

Rec'd by \_\_\_\_\_

Date: \_\_\_\_\_

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

**IN RE:** **MAR 2013-13: BALL HOMES, LLC** – petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 24.88 net (27.71 gross) acres, for property located at 4500 & 4524 Old Schoolhouse Lane. (Council District 10)

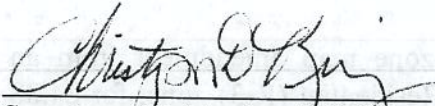
Having considered the above matter on **July 25, 2013**, at a Public Hearing, and having voted **11-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter for the following reason:

1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2007 Comprehensive Plan, for the following reasons:
  - a. The Plan recommends Medium Density Residential (MD) future land use for the subject property, defined as 5–10 dwelling units per net acre. This would suggest a maximum of 248 dwelling units on the subject property.
  - b. The applicant proposes to develop 241 dwelling units on the subject property and about 6¼ acres to the south, for a residential density of 7.74 dwelling units per net acre.
  - c. The proposal provides for the collector street system to connect via the intersection of Twain Ridge Drive and Agape Drive on the subject property, as generally recommended by the Land Use Element of the 2007 Plan.
2. This recommendation is made subject to approval and certification of **ZDP 2013-58: Harvey Property (E. Maurice Neal Property, W.E. Savage Property & Hampton Springs)** 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 restrictions are recommended via conditional zoning:**
  - a. A maximum of 248 residential dwelling units shall be permitted on the subject property.
  - b. A 20-foot wide landscape buffer shall be provided along the common property line of the subject property and 4420 Old Schoolhouse Lane (Stringer Property). Existing trees within 20' of the northern property line (extending as far as 150' from the northwest property corner to the east) and 10' thereafter shall be preserved in this buffer. All trees (with a DBH greater than three inches) shall be maintained, and only dead or diseased trees or those within a proposed right-of-way may be removed within this buffer area.
  - c. A solid fence or wall, a minimum of 7' in height, shall be installed within this required landscape buffer if the existing earthen berm is removed from this area.

**These restrictions are appropriate and necessary in order to ensure compliance with the Comprehensive Plan land use recommendation; to protect the character of the South Elkhorn School House, an historic structure which is listed on the Kentucky state registry of historic places; to minimize the impact of future**

development on the structure and its surrounding property; and to maintain the existing tree stand at this location.

ATTEST: This 15<sup>th</sup> day of August, 2013.

  
Secretary, Christopher D. King

MIKE OWENS  
CHAIR

Note: The corollary development plan, ZDP 2013-58: Harvey Property (E. Maurice Neal Property, W.E. Savage Property & Hampton Springs), was approved by the Planning Commission on July 25, 2013, and certified on August 8, 2013.

K.R.S. 100.211(7) requires that the Council take action on this request by October 23, 2013.

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

OBJECTOR

- Ray Waits, 2200 Old Higbee Mill Road
- John Yozwiak, 4860 Bud Lane
- Christina Dudek, 2604 Water Knoll Court
- Lanita Clarke, 4728 Matthew Court
- Bob Pattie, 2500 Sungale Court
- David Kolpek, 2408 Doubletree Court
- Shannon Buzard, 4779 Scenicview Road

OBJECTIONS

- He is concerned about protecting his property from theft and vandalism by residents of the proposed development, and he would like for the petitioner to provide a fence along the shared property line.
- He believes that the density of the proposed development is too high to be compatible with the surrounding neighborhoods.
- She is concerned about the Burr Oak tree and the capacity of the public school system to handle the additional students from the proposed development.
- She believes that the proposed development could make traffic in her neighborhood more dangerous and congested.
- He believes that Old Schoolhouse Lane was not constructed to accommodate the additional traffic from the proposed development.
- He does not believe that Agape Drive is wide enough to function as a collector street, and is concerned that it will not be able to accommodate the additional traffic from the proposed development.
- She believes that residents should have the right to choose whether or not roads are

- Kenneth Collins, 4717 Trace Court
  - Roger Marion, 2430 Dogwood Trace Boulevard
  - Roger Schnabel, 4780 Agape Drive
  - Dr. Lauren Larson, 4796 Rhema Way
  - Josh Fain, 4801 Dresden Way
  - Tom Kehler, 2310 Harrods Point Trace
  - Fred Wohlstein, 4765 Rhema Way
- connected through their neighborhoods.
  - He is concerned about the preservation of the Burr Oak tree.
  - He is concerned that construction blasting could damage homes and have a negative impact on ground water and greenspace areas.
  - He does not believe that Agape Drive can accommodate the additional traffic from the proposed development.
  - She is concerned about increased traffic; additional density; preservation of the greenway; and the survival of the Burr Oak tree.
  - He believes that the developer is “flooding the area with development” without being aware of the vacancy rates of some of the nearby developments.
  - He is concerned about the proposed access to Harrodsburg Road; the connection of Agape Drive and Twain Ridge Drive; the construction of the Twain Ridge Drive bridge; and the lack of park space for the higher-density residential units.
  - He is concerned that the sanitary sewer pump station in his vicinity does not have adequate capacity to support the proposed development.

VOTES WERE AS FOLLOWS:

- AYES: (10) Beatty, Berkley, Blanton, Brewer, Cravens, Mundy, Owens, Penn, Plumlee, Wilson
- NAYS: (0)
- ABSENT: (0)
- ABSTAINED: (1) Drake
- DISQUALIFIED: (0)

Motion for CONDITIONAL APPROVAL of MAR 2013-13 carried.

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