

AN ORDINANCE CHANGING THE ZONE FROM A RESTRICTED HIGHWAY SERVICE BUSINESS (B-3) ZONE TO A PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE, FOR 6.41 NET (8.69 GROSS) ACRES, FOR PROPERTY LOCATED AT 2679 LEESTOWN ROAD. (WHITESBURG RE DEVELOPMENT CO., LTD.; COUNCIL DISTRICT 2).

WHEREAS, at a Public Hearing held on November 29, 2018, a petition for a zoning ordinance map amendment for property located at 2679 Leestown Road from a restricted Highway Service Business (B-3) zone to a Planned Neighborhood Residential (R-3) zone, for 6.41 net (8.69 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change by a vote of 8-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for property located at 2679 Leestown Road from a restricted Highway Service Business (B-3) zone to a Planned Neighborhood Residential (R-3) zone, for 6.41 net (8.69 gross) acres, being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

Section 3 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: January 31, 2019



MAYOR

ATTEST:

A handwritten signature in black ink, appearing to be "S. Allen", written over a horizontal line.

CLERK OF URBAN COUNTY COUNCIL

Published: February 7, 2019-1t

0019-19_TWJ/kt_X:\CASES\PLANNING\18-LE0001\LEG\00641612.DOCX

LEGAL DESCRIPTION
Whitesburg Re Development Co. LTD
And
Citation Development Co., LLC Property
(Citation Village)
Zone Change From B-3 to R-3
2679 Leestown Road (a portion of)
Lexington, Fayette County, Kentucky

A TRACT OR PARCEL OF LAND SITUATED ADJACENT TO AND WEST OF CITATION BOULEVARD APPROXIMATELY 800 FEET NORTH OF THE INTERSECTION OF LEESTOWN ROAD AND CITATION BOULEVARD IN NORTHWEST LEXINGTON, FAYETTE COUNTY, KENTUCKY AND BEING MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

BEGINNING AT A POINT in the centerline intersection of the Ferndale Pass and Citation Boulevard; thence with the centerline of Citation Boulevard 443.96 feet along a curve to the right having a radius of 2000.00 feet and a chord which bears South 37 Degrees 31 minutes 49 Seconds West a distance of 443.05 feet to a point; thence leaving said centerline North 46 degrees 06 Minutes 38 Seconds West a distance of 187.10 feet to a point; thence North 44 Degrees 24 Minutes 45 Seconds West a distance of 810.96 feet to a point; thence North 50 degrees 10 Minutes 47 Seconds West a distance of 30.00 feet to a point in the centerline of Robinson Way; thence with the centerline of Robinson Way for the following three (3) calls: North 39 degrees 49 Minutes 13 Seconds East a distance of 55.55 feet to a point; thence 68.71 feet along a curve to the left having a radius of 500.00 feet and a chord which bears North 35 Degrees 53 Minutes 01 Seconds East a distance of 68.65 feet to a point; thence North 31 Degrees 56 Minutes 48 Seconds East a distance of 152.68 feet to a point in the centerline of Ferndale Pass; thence with the centerline of Ferndale Pass for the following two (2) calls: South 58 Degrees 24 Minutes 55 Seconds East a distance of 173.37 feet to a point; thence South 53 Degrees 21 Minutes 47 Seconds East a distance of 861.16 feet to the **POINT OF BEGINNING** and containing 8.69 acres gross and 6.41 acres net.

Rec'd by TW

Date: 1/4/19

RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: **PLN-MAR-18-00025: WHITESBURG RE DEVELOPMENT CO., LTD** - 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. (Council District 2)

Having considered the above matter on November 29, 2018, at a Public Hearing, and having voted 8-0 that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL** of this matter 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.

ATTEST: This 4th day of January, 2019.

Jim L. Wake for Jim Duncan
Secretary, Jim Duncan

WILLIAM WILSON
CHAIR

Note: The corollary development plan, **PLN-MJDP-18-00091: MASTERSON STATION CENTER (CITATION VILLAGE) (AMD)** was approved by the Planning Commission on November 29, 2018 and certified on December 13, 2018.

K.R.S. 100.211(7) requires that the Council take action on this request by February 27, 2019.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Bruce Simpson, attorney.**

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (9) Bell, Berkley, Forester, Mundy, Nichol, Owens, Penn, Pohl, and Wilson

NAYS: (0)

ABSENT: (2) Brewer and Owens

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-18-00025** carried.

Enclosures: Application
Plat
Staff Report
Applicable excerpts of minutes of above meeting

MAP AMENDMENT REQUEST (MAR) APPLICATION

1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)

Applicant:

WHITESBURG RE DEVELOPMENT CO LTD, 300 W VINE STE 2200, LEXINGTON, KY 40507

Owner(s):

WHITESBURG RE DEVELOPMENT CO LTD, 300 W VINE STE 2200, LEXINGTON, KY 40507

Attorney:

Bruce Simpson, Stoll Keenon Ogden, PLLC, 300 W. Vine Street, Suite 2100, Lexington, KY 40507

2. ADDRESS OF APPLICANT'S PROPERTY

2679 LEESTOWN RD, LEXINGTON, KY (a portion of)

3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY

Zoning	Existing		Requested		Acreage	
		Use	Zoning	Use	Net	Gross
B-3		Vacant	R-3	Residential	6.41	8.69

4. EXISTING CONDITIONS

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
b. Have any such dwelling units been present on the subject property in the past 12 months?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
c. Are these units currently occupied by households earning under 40% of the median income? If yes, how many units? If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing.	<input type="checkbox"/> YES <input type="checkbox"/> NO

5. URBAN SERVICES STATUS (Indicate whether existing, or how to be provided)

Roads:	LFUCG
Storm Sewers:	To Be Constructed
Sanity Sewers:	LFUCG
Refuse Collection:	LFUCG
Utilities:	<input checked="" type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas <input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable





T. BRUCE SIMPSON, JR.
DIRECT DIAL: (859) 231-3621
DIRECT FAX: (859) 259-3521
bruce.simpson@skofirm.com

300 WEST VINE STREET
SUITE 2100
LEXINGTON, KY 40507-1801
MAIN: (859) 231-3000
FAX: (859) 253-1093

October 5, 2018

Mr. William Wilson
Lexington-Fayette Urban County Planning Commission
101 East Vine Street
Lexington, KY 40507

Re: 2679 Leestown Road
Masterson Station Center Zone Map Amendment Application

Dear Chairperson Wilson:

This is an application for a zone map amendment request for a portion of the property located at 2679 Leestown Rd from B-3 to R-3 for the purpose of construction town house units as reflected on the submitted preliminary development plan. This portion of the subject property has been zoned commercial but remained vacant for many years. There is a stream which cuts through the subject property that has constrained the property from being developed into full commercial usage. This proposal is to add residential units to the subject property which will provide a mixture of uses. The proposed residential units are located near the existing residential units on Mercer Rd and Robinson Way. Thus, these town homes will be complimentary to the existing land uses. The proposed townhomes will also have pedestrian connectivity to the remainder of the property which is being commercially developed. This proposed modification of zoning from B-3 to R-3 is in compliance with many of the Goals and Objectives of the 2018 Comprehensive Plan. These are as follows:

THEME A: GROWING SUCCESSFUL NEIGHBORHOODS

Goal 1: Expand housing choices.

Objectives:

- a. Pursue incentives and regulatory approaches that encourage creativity and sustainability in housing development.
- b. Accommodate the demand for housing in Lexington responsibly, prioritizing higher-density and mixture of housing types.

c. Plan for safe, affordable and accessible housing to meet the needs of older and/or disadvantaged residents.

d. Create and implement housing incentives that strengthen the opportunities for higher-density and housing affordability.

Goal 3: Provide well-designed neighborhoods and communities.

Objectives:

a. Enable existing and new neighborhoods to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expand options for mixed-use and mixed-type housing throughout Lexington-Fayette County

b. 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.

c. Minimize disruption of natural features when building new communities.

d. Promote, maintain, and expand the urban forest throughout Lexington

THEME E: MAINTAINING A BALANCE BETWEEN PLANNING FOR URBAN USES AND SAFEGUARDING RURAL LAND

Goal 1: Uphold the Urban Service Area concept.

Objectives:

a. Continue to monitor the absorption of vacant and underutilized land within the Urban Service Area.

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.

c. Emphasize redevelopment of underutilized corridors.

d. Maximize development on vacant land within the Urban Service Area and promote redevelopment of underutilized land in a manner that enhances existing urban form and/or historic features.

Mr. William Wilson
October 5, 2018
Page 3

e. Pursue strategies to activate large undeveloped landholdings within the Urban Service Area.

This zone map amendment seeks to increase residential density on vacant underutilized land inside the Urban Services Area. This new residential community will be integrated into the existing residential community and the commercial community that is being developed nearby. This proposal will also provide an important public access link to the nearby natural water and green space feature located off Robinson Way.

I will be pleased to expand on this zone map amendment request when this application is considered by the full Planning Commission.

Very truly yours,



T. Bruce Simpson, Jr.

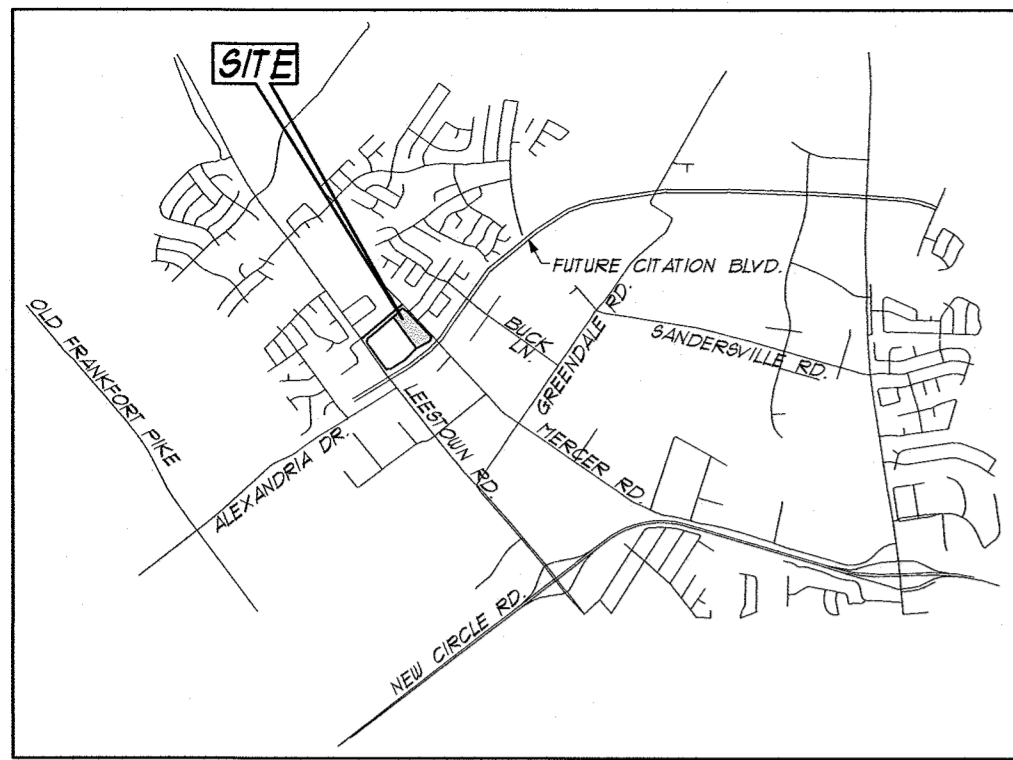
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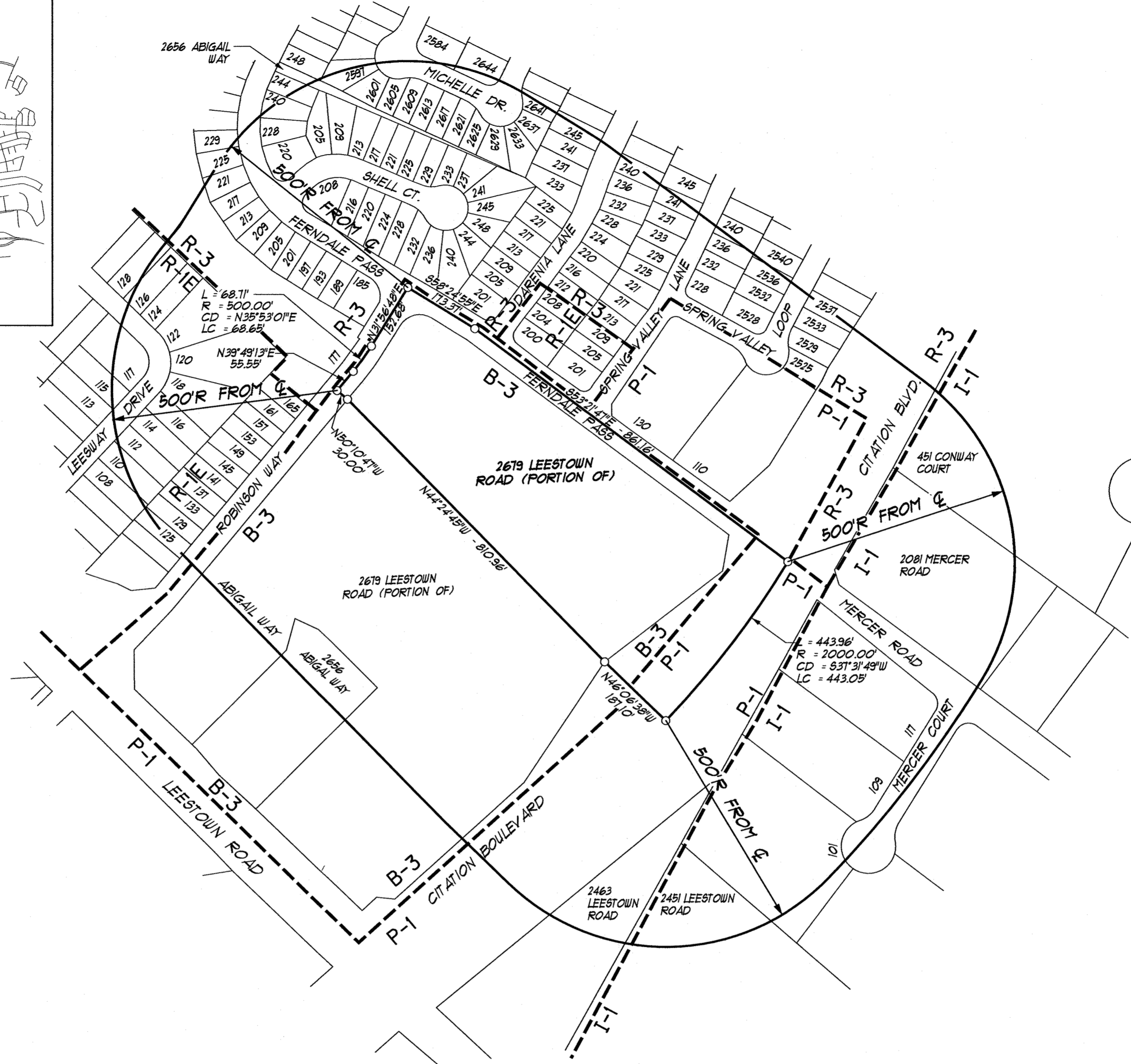
LEGAL DESCRIPTION
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VICINITY MAP
(NOT TO SCALE)



ZOMAR: MASTERSON STATION CENTER

ADDRESSES: 2679 LEESTOWN ROAD
(A PORTION OF)

APPLICANT & OWNER: WHITESBURG REDEVELOPMENT CO. LTD
300 WEST VINE, STE. 2200
LEXINGTON, KY. 40501

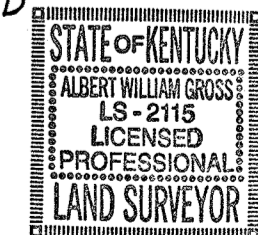
PREPARED BY: EA PARTNERS, PLC

DATE FILED: OCTOBER 1, 2018

EXISTING ZONE: HIGHWAY SERVICE BUSINESS (B-3) ZONE

PROPOSED CHANGE: PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE

ACREAGE: 6.41 ACRES NET & 8.69 ACRES GROSS



NOTIFICATION MAP

J:\1501\Masterson Station Center\ZOMAR\1501_ZOMAR.dgn

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-18-00025: WHITESBURG RE DEVELOPMENT CO., LTD (REVISED)

DESCRIPTION

Zone Change: From: Restricted Highway Service Business (B-3) zone
To: Planned Neighborhood Residential (R-3) zone

Acreage: 6.41 net (8.69 gross) acres

Location: 2679 Leestown Road (a portion of)

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	B-3 (CZ)	Vacant
To North	R-3, R-1E & P-1	Residential, Office and Proposed Church
To East	P-1 & I-1	Vacant, Warehouse
To South	P-1, I-1 & A-U	Office, Warehouse and Communications Substation
To West	R-1E & R-3	Residential and Greenway

URBAN SERVICES REPORT

Roads – The subject property is located along the east side of Leestown Road (US421), a minor arterial roadway, which was recently improved and widened to a four-lane highway. While the current address is located along Leestown Road, any future development will front on Ferndale Pass or Robinson Way, and will have an internal private roadway system. Ferndale Pass is a local street that intersects Citation Boulevard at a signalized intersection with Mercer Road. Citation Boulevard borders the southeastern side of the site and currently acts as a major collector street. Darenia Lane and Spring Valley Lane (local streets) approach the subject property from the north, and terminate at Ferndale Pass. Robinson Way, a local street, forms the western most edge of the property. Proposed access to the site is from Ferndale pass and Robinson Way.

Curb/Gutter/Sidewalks – Curbs, gutters, and sidewalks exist along Leestown Road, Citation Boulevard and Robinson Way. Portions of Ferndale Pass currently have curbs, gutters, and sidewalks, however the entirety of the frontage will need to be completed.

Storm Sewers – The subject property is located within the upper reaches of the Town Branch watershed. No FEMA floodplain or major flooding problems exist on the site or in the immediate area; however a tributary of the Bracktown Branch of the Town Branch Creek flows through the center of the site. With the rezoning of the subject property, the tributary is now proposed to be retained in its natural state.

Sanitary Sewers – The immediate area is currently served by sanitary sewers. The subject property is in the Town Branch sewershed and is served by the Town Branch Wastewater Treatment Facility. There are no known problems with the existing sanitary sewers in the immediate vicinity of the subject property or this general area. Sanitary sewer capacity will need to be verified prior to the issuance of building permits for the proposed increase of density at this location.

Refuse – The Urban County Government serves this portion of the Urban Service Area with refuse collection on Thursdays.

Police – The subject property is located within the West Sector. The nearest police station is located at on Old Frankfort Pike, approximately 2.75 miles to the southeast of the subject property.

Fire/Ambulance – The nearest fire station (#13) is located approximately 2.25 miles southeast of the subject property, located at on Leestown Road, near Forbes Road.

Utilities – Natural gas, telephone service, internet, electric, water, streetlights, and cable television are all available to the areas surrounding the subject property. All can easily be extended to serve the proposed development.

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~~ 41 townhouse dwelling units at a residential density of ~~6.1~~ 6.4 units per acre.

CASE REVIEW

The petitioner has requested a zone change from a restricted Highway Service Business (B-3) zone to a Planned Neighborhood Residential (R-3) zone for approximately 6.5 acres of vacant property, located along the east side of Leestown Road (US421). Leestown Road forms the southern boundary of the site and is a minor arterial roadway, which was recently improved and widened to a four-lane highway. The property is bordered on two sides by local roads, Robinson Way on the west, and Ferndale Pass on the North, and one major collector street, Citation Boulevard, on the east. While the current address is located along Leestown Road, future development is proposed to front on Ferndale Pass and Robinson Way. The development will contain an internal private roadway system to provide access to the townhouses.

The subject property is surrounded by various land uses and zoning. Residential zoning is located west and north of the subject property and includes Single Family Residential (R-1E) zoning and Planned Residential Neighborhood (R-3) zoning. Located to the north of the property there are also two large lots that are zoned Professional Office (P-1). The P-1 zoning is located along the eastern and southern edges of the site, with portions of the property bordering Light Industrial (I-1) zoning in the same areas. There is one parcel that is zoned Agricultural Urban (A-U) located to the south of the property, across Alexandria Drive, which is currently used as an AT&T telecommunications site. There is a clear separation of residential development and industrial development within the area. Residential development is largely found on the northwest side of Citation Boulevard and Alexandria Drive, with industrial development to the southeast. The southern portion of the property that is not seeking a zone change will remain in a Restricted Highway Service Business (B-3) zone.

The subject property, was rezoned in two phases over the course of the last 22 years. The majority of 2679 Leestown Road was rezoned from an Agricultural Urban (A-U) zone to Highway Service Business (B-3) zone in 1996, under a broader rezoning of approximately 30 acres that sought to increase the presence of retail and business operations available to the Masterson Station residential developments, and the availability of industrial space in the area. Both uses were recommended in the Land Use Element of the 1996 Comprehensive Plan. While the I-1 zoning was not a concern of the Planning staff, the use of the B-3 zone rather than either the Neighborhood Business (B-1) zone, or the then Planned Shopping Center (B-6P) zone was of concern. Either the B-1 or the B-6P zones would have been more neighborhood oriented compared to the B-3 zone. Staff found the uses permissible in the zone were outside the character of the neighborhood and suggested conditional zoning to be placed on the zoning. This conditional zoning was approved by the Planning Commission and the Urban County Council. They include:

Prohibitive Uses:

1. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
2. Cocktail lounges and nightclubs.
3. Car washing establishments, unless:
 - a. located more than 250 feet from any residential zone, and
 - b. surface water from such use shall not drain onto adjacent property or over a public sidewalk, and
 - c. adequate on site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.
4. Motel or hotel.
5. Indoor amusements such as billiard or pool halls, dancing halls, skating rinks, or bowling alleys.
6. Kennel.
7. Drive-in restaurants, unless located more than 250 feet from any residential zone.
8. Taxidermy establishments.
9. Pawnshops.
10. Indoor and outdoor athletic facilities such as a field house, gymnasium, football stadium, tennis courts, soccer field or polo field, and baseball fields.
11. Amusement parks, fairgrounds, or horse racing track.
12. Outdoor theaters.
13. Outdoor recreational facilities including go-cart tracks, archery courts, skate-board and roller skating tracks, trampoline centers, rifle and other fire-arm ranges, swimming pools, water slides and other water related recreational facilities, and other similar uses.
14. Passenger transportation terminals.
15. Mining of non-metallic minerals.
16. Adult arcades, adult bookstores, adult video stores and massage parlors.

Prohibited Signs:

Signs not otherwise permitted in the Planned Shopping Center (B-6P) zone.

Landscaping Buffer:

The required landscaping buffer between the business and residential zone along the northwest property line shall consist of a continuous planting of evergreen trees 15' on-center (or less) and other materials as necessary to comply with Article 18 of the Zoning Ordinance.

A second rezoning of a portion of the subject property occurred in 2005. During this rezoning, the northwestern portion of the subject property was again part of a larger site that sought to rezone approximately 11 acres from an Agricultural Urban (A-U) zone, to a combination of Single Family Residential (R-1E), Planned Neighborhood Residential (R-3), and Highway Service Business (B-3) zones. Staff continued to be concerned with the uses allowed in the B-3 zone and restricted the zone with the same conditional zoning that was imposed in 1996.

Since the establishment of the restricted B-3 zone on 2679 Leestown, there have been various development plans that have been approved by the Planning Commission, and one subdivision plat, which created 2656 Leestown Road. Additionally, Abigail Way was created extending off of Robinson Way into the site to provide internal access for future development. Included in some of the most recent plans for the site were small strip shops located closest to Leestown Road, and a big box store along the rear of the parcel, where the current rezoning is proposed. Those development plans that included the big box store necessitated the covering of the tributary stream that runs west to east through the site. This resulted in complex engineering of the site and significant modifications to the natural environment of the area.

While commercial land uses have been slow to develop in the area, residential development has been very successful. This success has spurred other investments in the area, as well as the establishment of a shared-use trail system within the greenway across Robinson Way from the subject property. Furthermore,

the recent construction of the Houchens Grocery Store at 2656 Leestown may encourage greater commercial development to support the residents of Masterson Station and the surrounding area.

The petitioner opines that the zone change is consistent with the 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. 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 (Theme A, Goal #1) and supports infill and redevelopment throughout the Urban Service Area (Theme A, Goal #1.b. and #2). The proposed development will provide a neighborhood which is connected for pedestrians and will utilize various modes of transportation (Theme A, Goal #3.b.). In addition, by incorporating residential into an area slated for commercial, the applicant is able to increase the density of the development, which will help to uphold the Urban Service Area concept (Theme E, Goal #1). 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 (Theme E, Goal #1.a and 1.b). The staff concurs with the applicant's justification.

Additionally, while not mentioned by the applicant, this development also allows for the protection of natural resources and landscapes before development occurs (Theme B, Goal #3.b). 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. The benefits of maintaining the stream in its natural state, include the propagation of native plants and animals, increased accommodation of stormwater drainage on the site, and enhanced natural features and open space for the nearby neighborhoods and new residents of the site. Lastly, the stream and its associated vegetative buffer will provide an appropriate land use buffer to the remaining B-3 zone.

The Staff Recommends: Approval, for the following reason:

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 also 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 allow 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.

HBB/TLW

10/30/2018

Planning Services/Staff Reports/MAR/2018/PLN-MAR-18-00025.doc

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.

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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.~~
7. 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. 15. 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.