

AN ORDINANCE CHANGING THE ZONE FROM AN EXPANSION AREA RESIDENTIAL (EAR-1) ZONE TO AN EXPANSION AREA RESIDENTIAL (EAR-2) ZONE FOR 12.32 NET (12.51 GROSS) ACRES, FOR PROPERTY LOCATED AT 425 CHILESBURG ROAD. (ANDERSON BRIDGEWATER, LLC; COUNCIL DISTRICT 7).

WHEREAS, at a Public Hearing held on February 23, 2017, a petition for a zoning ordinance map amendment for property located at 425 Chilesburg Road from an Expansion Area Residential (EAR-1) zone to an Expansion Area Residential (EAR-2) zone for 12.32 net (12.51 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 425 Chilesburg Road from an Expansion Area Residential (EAR-1) zone to an Expansion Area Residential (EAR-2) zone for 12.32 net (12.51 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.

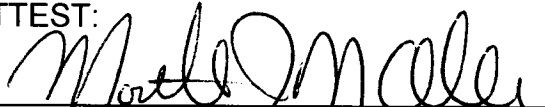
Section 3 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: April 13, 2017

MAYOR



ATTEST:



CLERK OF URBAN COUNTY COUNCIL

Published: April 20, 2017-1t

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LEGAL DESCRIPTION

Anderson Bridgewater, LLC Property
Zone Change from EAR-1 to EAR-2
Located at 425 Chilesburg Road
Lexington, Fayette County, Kentucky

Beginning at a point in the centerline of Chilesburg Road, said point being the common corner to Tract 2b and Tract 2c as shown on the final record plat of the Shuck and Tucker property recorded in Plat Cabinet "A", Slide 379 in the Fayette County Clerk's Office, thence along the centerline of Chilesburg Road south 30°29'39" west 273.00 feet to a point, thence leaving chilesburg road north 43°23'07" west 301.80 feet to a point, thence north 43°23'07" west 2012.01 feet to a point, thence north 56°23'12" east 284.73 feet to a point, thence south 41°19'53" east 1627.35 feet to a point, thence south 03°47'58" west 79.74 feet to a point, thence south 47°37'23" east 132.65 feet to a point, thence north 68°46'41" east 26.60 feet to a point, thence south 53°17'17" east 372.41 feet to the beginning and containing 12.51 gross acres and 12.32 net acres.

Rec'd by Bm

Date: 3-10-17

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

IN RE: PLN-MAR-16-00026: ANDERSON BRIDGEWATER, LLC – a petition for a zone map amendment from an Expansion Area Residential (EAR-1) zone to an Expansion Area Residential (EAR-2) zone, for 12.32 net (12.51 gross) acres, for property located at 425 Chilesburg Road. (Council District 7)

Having considered the above matter on February 23, 2017, 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 proposed Expansion Area Residential-2 (EAR-2) zone is in agreement with the 2013 Comprehensive Plan, and partially compliant with the Expansion Area Master Plan (for Expansion Area 2C), which is an element of the adopted 2013 Comprehensive Plan, for the following reasons:
 - a. Residential development of varying types is encouraged and permitted in all of the residential zones of the Expansion Area, but at variable densities. Thus, all of the EAR zones meet the 2013 Comprehensive Plan goal for expanded housing choices and varied housing types.
 - b. The increase in density proposed for the subject property will not overburden the infrastructure of Expansion Area 2C, and is supported by policy statements in the 2013 Comprehensive Plan that encourage higher density development adjacent to public parks and open spaces, such as Jacobson Park.
 - c. By providing a single-loaded street adjacent to Jacobson Park, the development will create a well-designed community as recommended by Theme A, Goal #3 of the 2013 Comprehensive Plan.
 - d. If a connection to the Tucker Property is made, the proposed development can meet the Complete Streets concept, which includes the design and use of the right-of-way for cars, bicycles and pedestrians, as recommended by Theme D, Goal #1a. of the 2013 Comprehensive Plan and the Community Design Element of the Expansion Area Master Plan.
 - e. Since the density of the adjacent Chilesburg development has not been approved at or near the maximum recommended by the EAMP, the modest increase now proposed for the subject property will not tax the infrastructure originally (master) planned for this area
2. This recommendation is made subject to the approval and certification of PLN-MJDP-17-00002: Anderson 2 Subdivision, 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 10th day of March, 2017.


Secretary, Jim Duncan

WILLIAM WILSON
CHAIR

Note: The corollary development plan, PLN-MJDP-17-00002: ANDERSON 2 SUBDIVISION was approved by the Planning Commission on February 23, 2017 and certified on March 9, 2017.

K.R.S. 100.211(7) requires that the Council take action on this request by May 25, 2017.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Dick Murphy, Attorney.**

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (8) Cravens, Drake, Mundy, Owens, Plumlee, Richardson, Smith, and Wilson

NAYS: (0)

ABSENT: (3) Berkley, Brewer, and Penn

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR 16-00026** 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: ANDERSON BRIDGEWATER, LLC, 1720 SHARKEY WAY, LEXINGTON, KY 40511
Owner(s): ANDERSON BRIDGEWATER, LLC, 1720 SHARKEY WAY, LEXINGTON, KY 40511
Attorney: Dick Murphy, Murphy & Clendenen, PLLC, 250 West Main Street, Suite 2950, Lexington, KY 40507

2. ADDRESS OF APPLICANT'S PROPERTY

425 CHILESBURG RD LEXINGTON KY

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

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
EAR-1	Residential	EAR-2	Residential	12.32	12.51

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:	LFUCG
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



Statement of Justification

The applicant, Anderson Bridgewater, LLC, is requesting a zone change from the Expansion Area Residential-1 (EAR-1) zone to the Expansion Area Residential-2 (EAR-2) zone for about 12.5 acres located at 425 Chilesburg Road. The Planning Commission approved an early re-hearing request for this zone change at its December 15, 2016 meeting.

We are requesting 75 dwelling units (6.0 units per acre) **including** 23 townhouse units which have already been constructed or approved. Thus, the net result of this zone change will be 52 additional townhouse dwellings. They will be similar in architecture and density to the existing townhouse dwelling units on the front of the property.

This proposal is in agreement with the 2013 Comprehensive Plan.

The Comprehensive Plan calls for higher density residential to be located nearest to public open space. (This property adjoins Jacobson Park). "Create development regulations that locate higher density housing nearest public open space." (Page 44).

The Comprehensive Plan calls for public greenspace size and location to be considered in requests for higher densities. (Page 43).

We will have a single loaded street adjacent to Jacobson Park, as called for in the Comprehensive Plan (Page 92).


As to mid-sized development, the Comprehensive Plan calls for varied housing choices, connections to the existing neighborhood, and both private and common open space. (Page 102). This development will have pedestrian connections to the existing park and will have internal open space.

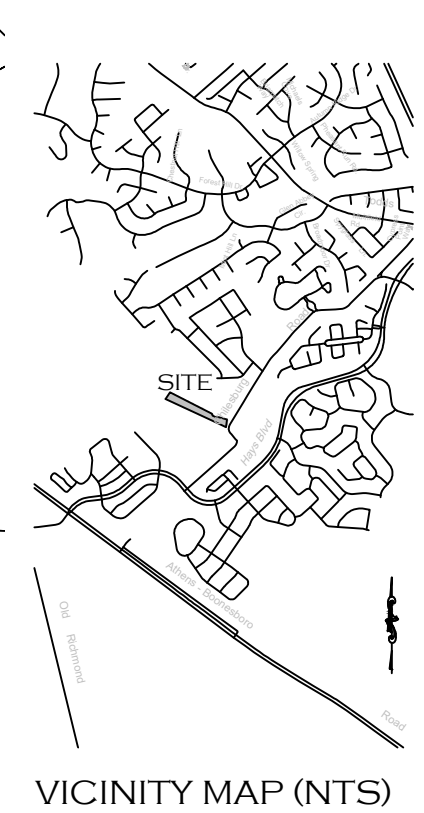
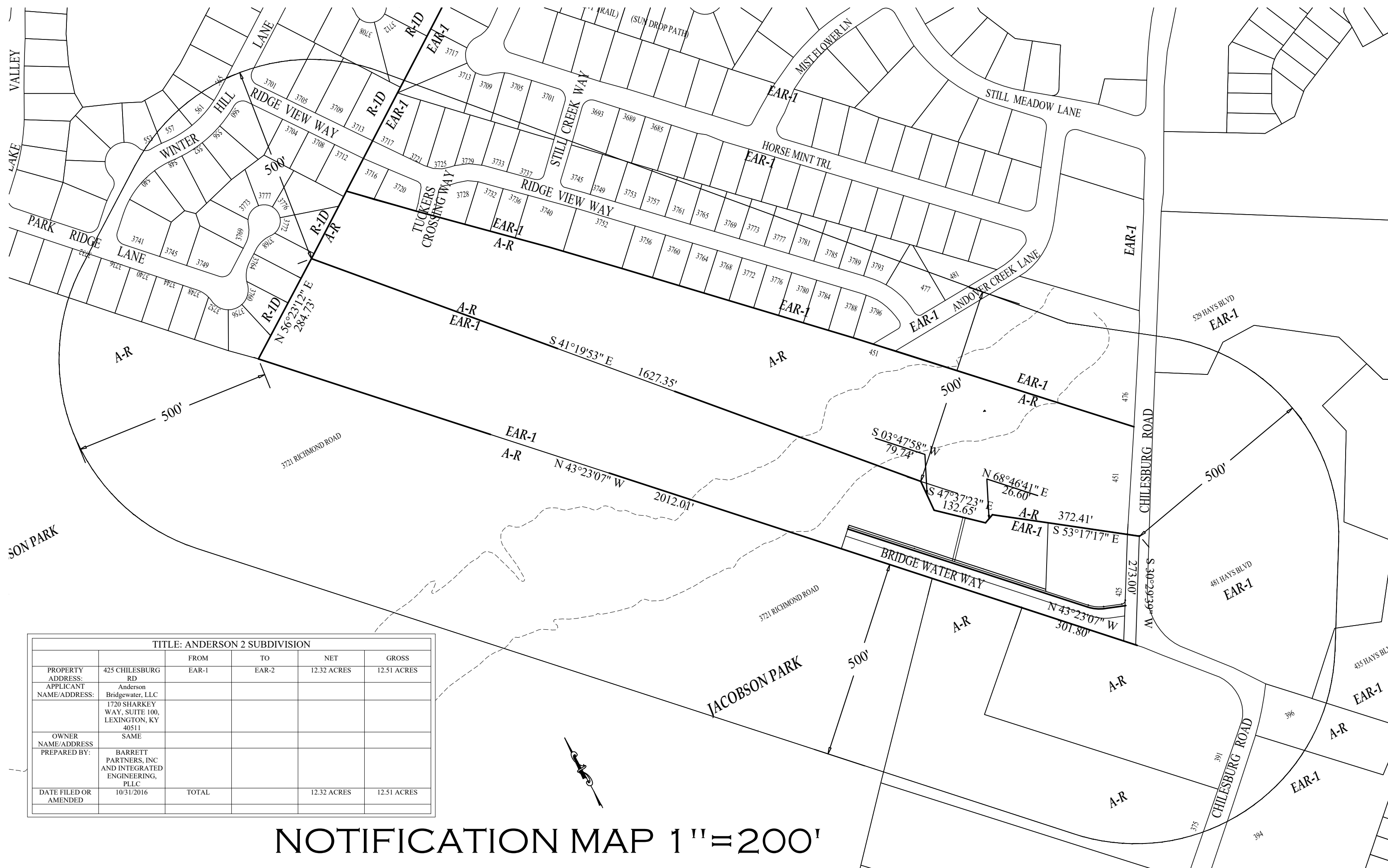
Goal A.1. calls for expansion of housing choices. As most of the housing in the Expansion Area has been single-family detached, allowing an attached housing component will expand choice. Objective A.1.b. calls for housing that addresses the market needs for all Lexington-Fayette County's residents. Objective A.1.c. calls for safe, affordable and accessible housing to meet the needs of older/disadvantaged residents. Goal A.2. calls for support of infill and redevelopment throughout the Urban Service Area as a strategic component of growth. Goal A.3. calls for well-designed neighborhoods and communities. We plan walking trails on this property, pedestrian accessibility, and connections to the greenspace in the nearby Jacobson Park. Objective A.3.a. calls for expanded options for mixed-type housing throughout Lexington-Fayette County.

Goal D.2. calls for accessible community facilities which meet the health, safety and quality of life needs of Lexington-Fayette County's residents. Objective E.1.b. calls for compact, contiguous and/or mixed-use sustainable development within the Urban Service Area, as guided by market demand, to accommodate future growth needs. Goal E.3. calls for

maintenance of the boundaries of the Urban Service Area. The Comprehensive Plan also calls for flexibility in housing types, densities and configuration while encouraging quality and variety. (Page 98).

Thank you for your consideration of this zone change request.


RICHARD V. MURPHY, Attorney for
Applicant



TITLE: ANDERSON 2 SUBDIVISION					
		FROM	TO	NET	GROSS
PROPERTY ADDRESS:	425 CHILESBURG RD	EAR-1	EAR-2	12.32 ACRES	12.51 ACRES
APPLICANT NAME/ADDRESS:	Anderson Bridgewater, LLC 1720 SHARKEY WAY, SUITE 100, LEXINGTON, KY 40511				
OWNER NAME/ADDRESS:	SAME				
PREPARED BY:	BARRETT PARTNERS, INC AND INTEGRATED ENGINEERING, PLLC				
DATE FILED OR AMENDED:	10/31/2016	TOTAL		12.32 ACRES	12.51 ACRES

NOTIFICATION MAP 1" = 200'

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-16-00026: ANDERSON BRIDGEWATER, LLC

DESCRIPTION

Zone Change: From an Expansion Area Residential-1 (EAR-1) zone
To an Expansion Area Residential-2 (EAR-2) zone

Acreage: 12.32 net (12.51 gross) acres

Location: 425 Chilesburg Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	EAR-1	Townhouses
To North	A-R & R-1D	Agricultural & Single-Family Residential
To East	A-R & EAR-1	Agricultural & Single-Family Residential
To South	A-R & EAR-1	Single-Family Residential
To West	A-R	Jacobson Park & Agricultural

URBAN SERVICES REPORT

Roads – The subject property fronts on Chilesburg Road, a two-lane, rural collector roadway. Chilesburg Road was deliberately designated to remain a Rural Scenic Road by the Expansion Area Master Plan in 1996. As a result of this designation, no widenings or improvements are anticipated to be made to Chilesburg Road. Bridgewater Way, a local street, has been constructed within the southern portion of the subject property. It intersects Chilesburg Road very near one of its 90 degree curves, and borders the Jacobson Park property boundary. Bridgewater Way is planned to bridge the Pipeline Tributary of East Hickman Creek and its associated floodplain, and continue along the Jacobson Park property boundary within the northern half of the subject property.

Curb/Gutter/Sidewalks – Chilesburg Road is a narrow, rural roadway with no gutter, curbing or sidewalks. Sidewalks, curb and gutter are required to be constructed by the developer as new local public streets are completed, including the planned extension of Bridgewater Way.

Storm Sewers – The subject property is located within the East Hickman Creek watershed. The subject property is divided by the Pipeline Tributary of East Hickman Creek, which flows directly into Lexington Reservoir No. 4 within Jacobson Park, immediately west of the subject property. There is a FEMA special flood hazard area associated with the tributary that is between 200 and 300 feet wide. An area-wide stormwater management system has been planned to serve Expansion Area 2C, including a wetlands mitigation area on the subject property, within the existing FEMA special flood hazard area. The timing of the wetland construction is currently unknown.

Sanitary Sewers – The subject property is located within the East Hickman sewershed and will be serviced by the West Hickman sewage treatment facility located in northern Jessamine County. Sanitary sewers have been constructed to serve the southern half of the subject property and are planned to be extended across the floodplain to serve the northern half when it is to be developed. There are no known service problems associated with sanitary sewers in this portion of the Urban Service Area.

Refuse – The Urban County Government provides refuse collection on Fridays to residences within this portion of the Urban Service Area. Additional refuse collection services may be contracted for the proposed townhouse development, as necessary.

Police – The property is located within Police Sector 3 and will be served by the East Sector Roll Call Center. This police station is located off Centre Parkway in the Tates Creek area, about four miles to the west of the subject property.

Fire/Ambulance – Fire Station #21, located on Mapleleaf Drive, is the nearest station to the subject property. It is south of Man o' War Boulevard, less than one mile to the northwest from the subject property. An additional fire station has been proposed near the intersection of Hays Boulevard and Athens-Boonesboro Road.

Utilities – All utilities are available in the immediate area and could be extended if needed to serve the subject property, including street lights, electric, gas, water, telephone, and cable television service.

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. The 2013 Comprehensive Plan also encourages growing successful neighborhoods (Theme A) by expanding housing choices (Goal #1), supporting infill and redevelopment as a strategic component of growth (Goal #2), and providing well-designed neighborhoods and communities (Goal #3). In addition, the Plan calls for maintenance of the boundaries of the Urban Service Area (Theme E, Goal #3) and protecting the environment (Theme B).

The subject property is located within the Expansion Area, more specifically Subarea 2C. The Expansion Area Master Plan recommends Expansion Area Residential-1 future land use for the subject property, with a Special Design Area along Chilesburg Road. The Expansion Area Residential-1 land use would permit a maximum of three dwelling unit per gross acre of land.

The petitioner proposes a townhouse residential development, with 75 dwelling units, for a residential density of 6.0 units per gross acre.

CASE REVIEW

The petitioner has requested a zone change from an Expansion Area Residential-1 (EAR-1) zone to an Expansion Area Residential-2 (EAR-2) zone for approximately 12.5 acres of property located along Chilesburg Road.

The subject property is located on the north side of Chilesburg Road, between Todds Road and Athens-Boonesboro Road. Several residential subdivisions are located near the subject property: the Andover Hills (also known as Lochmere) subdivision borders the site to the northeast (R-1D zone), a portion of the Chilesburg neighborhood (Gess Property) is located across Chilesburg Road to the southeast, and the Still Meadows subdivision is located further to the east in this general area (both in an EAR-1 zone). There remain a few undeveloped properties along Chilesburg Road in this vicinity as well, including two parcels (one on either side of the subject property) that constitute the Graham Tucker property, and a larger parcel northeast of the site. Additionally, Jacobson Park borders the subject property to the west.

A similar zone change request was filed in 2015 for the subject property from the existing EAR-1 zone to an EAR-3 zone, which would have allowed a maximum of 18 units per acre, or 225 dwelling units. The Planning Commission recommended disapproval of the request in April 2016, and the application was subsequently withdrawn prior to the Urban County Council's consideration. In December 2016, the petitioner sought permission from the Planning Commission to file a new application for the subject property for reconsideration prior to the Commission's Bylaws restriction (Section 8.8: Rehearing of Previously Disapproved Zone Change Amendment). The Commission approved the request, which led to the current application being submitted in January 2017.

The petitioner now proposes development of 52 additional townhouses on the subject property, for a total of 75 dwelling units on 12.51 acres of land, which would result in a residential density of 6.0 dwelling units per gross acre. A portion of the proposed development (23 units) has been constructed within the southern portion of the property, between the FEMA floodplain and Chilesburg Road (approved in 2013). The petitioner now desires to continue the existing development pattern within the northern portion of the property, between the FEMA floodplain and the adjoining Andover Hills subdivision, all along the Jacobson Park boundary.

The 2013 Comprehensive Plan establishes Themes, Goals and Objectives to further the vision for the future land use development of our community. However, the 1996 Expansion Area Master Plan remains in effect, and Article 23 of the Zoning Ordinance still requires a finding that all new developments must comply with that Plan, in order to be approved by the Planning Commission. In the case of the current rezoning request, the more detailed recommendations of the EAMP (Subarea 2C) must be reviewed.

The subject property was added to the Urban Service Area in 1996, with the adoption of the Expansion Area Master Plan (EAMP). Expansion Area 2C of the EAMP recommends Expansion Area Residential-1 (EAR-1) future land use for the subject property, at a density of between 0 and 3 dwelling units per gross acre. In 2010, the petitioner rezoned the property from an Agricultural Rural (A-R) zone to the recommended EAR-1 zone. At that time, the associated development plan depicted a density of exactly 3.0 units per gross acre, in conformance with the EAMP and the Zoning Ordinance. That development plan also adhered to the EAMP recommendation for a Special Design Area (SDA) within a 200-foot setback along the EAMP-designated Rural Scenic Roadway (Chilesburg Road). Within the SDA, development is allowed up to the maximum permitted density of the underlying zone, provided that it is clustered so that 60% of the land remains as common open space. The overall objective of these areas is to minimize the visual impact of the development on the adjoining rural road. At a proposed overall density of 6.0 dwelling unit per acre, the staff finds that the current request is not in agreement with the Expansion Area Master Plan's future land use recommendation.

The petitioner contends that their request is both in agreement with the 2013 Comprehensive Plan, and more appropriate than the existing zoning for the subject property. The Comprehensive Plan does recommend locating higher density development adjacent to a public open space, such as Jacobson Park. This allows a greater number of people to access and take advantage of the community resource (page 44). The Plan also encourages single-loaded streets along parks and open space to allow improved access to community amenities (page 38 and 91-92). The staff recognizes Jacobson Park as an amenity for the area and sees the benefit of locating higher density development near the park as was implemented closer to the park's Richmond Road entrance.

The petitioner also opines that the 2013 Plan's Goals and Objectives support their request, specifically goals in Theme A (Growing Successful Neighborhoods) and Theme E (Maintaining a Balance Between Planning for Urban Uses and Safeguarding Rural Land). Theme A, Goal #1 recommends expanding housing choices within the community, providing housing that addresses the market needs for all residents, and providing safe, affordable and accessible housing to meet the needs of older or disadvantaged residents. Although the petitioner is proposing an alternative housing type to single-family detached residences, townhouses have been constructed in Expansion Area 2c within the Chilesburg (Gess Property), Stuart Hall (Richardson Property), and Still Meadows (Anderson Property) neighborhoods, so this development does not introduce a new housing option, but only increases the number of townhouse units at this location. However, the Comprehensive Plan does call for flexibility in housing types, densities and configuration, while encouraging quality and variety for infill development (page 98).

The Expansion Area Master Plan, beyond its land use recommendations, also outlines design principles in the Community Design Element which were intended to establish a physical framework for future land use within this portion of the community (page 20 of the EAMP). The design principles state that neighborhoods should be linked together through greenways, trails, paths and roads; existing rural roads (such as Chilesburg Road) within the Expansion Area should be protected from incompatible development; and development should be organized around a series of greenways. These design principles are also incorporated in the Goals and Objectives of the 2013 Comprehensive Plan, including references to the Complete Streets concept for connectivity (Theme D, Goal #1a.), and protecting the community's natural resources, such as greenways and creeks (Theme B, Goal #3). The proposed development continues to provide for a greenway connection through the floodplain area, and a public roadway connection to the Tucker Property to the northwest, as were previously approved for this location.

The proposed increase from 38 units to 75 units would not adversely impact stormwater and sewer infrastructure, given the current density of the area, and according to the submitted traffic impact assessment, would have little impact to Chilesburg Road, a Rural Scenic Road. The future connection to the Tucker Property remains vitally important in meeting the Expansion Area design standards and the Complete Streets concept.

The Staff Recommends: **Approval**, for the following reasons:

1. The proposed Expansion Area Residential-2 (EAR-2) zone is in agreement with the 2013 Comprehensive Plan, and partially compliant with the Expansion Area Master Plan (for Expansion Area 2C), which is an element of the adopted 2013 Comprehensive Plan, for the following reasons:
 - a. Residential development of varying types is encouraged and permitted in all of the residential zones of the Expansion Area, but at variable densities. Thus, all of the EAR zones meet the 2013 Comprehensive Plan goal for expanded housing choices and varied housing types.
 - b. The increase in density proposed for the subject property will not overburden the infrastructure of Expansion Area 2C, and is supported by policy statements in the 2013 Comprehensive Plan that encourage higher density development adjacent to public parks and open spaces, such as Jacobson Park.
 - c. By providing a single-loaded street adjacent to Jacobson Park, the development will create a well-designed community as recommended by Theme A, Goal #3 of the 2013 Comprehensive Plan.
 - d. If a connection to the Tucker Property is made, the proposed development can meet the Complete Streets concept, which includes the design and use of the right-of-way for cars, bicycles and pedestrians, as recommended by Theme D, Goal #1a. of the 2013 Comprehensive Plan, and the Community Design Element of the Expansion Area Master Plan.
 - e. Since the density of the adjacent Chilesburg development has not been approved at or near the maximum recommended by the EAMP, the modest increase now proposed for the subject property will not tax the infrastructure originally (master) planned for this area.
2. This recommendation is made subject to the approval and certification of PLN-MJDP-17-00002: Anderson 2 Subdivision, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

TLW/WLS

2/2/2017

Planning Services/Staff Reports/MAR/2016/PLN-MAR-16-00026.doc

2. **ANDERSON BRIDGEWATER, LLC ZONING MAP AMENDMENT & ANDERSON 2 SUBDIVISION ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-16-00026: ANDERSON BRIDGEWATER, LLC (4/6/17)* - petition for a zone map amendment from an Expansion Area Residential (EAR-1) zone to an Expansion Area Residential (EAR-2) zone, for 12.32 net (12.51 gross) acres, for property located at 425 Chilesburg Road.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's 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. The 2013 Comprehensive Plan also encourages growing successful neighborhoods (Theme A) by expanding housing choices (Goal #1), supporting infill and redevelopment as a strategic component of growth (Goal #2), and providing well-designed neighborhoods and communities (Goal #3). In addition, the Plan calls for maintenance of the boundaries of the Urban Service Area (Theme E, Goal #3) and protecting the environment (Theme B).

The subject property is located within the Expansion Area, more specifically Subarea 2C. The Expansion Area Master Plan recommends Expansion Area Residential-1 future land use for the subject property, with a Special Design Area along Chilesburg Road. The Expansion Area Residential-1 land use would permit a maximum of three dwelling unit per gross acre of land.

The petitioner proposes a townhouse residential development, with 75 dwelling units, for a residential density of 6.0 units per gross acre.

The Zoning Committee Recommended: Approval.

The Staff Recommends: Approval, for the following reason:

1. The proposed Expansion Area Residential-2 (EAR-2) zone is in agreement with the 2013 Comprehensive Plan, and partially compliant with the Expansion Area Master Plan (for Expansion Area 2C), which is an element of the adopted 2013 Comprehensive Plan, for the following reasons:
 - a. Residential development of varying types is encouraged and permitted in all of the residential zones of the Expansion Area, but at variable densities. Thus, all of the EAR zones meet the 2013 Comprehensive Plan goal for expanded housing choices and varied housing types.
 - b. The increase in density proposed for the subject property will not overburden the infrastructure of Expansion Area 2C, and is supported by policy statements in the 2013 Comprehensive Plan that encourage higher density development adjacent to public parks and open spaces, such as Jacobson Park.
 - c. By providing a single-loaded street adjacent to Jacobson Park, the development will create a well-designed community as recommended by Theme A, Goal #3 of the 2013 Comprehensive Plan.
 - d. If a connection to the Tucker Property is made, the proposed development can meet the Complete Streets concept, which includes the design and use of the right-of-way for cars, bicycles and pedestrians, as recommended by Theme D, Goal #1a. of the 2013 Comprehensive Plan, and the Community Design Element of the Expansion Area Master Plan.
 - c. Since the density of the adjacent Chilesburg development has not been approved at or near the maximum recommended by the EAMP, the modest increase now proposed for the subject property will not tax the infrastructure originally (master) planned for this area
 2. This recommendation is made subject to the approval and certification of PLN-MJDP-17-00002: Anderson 2 Subdivision, 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-17-00002: ANDERSON 2 SUBDIVISION (4/6/17)* - located at 425 Chilesburg Road.
(Barrett Partners)

The Subdivision Committee Recommended: Approval, subject to the following conditions:

1. Provided the Urban County Council rezones the property EAR-2; 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. Increase font size of all plan notes and site statistics.
8. Resolve timing of the pedestrian access proposed to Jacobson Park.

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

9. Discuss physical barriers, fencing material, lighting, per Zoning Ordinance, in rear yard along property line that adjoins Andover Hills Subdivision.

Staff Zoning Presentation – Ms. Wade presented and summarized the staff report and recommendations for this zone change. She reviewed the past zoning history for this site, and the applicable recommendations of the 2013 Comprehensive Plan, and the adopted Expansion Area Master Plan. She presented photographs of the subject site, and of the area. She reviewed the applicant's justification for this zone change, and identified a floodplain area through the middle of the subject property. She described the urban design of this proposal to increase the density at this location.

Commission Question - Mr. Owens asked about the history of "density" involved with the prior rezoning requests for this property. Ms. Wade said that in 2010, there were 38 dwelling units proposed; in 2016, there were 209 dwelling units proposed, which was reduced to 183 units; and this application is proposing a total of 75 dwelling units.

Development Plan Presentation – Mr. Martin presented the staff report on the Preliminary Development Plan associated with this zone change. He identified the property's location off of Chilesburg Road, and described the location proposed for the townhomes, in comparison to the existing floodplain on the property. There will be 208 parking spaces for these 75 units, including garage spaces. A pedestrian access is proposed into Jacobson Park.

He presented a handout that the staff received from the applicant's representative, which contains two notes that were proposed to be added to this plan:

1. Landscaping along the northwest property line (adjacent to the four single-family houses on Park Ridge Lane) shall be set forth in the landscape exhibit, on file with the Division of Planning, or as amended to by the parties.
2. Stormwater drainage shall be designed to not flow onto the four single-family lots along Park Ridge Lane.

The applicant and area neighbors have agreed to have these notes added to the development plan. He said that condition #9 as recommended by the Subdivision Committee, could now be removed from consideration.

Commission Questions - Mr. Owens asked if the landscape exhibit had been submitted. Ms. Wade displayed a graphic of this exhibit on the overhead projector.

Petitioner Presentation – Dick Murphy, attorney, was present representing the petitioner. He said the applicant is in agreement with the staff's recommendations. He said that the applicant had been in negotiations with the neighbors on Park Ridge Lane for the landscaping and a privacy fence along the property line. He submitted a copy of the agreement that was reached, which included details about new border fencing between the properties. Photos of examples of the fencing were displayed for the Commission to review. He said that the two notes presented by Mr. Martin would be added to the development plan, prior to its certification.

Citizen Comment – There were no citizens present to speak to this application.

Zoning Action – A motion was made by Mr. Cravens, seconded by Mr. Drake, carried 8-0 (Berkley, Brewer, and Penn absent) to approve PLN-MAR-16-00026: ANDERSON BRIDGEWATER, LLC, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Cravens, seconded by Mr. Smith, carried 8-0 (Berkley, Brewer, and Penn absent) to approve PLN-MJDP-17-00002: ANDERSON 2 SUBDIVISION, for the reasons provided by the staff and noting the changes to condition #9 as follows:

1. Provided the Urban County Council rezones the property EAR-2; 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. Increase font size of all plan notes and site statistics.
8. Resolve timing of the pedestrian access proposed to Jacobson Park.
9. ~~Discuss~~ Resolve physical barriers, fencing material, lighting, per Zoning Ordinance, in rear yard along property line that adjoins Andover Hills Subdivision.