

Rec'd by _____

Date: _____

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

IN RE: **PLN-MAR-19-00002: TRUST EQUITY, LLC** - petition for a zone map amendment from an Agricultural Urban (A-U) zone to an Expansion Area Residential (EAR-2) zone, for 8.48 net (8.94 gross) acres, for property located at 2020 Russell Cave Road. (Council District 1)

Having considered the above matter on **April 25, 2019**, at a Public Hearing, and having voted **4-2** 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 reasons:

1. The requested EAR-2 zoning is in agreement with the 2013 Comprehensive Plan, the adopted Goals and Objectives of the 2018 Comprehensive Plan, and the 1996 Expansion Area Master Plan, for the following reasons:
 - a. The Plan recommends Expansion Area Residential-2 (EAR-2) future land use for the subject property, which is proposed by the petitioner.
 - b. The future EAR-2 land use recommendation of the Plan would suggest a density of between 26 and 53 dwelling units for the subject property. The proposed EAR-2 zone, for 53 single-family dwelling units, is in agreement with this recommendation of the Plan.
 - c. The site will support infill and redevelopment throughout the Urban Service Area (Theme A, Goal #1.b. and #2).
 - d. The proposed development will expand options for mixed-type housing, while also provide a neighborhood which is connected for pedestrians and will utilize various modes of transportation (Theme A, Goals #3.a & 3.b.). The proposed development allows for connectivity to existing neighborhoods, as well as stub streets to the adjoining parcels for future connectivity.
 - e. This proposal 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, 1.b, and 1.d).
2. The existing Agricultural Urban (A-U) zone is inappropriate, and the proposed Expansion Area Residential-2 (EAR-2) zone is appropriate at this location for the following reason:
 - a. The intent for the Agricultural Urban (A-U) zone is to manage the growth of the community so to avoid premature or improper development until public facilities and services are adequate to serve urban uses. The availability of these services at this time in this area indicate the inappropriateness of the current zoning.
3. **Under the provisions of Article 6-7 of the Zoning Ordinance, the property shall be subject to the following use and buffering restrictions via conditional zoning:**
 - a. No principal structures shall be located within thirty-five (35) feet of any property platted as any unit of the Shandon Park or Foxborough Manor subdivisions, and the property located at 2060 Russell Cave Road.
 - b. Within three hundred (300) feet of any property platted as any unit of the Shandon Park or Foxborough Manor subdivisions, and the property located at 2060 Russell Cave Road, the subject property shall be limited to single-family detached residential units only.
 - c. A twenty-five foot (25') buffer yard shall be provided immediately adjacent to any property platted as any unit of the Shandon Park or Foxborough Manor subdivisions and the property located at 2060 Russell Cave Road. Existing trees with a three inch (3") DBH shall remain within the buffer, unless dead, dying or diseased. Existing trees should be supplemented to meet the following standards: The landscape buffer shall contain one tree every forty (40) feet of linear boundary from group A, B, or C of the Plant List as referenced by Article 18 of the Zoning Ordinance, and shall contain a fence, hedge, wall or earth mound (or

combination thereof) a minimum of six (6) feet in height. Existing trees that are dead, dying or diseased may only be removed with written consent of the Urban Forester.

These conditional zoning restrictions are appropriate and necessary to minimizing the impacts of new development on the existing residential units within Shandon Park and Foxborough Manor subdivisions, and the existing residence at 2060 Russell Cave Road.

ATTEST: This 23rd day of May, 2019.


Secretary, Jim Duncan

WILLIAM WILSON
CHAIR

Note: The corollary development plan, PLN- MJDP-19-00012: LOCHMERE TRACT 4-8 (STONECASE VALLEY) (ANDOVER CLUB) (AMD) was indefinitely postponed by the Planning Commission on April 25, 2019.

K.R.S. 100.211(7) requires that the Council take action on this request by July 24, 2019.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Zach Cato and Nathan Billings, attorneys.**

OBJECTORS

OBJECTIONS

- Jessica Winters, attorney representing Katherine and James Broadus, owners of 2060 Russell Cave Road
- Patty Draus, 608 Allen Court
- Katherine Perkins, 258 Swigert Avenue
- Robert Cole, 747 Eden Court

- Concerned about the private easement for a buffer zone and privacy, sanitary sewer and flooding. She is concerned that there are sinkholes on the site and recommended that a geological and topographical survey be conducted.
- Concerned with safety and increased traffic and only having one access into development.
- Concerned about increased traffic. Believes that there should more conditional zoning restrictions.
- Concerned about the tree report and would like another completed.

VOTES WERE AS FOLLOWS:

AYES: (4) Bell, Owens, Penn, and Plumlee
NAYS: (2) Berkley and Mundy
ABSENT: (5) Brewer, Forester, Nicol, Pohl, and Wilson
ABSTAINED: (0)
DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-19-00002** carried.

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