infrastructure, which includes the protection of environmentally sensitive areas, before development occurs. The petitioner proposes, through the corollary development plan, to maintain the floodplain and its associated greenway, as well as significant trees along the tributary of East Hickman Creek. The petitioner is also protecting an established tree line along the northern boundary of the site.
 - c. The 2013 Plan recommends *Improving a Desirable Community* (Theme D and Chapter 6) by working to achieve an effective and comprehensive transportation system (Goal #1). The petitioner is proposing the extension of Squire Oak Drive, a collector street, and will be required to make necessary improvements to Armstrong Mill Road to meet collector roadway standards. Within the right-of-way or Armstrong Mill Road, the corollary development plan also depicts a shared-use path as proposed by the Pedestrian Bicycle and Pedestrian Master Plan, (Gainesway Trail), which will allow for a connection to Gainesway Park.
 - d. The 2013 Plan recommends compact and contiguous development within the Urban Service Area through absorption of vacant and underutilized land (Theme E, Goal #1), which is being met by the petitioner's proposal. The Plan also emphasizes the importance of infill development being compatible with the existing uses surrounding the subject property. The petitioner is providing a fifty foot (50') landscape buffer along the existing Squire Oak subdivision, and locating single-family residential development adjacent to existing single-family residences.
2. This recommendation is made subject to approval and certification of PLN-MJDP-18-00008: Samford & McCracken Farms, Unit 2 and Alford Property (Overbrook Farm, LLC), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use and buffer restrictions are recommended for the subject property:
 - a. Along the northeastern boundary of the subject property, shared with the Squire Oak Subdivision, there shall be a fifty-foot (50') landscape buffer area. All existing trees shall be maintained, unless such trees have been identified as dead, diseased or dying and approved for removal by the Urban Forester.
 - b. Along the northwestern property line shared with the Squire Hill Lane right-of-way, there shall be a twenty-foot (20') landscape buffer area. All existing trees shall be maintained, unless such trees have been identified as dead, diseased or dying and approved for removal by the Urban Forester.

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- c. A twenty-foot landscape buffer shall be provided along the rear of any single-family residential lot that adjoins a collector street. The twenty-foot buffer shall include a 6-foot tall berm and combination of shrubs, evergreen and deciduous trees. Such landscape planting shall meet the opacity standards established in Article 18-3(a) of the Zoning Ordinance (double frontage lots).

These restrictions are appropriate and necessary for the subject property in order to protect the established tree lines (northwest and northeast) that serve to buffer new development and to buffer any potential double frontage lots along Armstrong Mill Road.

- b. PLN-MJDP-18-00008: SAMFORD & MCCrackEN FARMS, UNIT 2 & ALFORD PROPERTY (5/24/18)* - located at 2451 and 2525 ARMSTRONG MILL RD. (**Vision Engineering**)

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 & steep slopes.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Denote 25' floodplain setback.
9. Denote no access to Armstrong Mill except for street intersections.
10. Clarify number of townhomes in the site statistics.
11. Provided the Planning Commission grants a waiver to Article 6-8(q)(2)(d) of the Land Subdivision Regulations.
12. Denote connection (entrance) to future Squires Trail shall be resolved at time of Final Development Plan.
13. Discuss capacity of existing pump station.
14. Discuss relocation of proposed multifamily units between floodplain and Armstrong Mill Road.
15. Discuss landscaping adjacent to Armstrong Mill Road.

Staff Presentation - Ms. Wade presented the staff report and recommendations for the zone change. She displayed photographs of the subject property and aerial photographs of the general area, including the existing pump station for sanitary sewer purposes. She said the subject property consists of two parcels and the applicant wishes to construct a mixed residential development, which will include single-family homes, townhomes, and apartments. She said that the Armstrong Mill Road Tributary runs east/west through the property and connects to the Delong Road Tributary. She said that Squire Hill Drive is a sub-standard local street and is intended to be closed to be utilized as a shared-use trail.

Ms. Wade said that the applicant states that this request is in agreement with 2013 Comprehensive Plan and the 2018 Goals & Objectives, and that the R-3 zoning is appropriate and that the A-R zoning is no longer appropriate. She said the applicant states the zone change will expand housing choices; support infill and redevelopment throughout the Urban Service Area; provide for well-designed neighborhoods; connect neighborhoods in terms of pedestrian and various modes of transportation; and maintain our Urban Service Area concept by absorbing currently vacant land inside the Urban Service Area. She said the staff agrees with the applicant and cited another Goal & Objective, which was to minimize the disruption of natural features, utilizing green infrastructure, and providing water resource protection.

Ms. Wade said that as the staff reviewed this application, generally they were in agreement for the proposal for residential development in this corridor; however, the staff was mostly concerned about Chapter 3 of the 2013 Comprehensive Plan, which makes recommendations about creating well-designed neighborhoods and communities. She cited several elements identified in the plan, which are as follows: creating an inviting streetscape, providing a walkable neighborhood, providing varied housing choices, providing abundant open spaces, incorporating focal points, and providing quality connections with parks, schools and stores. She said the staff believes that the greenway, which crosses the subject property, makes for the best focal point for this neighborhood and the staff is concerned that the houses will be backing to that focal point. She said the staff wants to encourage the applicant to continue to meet with the staff to find ways to make that focal point accessible and part of the neighborhood. She said the Comprehensive Plan also recommends single-loaded streets along the greenways to provide for access to the shared open space or focal point.

Ms. Wade said the 2018 Bicycle and Pedestrian Master Plan depicts recommended bike trails. The Gainesway Trail will be a shared-use trail and Squires Trail will be a pedestrian trail. She said that staff had updated their recommendation when the applicant submitted an amended application for this zone change. She said the staff is recommended approval with conditional zoning restrictions. These restrictions will help with buffering and protecting the existing tree line around the subject property.

Ms. Wade also stated that the staff have received numerous emails in opposition and a letter from the Fayette County Neighborhood Council, which was circulated to the Planning Commission.

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Development Plan Presentation – Mr. Martin presented a rendering of the preliminary development plan associated with the zone change and he handed out an updated staff report to the Commission with revised conditions, 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 & steep slopes.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Denote 25' floodplain setback.
9. Denote no access to Armstrong Mill except for street intersections.
10. ~~Clarify number of townhomes in the site statistics~~ Denote access spacing to multifamily units shall be resolve at the time of Final Development Plan/Preliminary Subdivision Plan.
11. ~~11. Provided the Planning Commission grants a waiver to Article 6-8(q)(2)(d) of the Land Subdivision Regulations.~~
12. ~~12. Discuss capacity of existing pump station.~~
13. ~~13. Discuss relocation~~ Denote location of proposed multifamily units between floodplain and Armstrong Mill Road shall be resolved at time of Final Development Plan/Preliminary Subdivision Plan.
14. ~~14. Discuss~~ Denote landscaping adjacent to Armstrong Mill Road shall be resolved at the time of Final Development Plan/Preliminary Subdivision Plan.
15. Denote home orientation to Armstrong Mill Road shall be resolved at the time of Final Development Plan/Preliminary Subdivision Plan.
16. Denote townhouse orientation (Units 82-85) shall be resolved at time of Final Development Plan/Preliminary Subdivision Plan.
17. Denote local street orientation to greenway shall be resolved at time of Final Development Plan/Preliminary Subdivision Plan.

Mr. Martin displayed a color rendering of the plan and identified the adjacent church and school. He said the applicant is proposing single-family homes, which will be served by a network of local streets that will end in a cul-de-sac near the greenway and the Urban Service Area boundary. He said the entire site is dominated by a floodplain, which significantly effects this development. He said the applicant and the staff have addressed the floodplain, which will be designated as a greenway. He said the applicant is proposing 81 single-family homes, 216 apartments units, and 22 townhomes, and 435 parking spaces. This is 55 spaces above the parking requirement.

Mr. Martin said there are the standard sign-off conditions for a preliminary development plan, so there will be no construction or development on the site until a preliminary subdivision plan is submitted and/or a Final Development Plan. He said condition #8, which is to denote the 25' setback from the floodplain, will benefit the homeowners because they will not be required to purchase flood insurance. He said, referring to conditions #15, #16, and #17, the staff has offered many resolutions for the greenway/focal point, such as the orientation of the street system relative to the greenway; the home orientation to Armstrong Mill Road; and the orientation of the townhouse development. He said that the location of a local street intersection with a collector street as proposed, will require a waiver of the Land Subdivision Regulations in the future.

In relation to condition #11, denote connection to the future Squires trail, Mr. Martin said that Armstrong Mill Road will eventually be improved into an urban collector street and part of that infrastructure will be the trail along Armstrong Mill Road. He said that condition #12, discuss the capacity of the pump station, is known to have overflows and will need to be upgraded. He said that the staff is recommending approval of the preliminary development plan.

Traffic Impact Study – Jimmy Emmons presented the MPO staff report on the submitted Traffic Impact Study for this zone change. He said the applicant studied many intersections along the site along Armstrong Mill Road from Man o' War Boulevard to DeLong Road, and stated that it concluded that from all of them are acceptable the vehicular standpoint, and the staff concurred. He said that LexTran doesn't serve this area. He said the improvements being proposed with this development plan will create adequate facilities for pedestrian walkways and bicycles.

Mr. Emmons said that the consultant recommends improvements to Armstrong Mill Road per the Land Subdivision Regulations, including a left turn lane from Armstrong Mill Road into the subject property and the 12' wide shared-use trail, in lieu of a 4' sidewalk, along the Armstrong Mill Road. He said that the staff agrees with all of the consultant's recommendations.

Mr. Charlie Martin, Division of Water Quality, displayed aerial photographs of the general area, which is located in the East Hickman sewershed. He pointed out the existing pump stations and said that the Armstrong Mill and Hartland pump stations will need be upgraded. He said that sewer systems typically follow the natural pattern of drainage. He said that the pump station is on the subject property because it could have been eligibly be served by sanitary sewers since the 1980s when it was brought into the Urban Service Area. He said that developing sewage systems begins at the bottom of the hill working towards the top. He said that eventually the new sewer pipes would pick up the Hartland pump stations, which would eliminate them by converting them into a gravity system. He said that the same would be true for the Armstrong Mill pump station, which would be relocated along Delong Road because it is currently at the edge of the Urban Service Area boundary.

Mr. Martin said that development must be built in order with flow, and the plan with the EPA is to build the pump station at Tates Creek Road and Ashgrove Grove Pike by the end of the 2022. He said that the Overbrook Farm and Hartland station and the new Armstrong Mill pump station will be completed by 2024.

Commission Questions – Mr. Berkley asked Mr. Charlie Martin to verify the timeframes and asked if the land will be available to be developed after that section has been complete. Mr. Charlie Martin said that as sewer projects are completed, the land associated with the sewershed would be available for development. He said that improvements to the sewer system need to begin at the bottom of the hill so that gravity will work, and that development will be done off Overbrook Farm in phases. He said that December 31, 2024 is the deadline with EPA.

Applicant Presentation – Bill Lear, attorney, was present representing the petitioner. He said that the applicant has reached an agreement, with the Squire Oak and Hartland neighborhood associations, for a total of 6 unit dwelling per acre for a mixture of single-family detached, townhouses and an apartment complex. He presented a presentation to the Planning Commission and said that the plan shows a significant amount of greenway. He said that the applicant considered building on single loaded streets, but the development would need two streets on both sides of the property. He also said that rear-loaded houses that front onto Armstrong Mill Road would require those houses to be looking at the rear yard of the houses across the street. He said that there isn't any lot that abuts the Urban Service Area boundary. He said the Squire Oak neighborhood boundary has 28 single-family lots along it, which is a one-to-one ratio to the existing homes. He said that the townhomes are located on a significant grade slope and will serve as a buffer between the multi-family and the single-family homes. He said that the amended application is now 319 swelling units and they have agreed with the two neighborhood associations to propose a density cap under conditional zoning, which will ease their concern that the developer will increase that number at a later date. He said that the Squire Oak Neighborhood Association's legal representative has proposed that parking along Squire Oak Road be discussed at the time of the Final Development Plan/Preliminary Subdivision stage. He said that the applicant does not object to the discussion of a parking restriction at that time.

Mr. Nicholson said that the applicant believes that the R-3 zone is appropriate for this property and that this proposal is a very reasonable density plan. He said that this proposal is in compliance with the 2013 Comprehensive Plan. He said that Theme A, expanding housing choices, has become a focus for this community. He said that this neighborhood will have a clear sense of place with inviting streetscapes, diverse housing, open spaces, landscape, a neighborhood focal point, parks and nearby schools and stores. He said that this neighborhood will have abundant open spaces, which may be public parks, trails along Armstrong Mill Road and future trail connections. He said that there is a substantial amount of greenspace between each of the apartment buildings. He said that the neighborhood focal point is going to be a Community park. He said there will be connections with parks and schools, the connection will be made to Elizabeth Ann Seton Elementary School and Church.

Mr. Nicholson said that infill and redevelopment is also a component for this proposal. He displayed a chart of the tracts of land that are privately owned that are larger than the subject property, located within the Urban Service Area Boundary, and said that five of them are already designated residential land, which will allow these large tracts of land to be developed at the appropriate density levels with the appropriate mix of dwelling units that is called for in the Comprehensive Plan.

Mr. Nicholson said that the sanitary sewer capacity issue will be dealt with, but not today. He quoted the Zoning Ordinance, "No development shall commence without a permit from the Division of Water Quality." He said that the Subdivision Regulations states that sanitary sewer will be dealt with at the time of the Final Development Plan. He said the Code of Ordinance states that sewer capacity should not be determined at the Preliminary Development phase nor at the at the zone change level. He said that too much can change from the time of obtaining zoning until groundbreaking, and that the Division of Water Quality can't give the developer a permit at this stage.

Mr. Nicholson said that Findings of Fact have been submitted to the Planning Commission, which are basically the same as the staff's with the addition of a fourth conditional zoning restriction, stating a dwelling unit cap, which was agreeable with the Hartland and Squires Oak neighborhoods. The Findings of Fact proposed are as follows:

PROPOSED FINDINGS OF APPORVAL
FOR A ZONE CHANGE FROM AGRICULTURAL RUARL (A-R) ZONE
TO PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE
OVERBROOK FARM, LLC

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

Based on the evidence and testimony presented, the Planning Commission recommends that the application to rezone the property located at 2451 & 2525 Armstrong Mill from Agricultural Rural (A-R) zone to a Planned Neighborhood Residential Zone (R-3) zone for 51.53 net (54.55 gross) acres to APPROVED because:

1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2013 Comprehensive Plan and the Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
 - a. The Comprehensive Plan recommends *Growing Successful Neighborhoods* (Theme A, and chapter 3), which encourages expanding housing choices that addresses the market for all of Lexington-Fayette County's residents (Goal #1b.); encourages infill, redevelopment and adaptive reuse that respects the area's context and design features (Goal #2a.); and providing well-designed neighborhoods, including neighborhoods that are connected for pedestrian and various modes of transportation (Goal #3 and #3b.). The petitioner has proposed a mixture of single-family, townhouses, and multi-family residential dwelling unit types to meet the needs of the community at a density of 6.2 units per net acre.
 - b. The 2013 Plan recommends *Protecting the Environment* (Theme B and Chapter 4) by encouraging sustainable use of natural resources (Goal #2b.) and management of green infrastructure, which includes the protection of environmentally sensitive areas, before development occurs. The petitioner proposes, through the corollary development plan, to maintain the floodplain and its associated greenway, as well as significant trees along the tributary of East Hickman Creek. The petitioner is also protecting an established tree line along the northern boundary of the site.
 - c. The 2013 Plan recommends *Improving a Desirable Community* (Theme D and Chapter 6) by working to achieve an effective and comprehensive transportation system (Goal #1). The petitioner is proposing the extension of Squire Oak Drive, a collector street, and will be required to make necessary improvements to Armstrong Mill Road to meet collector roadway standards. Within the right-of-way or Armstrong Mill Road, the corollary development plan also depicts a shared-use path as proposed by the Pedestrian Bicycle and Pedestrian Master Plan, (Gainesway Trail), which will allow for a connection to Gainesway Park.
 - d. The 2013 Plan recommends compact and contiguous development within the Urban Service Area through absorption of vacant and underutilized land (Theme E, Goal #1), which is being met by the petitioner's proposal. The Plan also emphasizes the importance of infill development being compatible with the existing uses surrounding the subject property. The petitioner is providing a fifty foot (50') landscape buffer along the existing Squire Oak subdivision, and locating single-family residential development adjacent to existing single-family residences.
2. This recommendation is made subject to approval and certification of the PLN-MJDP-18-00008: Samford & McCracken Farms, Unit 2 and Alford Property (Overbrook Farm, LLC), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use and buffer restrictions are recommended for the subject property:
 - a. Along the northeastern boundary of the subject property, shared use with the Squire Oak Subdivision, there shall be a fifty-foot (50') landscape buffer area. All existing trees shall be maintained, unless such trees have been identified as dead, diseased or dying and approved for removal by the Urban Forester.
 - b. Along the northwestern property line shared with the Squire Lane right-of-way, there shall be a twenty-foot (20') landscape buffer area. All existing trees shall be maintained, unless such trees have been identified as dead, disease or dying and approved for removal by the Urban Forester.
 - c. A twenty-foot landscape buffer shall be provided along the rear of any single-family residential lot that adjoins a collector street. A twenty-foot buffer shall include a 6-foot tall berm and combination of shrubs, evergreen and deciduous trees. Such landscape planting shall meet the opacity standards established in Article 18-3(a) of the Zoning Ordinance (double frontage lots).
 - d. The total number of dwelling units within the zone change area shall be limited to three hundred and nineteen (319).

These restrictions are appropriate and necessary for the subject property in order to protect the surrounding are, its established tree line (northwest and northeast) that serve to buffer new development, and to buffer any potential double frontage lots along Armstrong Mill Road.

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Chairman Comment: Mr. Wilson asked the attorneys representing the opposing neighborhoods if they agree with the applicant's proposal.

The following attorneys were present in opposition to this application:

Mr. Clendenon, representing the Squire Oak Homeowners Association, said that he spoke with the applicant and did agree to the landscape restriction that were offered by staff and the density cap of 319 units for the property. He said that the homeowners are still concerned with parking along the Squire Oak Drive and asked if a note could be added to the preliminary plan stating such.

Mr. Billings, representing the Hartland Homeowners Association, said that his client agree with the applicant's and the staff's recommendation that a zone change is appropriate for this property to the R-3 zone. He said that based upon the staff's proposed findings with the additional conditional restrictions proposed by the applicant for a density cap of 319 dwelling units to accomplish the Goals and Objectives of the Comprehensive Plan.

Chairman Comments: Mr. Wilson asked to verify with the staff the requests related to the density and to discuss or resolve the parking issue along Squire Oak Drive. Mr. Jim Duncan replied that the staff is in agreement with that recommendation.

Mr. Billings publicly thanked the Young family for their engagement in this process. He said that that they encouraged their attorneys to meet with the neighborhood associations. They attended meetings with the homeowners, which resulted in the agreements that have been present today.

Chairman Comment: Mr. Wilson expressed appreciation on behalf of the Planning Commission for working out issues and concerns, and also to have the willingness to continue to do the work needed for the community as a whole.

Mr. Wilson asked for all of the public citizens that are in favor of the opposing counsel's recommendations to stand, approximately half of the room stood for recognition.

The following citizens were present in opposition to this application:

Elissa Baertschi, 1744 Farmview Dr., she didn't receive any notification and is within the 500' notice area. She is also concerned with potential safety issues of this development.

Jody Shoup, 3609 Old Oak Way, she is concerned with the increased traffic. She also stated that the Hartland Kroger is already overcrowded with little parking.

Jenny Grulke, 2050 DeLong Rd., she is concerned with the development and increased traffic on DeLong Rd., which is a narrow rural roadway.

Eric Lambert, resident of Hartland, he is concerned with the sewer system overflowing with additional connections.

Dawn, Hardin, 2404 Shady Oak Pl., she is concerned for the safety of the children near church, school, and the park.

Charles Wilson, 2300 Abbeywood Rd., he is concerned with cut-thru traffic issues near the Kenesaw and Armstrong Mill Road.

Applicant Rebuttal: Mr. Lear said that it could be possible that one resident was left off the notice list. There were several hundred neighbors that were notified by letters. He said that by statute the applicant must mail notices to the residents, the neighborhood associations, post signs, and publish a legal ad in the newspaper. He also said that the developer had a neighborhood meeting. He said that Armstrong Mill Road will be improved as the development is built. He said that the incremental effect of this development is small compared to the amount of land that is already developed along this corridor. He said that the traffic during peak times is the problem of the side roads connecting with the main arterials, which get all of the green time of the signals.

Staff Rebuttal: Ms. Tracy Jones said that the missing resident is within the 500' notice area and is on the list. She said that we are required to post signs on the property and publish notices in the newspaper. She said that this was inadvertently a mistake and this resident did in fact there was still participation made.

Ms. Wade said that there two items on development plan recommendation that the staff is suggesting to change is that condition #12 change can be deleted and to add #18 to denote on-street parking along Squire Oak Drive shall be discussed or resolved at the time of the Final Development Plan/Preliminary Subdivision Plan.

Commission Question: Mr. Berkley asked how long the planning staff has been aware of lack of sewer capacity in this area. Ms Wade said that as of a year ago there was still 20,000 gallons per day, then the Harper Woods Development was built, which utilizes approximately 40 units. She said that applicant reserved 81 units of capacity.

Mr. Charly Martin said that the consent decree states that as of a community there isn't enough capacity.

Mr. Berkley said that there 900 acres of available land but really isn't available because of lack of facilities. Ms. Wade said none of those areas had sewer prior to the expansion of the Urban Service Boundary expansion. Mr. Berkley said that it won't be unit 2025 before any other area will have sewer in this watershed. Ms. Wade stated that the timing of the sewer shed is not under the Division of Planning or the Planning Commission. Mr. Berkley believes that the Planning Commission should have been presented this information when they were going through the Comprehensive Plan process. Mr. Duncan said these reports had been given in the annual MS4 updates from the Division of Water Quality, for the areas where capacity is being improved. He said that the timing of new development in this area will correspond with the availability of the infrastructure. He said that staff is confident that open land located within the Urban Service Boundary be development prior to expanding the Urban Service Boundary.

Ms. Mundy commended the staff and community to get into an agreement. She said that this is a zone change not a development plan and this is part of the Patient Capital and was included in the underdeveloped land to be used in the 2018 Goals and Objectives, and that the Planning Commission is doing what they have been asked to do.

Mr. Owens said that two letters have been circulated through the Planning Commission, one from Fayette County Neighborhood Association, which is referencing the zone change and the one from the Seton School was referencing of the buffering.

Chairman's Comments – Chairman Wilson stated that the hearing was now "closed," and he opened the floor for discussion. Commission members discussed their thoughts at this time.

Commission Discussion: Mr. Brewer said that this is an exemplary situation with the applicant, the neighbors, and the staff. He said that it's natural tendency when there is development of beautiful land, such as this.

Mr. Penn said that he understands all of the work that has been completed on this property to make it a farm. He said that the part of this property that is located within the Urban Service Boundary will be developed. He added that it is being developed by the people that owned it and cared for it.

Mr. Owens believes that this development will be completed in a very nice manor and said that everyone will be proud of it once it is completed.

Zoning Action – A motion was made by Mr. Brewer, seconded by Mr. Berkley, carried 10-0 (Plumlee absent) to approve PLN-MAR-18-00002: OVERBROOK FARM, LLC (AMD), for the combined findings by the staff and the applicant, as follows:

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2. This recommendation is made subject to approval and certification of the PLN-MJDP-18-00008: Samford & McCracken Farms, Unit 2 and Alford Property (Overbrook Farm, LLC), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
 3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use and buffer restrictions are recommended for the subject property:
 - a. Along the northeastern boundary of the subject property, shared use with the Squire Oak Subdivision, there shall be a fifty-foot (50') landscape buffer area. All existing trees shall be maintained, unless such trees have been identified as dead, diseased or dying and approved for removal by the Urban Forester.
 - b. Along the northwestern property line shared with the Squire Lane right-of-way, there shall be a twenty-foot (20') landscape buffer area. All existing trees shall be maintained, unless such trees have been identified as dead, disease or dying and approved for removal by the Urban Forester.
 - c. A twenty-foot landscape buffer shall be provided along the rear of any single-family residential lot that adjoins a collector street. A twenty-foot buffer shall include a 6-foot tall berm and combination of shrubs, evergreen and deciduous trees. Such landscape planting shall meet the opacity standards established in Article 18-3(a) of the Zoning Ordinance (double frontage lots).
 - d. The total number of dwelling units within the zone change area shall be limited to three hundred and nineteen (319).

These restrictions are appropriate and necessary for the subject property in order to protect the surrounding area, its established tree line (northwest and northeast) that serve to buffer new development, and to buffer any potential double frontage lots along Armstrong Mill Road.

Development Plan Action – A motion was made by Mr. Brewer, seconded by Ms. Richardson, carried 10-0 (Plumlee absent) to approve PLN-MJDP-18-00008: SAMFORD & MCCRACKEN FARMS, UNIT 2 & ALFORD PROPERTY, for the revised conditions, 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 & steep slopes.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Denote 25' floodplain setback.
9. Denote no access to Armstrong Mill except for street intersections.
10. ~~Clarify number of townhomes in the site statistics~~ Denote access spacing to multifamily units shall be resolve at the time of Final Development Plan/Preliminary Subdivision Plan.
11. ~~41. Provided the Planning Commission grants a waiver to Article 6-8(q)(2)(d) of the Land Subdivision Regulations.~~
12. ~~42. Denote connection (entrance) to future Squires Trail shall be resolved at time of Final Development Plan/Preliminary Subdivision Plan.~~
13. ~~43. Discuss capacity of existing pump station.~~
14. ~~44. Discuss relocation~~ Denote location of proposed multifamily units between floodplain and Armstrong Mill Road shall be resolved at time of Final Development Plan/Preliminary Subdivision Plan.