

AN ORDINANCE CHANGING THE ZONE FROM AN AGRICULTURAL RURAL (A-R) ZONE TO AN ECONOMIC DEVELOPMENT (ED) ZONE, FOR 85.54 NET (102.41 GROSS) ACRES, FOR PROPERTY LOCATED AT 2550 WINCHESTER ROAD. (COWGILL PARTNERS PL; COUNCIL DISTRICT 12).

WHEREAS, at a Public Hearing held on August 23, 2018, a petition for a zoning ordinance map amendment for property located at 2550 Winchester Road from an Agricultural Rural (A-R) zone to an Economic Development (ED) zone, for 85.54 net (102.41 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:

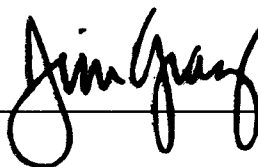
Section 1 - That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for property located at 2550 Winchester Road from an Agricultural Rural (A-R) zone to an Economic Development (ED) zone, for 85.54 net (102.41 gross) acres, being more fully described 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: October 11, 2018

MAYOR



ATTEST:



CLERK OF URBAN COUNTY COUNCIL

Published: October 18, 2018-1t

LEGAL DESCRIPTION
of
Cowgill Partners, LP
(Deed Book 2054, Page 236)
Zone Change from A-R to ED
2550 Winchester Road - US Highway 60,
Lexington, Fayette County, Kentucky

Being a parcel of land in the city of Lexington, Fayette County, Kentucky lying on the southeast corner of the intersection of Interstate 75 and Winchester Road - US Highway 60 and being more particularly described as:

BEGINNING at a point in the centerline of Winchester Road - US Highway 60, said point being the point of intersection of the centerline of said Winchester Road - US Highway 60 and Polo Club Boulevard, and said point having Kentucky State Plane Coordinates of E(X)=1,593,795.12', N(Y)=196,757.80' (NAD '83, KY North Zone, US Survey Feet); thence leaving the centerline of Winchester Road - US Highway 60 and with the centerline of said Polo Club Boulevard, for three (3) calls:

South 10°27'59" West a distance of 810.58 feet to a point; thence thence with a curve turning to the left with an arc length of 131.24 feet, with a radius of 1498.04 feet, with a chord bearing of South 07°57'24" West, with a chord length of 131.20 feet to a point; thence

South 05°26'48" West a distance of 943.12 feet to a point, said point being the intersection with the extension of the southerly property line of Cowgill Partners, LP (Deed Book 2054, Page 236); thence leaving the centerline of said Polo Club Boulevard, and with the southerly line of said Cowgill Partners, LP, for four (4) calls:

North 84°34'32" West a distance of 291.48 feet to a point; thence

North 84°29'16" West a distance of 595.20 feet to a point; thence

North 84°37'27" West a distance of 148.33 feet to a point; thence

North 84°31'02" West a distance of 1234.23 feet to a point, said point being the intersection the centerline of said Interstate 75 and the extension of the southerly property line of Cowgill

Partners, LP; thence with the centerline of said Interstate 75, for two (2) calls:

and with a curve turning to the right with an arc length of 225.05 feet, with a radius of 3819.72 feet, with a chord bearing of North 03°49'17" East, with a chord length of 225.02 feet to a point; thence

North 05°30'34" East a distance of 1724.79 feet to a point, said point being the intersection of the centerline of said Interstate 75 and the centerline of the aforementioned Winchester Road - US Highway 60; thence leaving the centerline of said Interstate 75 and with the centerline of said Winchester Road - US Highway 60, for four (4) calls:

South 84°29'26" East a distance of 430.30 feet to a point; thence

South 84°29'26" East a distance of 1419.20 feet to a point; thence

with a curve turning to the right with an arc length of 477.80 feet, with a radius of 1910.00 feet,

with a chord bearing of South 77°19'27" East, with a chord length of 476.56 feet to a point;

thence

South 70°09'26" East a distance of 29.06 feet to a point; which is the Point of Beginning, having a Gross Area of 102.4095 acres and a Net Area of 3,726,285.4 square feet or 85.5437 acres.

The Bearings and coordinates hereon are based on Kentucky State Plane North Zone, North American Datum of 1983 (NAD '83-US Feet). Particularly, the bearings and coordinates are based on a GNSS Survey Utilizing a Trimble R6 GNSS Receiver and the KYTC VRS System.

The description above being based on an actual ground survey of the property conducted

under the direct supervision of Kevin Phillips (PLS 3350), of Endris Engineering, 771 Enterprise Drive, Lexington, Kentucky concluding on May 25, 2018.



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

Kevin M. Phillips (PLS 3350)
Endris Engineering, PSC
771 Enterprise Drive
Lexington, KY 40510

07-02-2018

Date

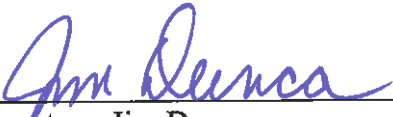
RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: **PLN-MAR-18-00014: COWGILL PARTNERS LP** - petition for a zone map amendment from an Agricultural Rural (A-R) zone to an Economic Development (ED) zone, for 85.54 net (102.41 gross) acres, for property located at 2550 Winchester Rd. (Council District 12)

Having considered the above matter on **August 23, 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 requested Economic Development (ED) zone is in agreement with the 2013 Comprehensive Plan, the recently adopted 2018 Plan's Goals and Objectives, and the 1996 Expansion Area Master Plan (EAMP), for the following reasons:
 - a. The EAMP recommends Economic Development (ED) future land use for the subject property, which is the primary employment land use in the Expansion Area. The applicant has requested Economic Development (ED) zoning for the subject property, in agreement with the Plan's recommendation.
 - b. The 2013 Comprehensive Plan's Goals and Objectives recommend creating prosperity and jobs (Theme C), and more specifically, to "foster the success and growth of large employment sectors; protect and provide readily available economic development land to meet the needs for jobs; and enable infill and redevelopment that creates jobs where people live" (Goal #2d.). The subject property will allow for potential economic development opportunities with easy access to the interstate corridor within the Lexington-Fayette, as envisioned by the EAMP.
 - c. The 2013 Comprehensive Plan also recommends there be a supply of "jobs infrastructure" ready for development in a variety of manners (pg 72), including office, industrial and healthcare, all of which can be accommodated by the proposed Economic Development zone. The proposed rezoning will allow community services on 20 acres and work to create "shovel ready" economic development land for the remaining 65 acres. Infrastructure will be constructed to serve the immediate area to allow the land to be readily available for future development.
 - d. The proposed rezoning upholds the Urban Service Area concept, and encourages development of underutilized and/or vacant property within the current boundary (Theme E, Goal #1). The subject property was added to the Urban Service Area in 1996, but has remained undeveloped.
 - e. The 2013 Comprehensive Plan encourages providing accessible community facilities and services to meet the health, safety and quality of life need of residents and visitors, alike (Theme D, Goal #2). Additionally, the 2018 Goals and Objectives recommend prioritizing the success and growth of strategically-targeted employment sectors, including healthcare (Theme C, Goal #2). The proposed continuous care retirement community offers a unique opportunity for healthcare-related employment, and the provision of accessible community facilities to meet the needs of the residents of Lexington-Fayette County at the same time.
2. This recommendation is made subject to approval and certification of **PLN-MJDP-18-00057: Cowgill Partners, L.P. Property** 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 14th day of September, 2018.


Secretary, Jim Duncan

WILLIAM WILSON
CHAIR

Note: The corollary development plan, PLN-MJDP-18-00057: COWGILL PARTNERS, L.P. PROPERTY (MEADOWCREST) was approved by the Planning Commission on August 23, 2018 and certified on September 6, 2018.

K.R.S. 100.211(7) requires that the Council take action on this request by November 21, 2018.

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

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (8) Bell, Berkley, Brewer, Forester, Mundy, Owens, Plumlee, and Wilson

NAYS: (0)

ABSENT: (1) Penn

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-18-00014** 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:

COWGILL PARTNERS L P, 1999 RICHMOND RD, STE 2A, LEXINGTON, KY 40502 PH: 859-514-2102

Owner(s):

COWGILL PARTNERS L P, 1999 RICHMOND RD, STE 2A, LEXINGTON, KY 40502

Attorney:

Jacob Walbourn, McBrayer, McGinnis, Leslie & Kirkland, PLLC, 201 E Main St., Suite 900, Lexington, KY 40507 PH: 859-231-8780

2. ADDRESS OF APPLICANT'S PROPERTY

2550 WINCHESTER RD, LEXINGTON, KY

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

Zoning	Existing		Requested		Acreage	
	Zoning	Use	Zoning	Use	Net	Gross
A-R		Agricultural	ED	Mixed-Use	85.54	102.41

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:	To Be Constructed
Storm Sewers:	To Be Constructed
Sanity Sewers:	To Be Constructed
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



July 2, 2018

Mr. William Wilson, Chairman
Lexington-Fayette Urban County Planning Commission
200 East Main Street
Lexington, Kentucky 40507

RE: Zone Change Application from A-R to ED
2550 Winchester Road, a/k/a "Meadowcrest"

Dear Chairman Wilson:

Please be advised that we represent Cowgill Partners, LP. Cowgill Partners is the owner of 2550 Winchester Road in Lexington. My client desires to rezone the above-mentioned parcel from its current agricultural category to the Economic Development (ED) Zone. We believe this parcel can be developed in accord with the goals and objectives of the 2013 Comprehensive Plan, as well as the recently adopted Goals and Objectives for the 2018 Comprehensive Plan. We further submit it complies with the 1996 Expansion Area Master Plan.

The subject parcel is an approximately eighty-five (85) acre tract. The property is located at the intersection of Winchester Road and Interstate 75, and extends to the intersection of Polo Club Boulevard with Winchester Road. This parcel is part of "Expansion Area 2a" as designated in the 1996 Expansion Area Master Plan. This parcel, along with one directly to the south, are designated as the parcels slated for the "ED" zone.

As you and Planning staff likely remember well, the Economic Development Zone regulations were recently thoroughly reviewed by the Planning Commission and the Urban County Council, and representatives of Cowgill Partners actively participated in those discussions. Cowgill Partners has owned this tract since 1999, and has long been interested in developing the property. However, Cowgill Partners wanted to be sure the users selected for the property fit with both its own and the community's vision for the property.

My client proposes to develop the subject property, in the immediacy, with a continuous care retirement community, or "CCRC," to be owned and operated by the Masonic Homes of Kentucky. This use, though not specifically defined within the zoning ordinance, has been deemed an acceptable principal use in the ED zone by Planning staff. The facility envisioned for the property is impressive, and resembles the CCRC community owned by the Masonic Homes of Kentucky in Louisville. The facility will have elements of independent living, supportive (assisted) living, and skilled nursing care. This use will take

approximately twenty (20) acres, and will incorporate use of the mansion currently located on the property.

My client has not yet identified other users, either principal or supportive users, for the remainder of the site. However, my client does wish to proceed with zoning of the entire property. Thus, as has traditionally been permitted with Expansion Area zoning projects, our infrastructure and proposed lotting is depicted on the Zoning Development Plan (“ZDP”) included with this application, but the lotting is merely conceptual at this point. We are optimistic that the development of the CCRC facility will entice potential principal and supportive users for the property.

In sum, we believe that this rezoning request is in accord with many of the goals and objectives of the 2013 Comprehensive Plan (“Comp Plan”), the 2018 Goals and Objectives, and the 1996 Expansion Area Master Plan (“EAMP”). Our conclusion that this rezoning request is in agreement with the above is based on the following:

Growing Successful Neighborhoods

Theme A of the Comp Plan embraces several goals regarding residential life in Fayette County. We believe this redevelopment proposal embraces Goals 1 and 3 articulated in Theme A of the Comp Plan.

Expand housing choices. The first goal articulated in the first theme of the Comp Plan is to expand housing choices. The ED zone does allow for multi-family development located in close proximity to employment opportunities otherwise permitted in the ED zone. Though not yet proposed for development, we believe inclusion of multi-family residential uses will be a crucial component of the future development of this site. As you are aware, apartment and townhome living is becoming increasingly popular among certain segments of our population that would like to reduce the burdens imposed by home ownership – long term debt, maintenance, and similar issues.

Provide well designed neighborhoods and communities. The Comp Plan calls not only for well-designed new developments, but to provide enhancements to existing neighborhoods to increase their desirability (Comp Plan, p. 38). The Expansion Area Master Plan has served as an unwavering vision for the expansion areas in our community for more than twenty years. We believe our proposal is in accord with the type of development envisioned by the EAMP, and reflects good design principles like locating higher density residential near employment centers, providing walkability/bikeability, and proximity to shopping and entertainment.

Creating Jobs and Prosperity

Theme C of the Comp Plan embraces goals related to continued economic prosperity in Fayette County. We believe this redevelopment proposal embraces elements of Goals 1 and 2 of Theme C of the Comp Plan.

Support and showcase local assets to further the creation of a variety of jobs. We submit that our proposed development directly addresses this stated goal of the Comp Plan. When complete, the proposed development will provide both entry level and higher income jobs in a variety of employment sectors. As an initial matter, the CCRC facility proposed to be developed in the near future will create numerous jobs at various income points, with opportunities for future growth.

Attract the world's finest jobs, encourage entrepreneurial spirit, and enhance our ability to recruit and retain a talented, creative workforce by establishing opportunities that embrace diversity with inclusion in our community. One way to attract new jobs and young professionals to Lexington is by providing quality of life opportunities that will bring a workforce of all ages and talents to the city. The recent amendments to the ED zoning regulations allow for more “live where you work” opportunities, and the possibility to live near retail and restaurants. This type of development has shown to be popular in other communities, and though as of yet untested in Lexington (though some developments of this nature have recently come online), we are hopeful that this development can serve as a model for future developments in Lexington that attracts and retains a talented workforce.

Improving a Desirable Community

Theme D of the Comp Plan addressed ways to foster a desirable community. We submit that our proposal addresses Goal 2 of Theme D of the Comp Plan.

Provide for accessible community facilities and services to meet the health, safety and quality of life needs of Lexington-Fayette County's residents and visitors. The instant proposal will provide for senior living facilities that will accommodate a variety of needs – from those seniors that are mostly independent, to those that need advanced medical care. Additionally, potential future development can be crafted to serve Fayette County residents living near the expansion area, both in the form of jobs via the principal ED uses, but also via the inclusion of supportive uses.

Maintaining a Balance Between Planning for Urban Uses and Safeguarding Rural Land

Theme E of the Comp Plan embraces goals related to preserving rural land while encouraging growth. We believe this redevelopment proposal embraces elements of Theme E of the Comp Plan.

Uphold the Urban Services Area concept. This goal requires close monitoring of the absorption of vacant or under-utilized land in the Urban Service Area as well as encouraging

the compact, contiguous, and/or mixed-use sustainable development within the Urban Service Area to accommodate future growth needs. As discussed above, this proposal is in accord with the future land use contemplated for this property, and utilizes land that has been vacant since it was included in the urban service area (“USA”) more than 20 years ago.

2018 Goals and Objectives

Though the 2018 Comprehensive Plan is not yet complete, we believe that this proposal also is in accord with many of the goals and objectives adopted by the Urban County Council earlier this year. Though these goals have not yet been elaborated upon, in brief, we believe this proposal addresses the following adopted goals and objectives:

Theme A: Growing Successful Neighborhoods

- Goal 1, Subgoal B – accommodate the demand for housing in Lexington responsibly, prioritizing higher-density and mixture of housing types
- Goal 1, Subgoal C – plan for safe, affordable, and accessible housing to meet the needs of older and/or disadvantaged residents
- Goal 2, Subgoal B – respect the context and design features of areas surround development projects and develop design standards and guidelines to ensure compatibility with existing urban form.
- Goal 3, Subgoal 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.
- Goal 4, Subgoal B – plan for equitable and accessible social services and healthcare facilities that address the needs of all residents, maximizing the opportunity to reach geographically underserved areas throughout the community

Theme C: Creating Jobs and Prosperity

- Goal 1, Subgoal A – strengthen efforts to develop a variety of job opportunities that lead to prosperity for all.
- Goal 2, Subgoal A – prioritize the success and growth of strategically-targeted employment sectors (healthcare, education, high-tech, advanced manufacturing, agribusiness, agritourism, and the like) and enable infill and redevelopment that creates jobs where people live.
- Goal 2, Subgoal D – provide entertainment and other quality of life opportunities that attract young, and culturally diverse professionals, and a work force of all ages and talents to Lexington

Theme D: Improving a Desirable Community

- Goal 2, Subgoal B – collaborate with educational and healthcare entities to meet the needs of Lexington-Fayette County’s residents and visitors
- Goal 3, Subgoal B – incentive the renovation, restoration, development and maintenance of historic residential and commercial structures

Theme E: Maintaining a Balance between Planning for Urban uses & Safeguarding Rural Land

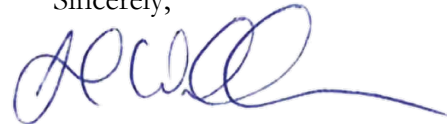
- Goal 1, Subgoal A – continue to monitor the absorption of vacant and underutilized land within the Urban Service Area
- Goal 1, Subgoal D – maximize development on vacant land within the Urban Service Area and promote redevelopment of underutilized land in a manner that enhances urban form and/or historic features.
- Goal 1, Subgoal E – pursue strategies to activate large and undeveloped landholdings within the Urban Service Area

Conclusion

As you can see, this proposal comports with many of the applicable goals and objectives of the Comp Plan, and the goals and objectives contemplated for our next Comprehensive Plan. We believe this project is important in that it implements numerous goals and objectives of the Comp Plan, while utilizing the zoning category contemplated for this property since its inclusion in the USA.

Based on the foregoing, we respectfully request approval of our application as submitted. We look forward to presenting this application to you and discussing it with you.

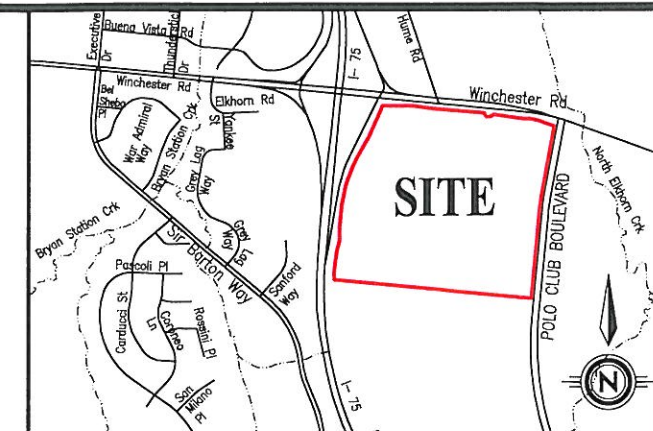
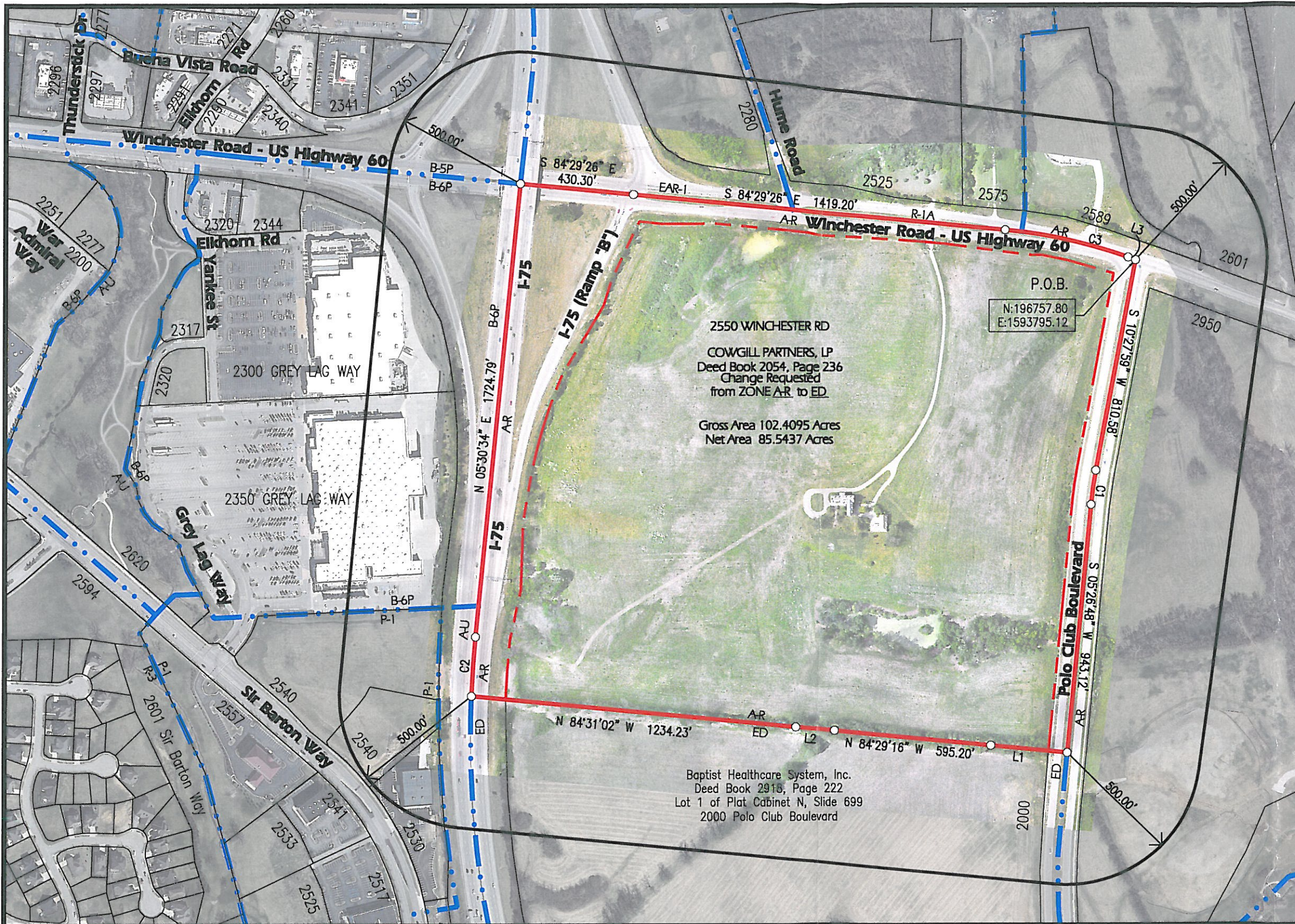
Sincerely,



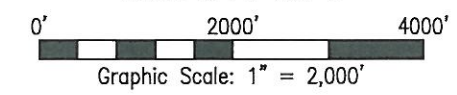
Jacob C. Walbourn

JCW/klm
Enclosures

4810-5134-7008, v. 1



VICINITY MAP



LINE TABLE

LINE	BEARING	DISTANCE
L1	N 84°34'32" W	291.48'
L2	N 84°37'27" W	148.33'
L3	S 70°09'26" E	29.06'

CURVE TABLE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	131.24'	1498.04'	5°01'11"	S 07°57'24" W	131.20'
C2	225.05'	3819.72'	3°22'33"	N 03°49'17" E	225.02'
C3	477.80'	1910.00'	14°19'59"	S 77°19'27" E	476.56'

LEGEND

○ Corner Point

STATE OF KENTUCKY
KEVIN M. PHILLIPS
 3350
 LICENSED PROFESSIONAL LAND SURVEYOR

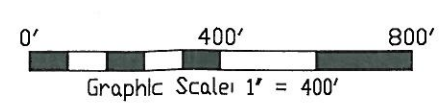
[Signature]
 07-02-2018

PREPARED BY:

EE ENDRIS engineering
 Land Surveyors • Construction Layout • GPS

771 ENTERPRISE DRIVE
 LEXINGTON, KY 40510
 PH: 859 253-1425
 FAX: 859 233-1436

NOTIFICATION AREA MAP



FROM	TO	NET	GROSS
A-R	ED	85.5437	102.4095

TITLE: Meadowcrest Farm
 ADDRESS: 2550 Winchester Road - Lexington - KY
 APPLICANT: Cowgill Partners, LP
 OWNER: Cowgill Partners, LP
 DATE FILED OR AMENDED: July 2, 2018

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-18-00014: COWGILL PARTNERS LP

DESCRIPTION

Zone Change: From an Agricultural Rural (A-R) zone
To an Economic Development (ED) zone

Acreage: 85.54 net (102.41 gross) acres

Location: 2550 Winchester Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	A-R	Agricultural
To North	R-1A & A-R	Church, School, Public Utilities & Residential
To East	A-R	Agricultural
To South	ED	Agricultural
To West	A-U/P-1/B-6P	Professional Office & Retail Businesses

URBAN SERVICES REPORT

Roads – The subject property is bounded to the west by Interstate 75, to the north by Winchester Road (US 60) and to the east by Polo Club Boulevard. Hume Road, a rural road that parallels the interstate, intersects Winchester Road to the north of the subject property. Winchester Road narrows to a two-lane highway as it proceeds east from the I-75 interchange, just east of its intersection with Polo Club Boulevard. New local streets are proposed to be constructed on the subject property to allow access to the mixture of land uses proposed throughout the development. The subject property will need to provide connectivity to the Baptist Healthcare site to the south, as well as to the east side of the interstate via a proposed underpass. The proposed underpass of the interstate is planned during a future widening of I-75 to reduce local traffic on Winchester Road and Man o’ War Boulevard. Access to the site is proposed from both Winchester Road and Polo Club Boulevard.

Curb/Gutter/Sidewalks – Polo Club Boulevard has been constructed with curb, gutter and sidewalks. All new streets proposed to serve the development of the subject property are required to provide these urban features. Typical urban improvements have not been made to Winchester Road, although such improvements along the subject property’s frontage should be considered.

Storm Sewers – No storm sewers are known to be available to the subject property, although regional stormwater improvements have been constructed to the southwest of the site on the Hamburg East Property. The adopted Engineering Manuals will require the provision of new facilities on parts of the subject property for this purpose. These improvements should mirror the Expansion Area 2 Stormwater Management Plan, which was completed as part of the 1996 Expansion Area Master Plan (EAMP) process.

Sanitary Sewers – Sanitary sewers have been constructed within the area to serve the commercial and residential areas along Polo Club Boulevard to the south of the subject property, near Man o’ War Boulevard. An exaction program has been established for the transmission and treatment of sewage waste from this area of the community to the Town Branch Wastewater Treatment Plant. A 48” sanitary sewer trunk line was constructed along the North Elkhorn Creek to the east of the subject property, and a new Pump Station was constructed to the northeast of the site (across Winchester Road) to serve Expansion Area 2a. However, the subject property does not currently have direct access to sanitary sewers. Sanitary sewer infrastructure will be required to be constructed by the developer at the time of development.

Refuse – Refuse collection to residential properties is provided by the Urban County Government to this portion of the Urban Service Area on Tuesdays. Commercial developments often necessitate supplemental service, which is supplied by private refuse contractors.

Police – The nearest police station to this location is the Central Sector Roll Call Center on Industry Road, near the interchange of Winchester Road and New Circle Road, approximately 2½ miles west of this location.

Fire – The nearest fire station is located two miles to the northwest at the intersection of Eastland Drive and Murray Drive. A new fire station is planned in the Hamburg area, but has not been approved for construction as of yet.

Utilities – Most other utilities are available to this portion of the Urban Service Area, including electric service, telephone, and public water. Streetlights are expected to be provided when the subject property develops, and cable television and/or fiber optic services are also expected to be extended to this site.

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 Plan encourages a mixture 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 Implementation chapter of the 2013 Comprehensive Plan also recommends an Expansion Area ED Land Development Study (page 117), that is, a comprehensive assessment of the barriers to development within Economic Development (ED) zone. The Goals and Objectives of the 2018 Comprehensive Plan address Growing Successful Neighborhood (Theme A); Protecting the Environment (Theme B); Creating Job and Prosperity (Theme C); Improving a Desirable Community (Theme D); and Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land (Theme E).

The subject property is located within the Expansion Area, more specifically Subarea 2A. The adopted 1996 Expansion Area Master Plan, which continues to be implemented as part of the 2013 Comprehensive Plan, recommends Economic Development (ED) future land use for the subject property. The petitioner proposes to develop this property with a mixture of commercial land uses as well as supportive uses. The petitioner is rezoning the property in order to construct an assisted living and nursing home facility, termed a continuous care retirement community, which is a principal permitted use in the ED zone.

CASE REVIEW

The petitioner has requested a zone change from an Agricultural Rural (A-R) zone to an Economic Development (ED) zone for the southeast quadrant of the Interstate 75 and Winchester Road interchange.

This 85-acre property comprises a portion of Expansion Area 2A, as identified in the 1996 Expansion Area Master Plan. It encompasses about ¼ of the frontage along I-75 between the interchanges at Winchester Road (Exit 110) and Man o’ War Boulevard (Exit 108). The subject property is across I-75 from the Hamburg Community shopping center, and is across Winchester Road from the North Lexington Church of Christ, a Kentucky Utilities sub-station, the Expansion Area 2A Pump Station and a large single-family residential tract (R-1A zoning).

The petitioner is rezoning the property to allow an assisted living and nursing home facility, termed a continuous care retirement community, which is a principal permitted use in the ED zone. The facility encompasses 20 acres of the site, with a proposed 460,000 square feet of building area and 242 living units (370 beds or bedrooms). The site also includes two common space buildings for the shared use of the residents of the facility.

In July 1996, the subject property was added to the Urban Service Area, through adoption of the Expansion Area Master Plan (EAMP) by the Planning Commission. Following the adoption of the Plan, text amendments to the Zoning Ordinance and Land Subdivision Regulations were adopted to ensure that development would comply with the EAMP. The Expansion Area Master Plan effort was undertaken for several years, with much community debate, before finally being adopted in order to bring 5,400 acres of property into the Urban Service Area. The purpose of this planning effort was to ensure a more orderly transition from agricultural to urban land uses, which is consistent with past planning efforts of the Planning Commission.

The Economic Development (ED) zone was created in 1996 to implement the Expansion Area Master Plan's future land use recommendations, and is intended to "provide land within the Expansion Area for employment opportunities compatible with the overall character of development as provided in the Expansion Area Master Plan." The Economic Development zone was recently updated to remove some of the barriers to development that have been in place since Article 23 was adopted to implement the EAMP in 1996 (ZOTA 2016-4: Amendments to the Economic Development Zone). The principal permitted uses in this zone include offices, research centers, manufacturing, and healthcare that typically yield a high rate of employment opportunities. Limited supportive uses such as restaurants, hotels and dwelling units are also permitted to help create a more desirable employment center. The maximum building height and maximum floor area ratio were relaxed to permit a higher intensity of development, which is consistent with the community vision.

The 1996 Expansion Area Master Plan recommends that the subject property be used for Economic Development (ED) purposes, and emphasizes the importance of ED land use near the interstate highway system (pg 42). Further, the 2013 Comprehensive Plan's Goals and Objectives recommend creating prosperity and jobs (Theme C), and more specifically, in Goal #2d. to "foster the success and growth of large employment sectors; protect and provide readily available economic development land to meet the needs for jobs; and enable infill and redevelopment that creates jobs where people live." The Comprehensive Plan also recommends there be a supply of "jobs infrastructure" ready for development in a variety of manners (pg 72), including office, industrial and healthcare, all of which can be accommodated by the proposed Economic Development zone. The Comprehensive Plan encourages providing accessible community facilities and services to meet the health, safety and quality of life need of residents and visitors, alike (Theme D, Goal #2); upholding the Urban Service Area concept to maintain the rural and urban land balance; and encouraging development of underutilized and/or vacant property within the current boundary (both Theme E, Goal #1). Further, the 2018 Comprehensive Plan's Goals and Objectives reinforces several of the same planning ideals with emphasis added to strengthen efforts to develop a variety of jobs that lead to prosperity for all (Theme C, Goal #1) and prioritizing the success and growth of strategically-targeted employment sectors, including healthcare (Theme C, Goal #2).

The petitioner opines that the requested rezoning is in agreement with the adopted 2013 Comprehensive Plan, the recently adopted 2018 Plan's Goals and Objectives, and the 1996 Expansion Area Master Plan. The subject property will allow for at least 80 jobs to be created associated with the continuous care retirement community, and many more that cannot be quantified at this time on the remaining 65 acres of the site. Although the corollary development plan only depicts 20 acres of planned economic development land use, rezoning the entire 85-acre site will allow for the property to be "shovel ready" for future development opportunities as the

infrastructure is constructed to serve the “jobs land” located along the interstate corridor. Additionally, the continuous care retirement community offers a unique opportunity for healthcare-related employment, and the provision of accessible community facilities to meet the needs of the residents of Lexington-Fayette County at the same time. Lastly, the petitioner acknowledges that the EAMP has recommended ED land use for the subject property for over 20 years. For these reasons, the staff agrees that the requested Economic Development (ED) zone is in agreement with the 2013 Comprehensive Plan, the 2018 Comprehensive Plan’s Goals and Objectives, as well as the adopted 1996 Expansion Area Master Plan for the subject property.

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

1. The requested Economic Development (ED) zone is in agreement with the 2013 Comprehensive Plan, the recently adopted 2018 Plan’s Goals and Objectives, and the 1996 Expansion Area Master Plan (EAMP), for the following reasons:
 - a. The EAMP recommends Economic Development (ED) future land use for the subject property, which is the primary employment land use in the Expansion Area. The applicant has requested Economic Development (ED) zoning for the subject property, in agreement with the Plan’s recommendation.
 - b. The 2013 Comprehensive Plan’s Goals and Objectives recommend creating prosperity and jobs (Theme C), and more specifically, to “foster the success and growth of large employment sectors; protect and provide readily available economic development land to meet the needs for jobs; and enable infill and redevelopment that creates jobs where people live” (Goal #2d.). The subject property will allow for potential economic development opportunities with easy access to the interstate corridor within the Lexington-Fayette, as envisioned by the EAMP.
 - c. The 2013 Comprehensive Plan also recommends there be a supply of “jobs infrastructure” ready for development in a variety of manners (pg 72), including office, industrial and healthcare, all of which can be accommodated by the proposed Economic Development zone. The proposed rezoning will allow community services on 20 acres and work to create “shovel ready” economic development land for the remaining 65 acres. Infrastructure will be constructed to serve the immediate area to allow the land to be readily available for future development.
 - d. The proposed rezoning upholds the Urban Service Area concept, and encourages development of underutilized and/or vacant property within the current boundary (Theme E, Goal #1). The subject property was added to the Urban Service Area in 1996, but has remained undeveloped.
 - e. The 2013 Comprehensive Plan encourages providing accessible community facilities and services to meet the health, safety and quality of life need of residents and visitors, alike (Theme D, Goal #2). Additionally, the 2018 Goals and Objectives recommend prioritizing the success and growth of strategically-targeted employment sectors, including healthcare (Theme C, Goal #2). The proposed continuous care retirement community offers a unique opportunity for healthcare-related employment, and the provision of accessible community facilities to meet the needs of the residents of Lexington-Fayette County at the same time.
2. This recommendation is made subject to approval and certification of PLN-MJDP-18-00057: Cowgill Partners, L.P. Property prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission’s approval.

1. COWGILL PARTNERS LP ZONING MAP AMENDMENT & COWGILL PARTNERS, L.P. PROPERTY (MEADOWCREST) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-18-00014: COWGILL PARTNERS LP (9/3018)*- petition for a zone map amendment from an Agricultural Rural (A-R) zone to an Economic Development (ED) zone, for 85.54 net (102.41 gross) acres, for property located at 2550 Winchester Rd.

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 Plan encourages a mixture 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 Implementation chapter of the 2013 Comprehensive Plan also recommends an Expansion Area ED Land Development Study (page 117), that is, a comprehensive assessment of the barriers to development within Economic Development (ED) zone. The Goals and Objectives of the 2018 Comprehensive Plan address Growing Successful Neighborhood (Theme A); Protecting the Environment (Theme B); Creating Job and Prosperity (Theme C); Improving a Desirable Community (Theme D); and Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land (Theme E).

The subject property is located within the Expansion Area, more specifically Subarea 2A. The adopted 1996 Expansion Area Master Plan, which continues to be implemented as part of the 2013 Comprehensive Plan, recommends Economic Development (ED) future land use for the subject property. The petitioner proposes to develop this property with a mixture of commercial land uses as well as supportive uses. The petitioner is rezoning the property in order to construct an assisted living and nursing home facility, termed a continuous care retirement community, which is a principal permitted use in the ED zone.

The Zoning Committee Recommended: Approval to the full Commission.

The Staff Recommended: Approval, for the following reasons:

1. The requested Economic Development (ED) zone is in agreement with the 2013 Comprehensive Plan, the recently adopted 2018 Plan's Goals and Objectives, and the 1996 Expansion Area Master Plan (EAMP), for the following reasons:
 - a. The EAMP recommends Economic Development (ED) future land use for the subject property, which is the primary employment land use in the Expansion Area. The applicant has requested Economic Development (ED) zoning for the subject property, in agreement with the Plan's recommendation.
 - b. The 2013 Comprehensive Plan's Goals and Objectives recommend creating prosperity and jobs (Theme C), and more specifically, to "foster the success and growth of large employment sectors; protect and provide readily available economic development land to meet the needs for jobs; and enable infill and redevelopment that creates jobs where people live" (Goal #2d.). The subject property will allow for potential economic development opportunities with easy access to the interstate corridor within the Lexington-Fayette, as envisioned by the EAMP.
 - c. The 2013 Comprehensive Plan also recommends there be a supply of "jobs infrastructure" ready for development in a variety of manners (pg 72), including office, industrial and healthcare, all of which can be accommodated by the proposed Economic Development zone. The proposed rezoning will allow community services on 20 acres and work to create "shovel ready" economic development land for the remaining 65 acres. Infrastructure will be constructed to serve the immediate area to allow the land to be readily available for future development.
 - d. The proposed rezoning upholds the Urban Service Area concept, and encourages development of underutilized and/or vacant property within the current boundary (Theme E, Goal #1). The subject property was added to the Urban Service Area in 1996, but has remained undeveloped.
 - e. The 2013 Comprehensive Plan encourages providing accessible community facilities and services to meet the health, safety and quality of life need of residents and visitors, alike (Theme D, Goal #2). Additionally, the 2018 Goals and Objectives recommend prioritizing the success and growth of strategically-targeted employment sectors, including healthcare (Theme C, Goal #2). The proposed continuous care retirement community offers a unique opportunity for healthcare-related employment, and the provision of accessible community facilities to meet the needs of the residents of Lexington-Fayette County at the same time.
2. This recommendation is made subject to approval and certification of PLN-MJDP-18-00057: Cowgill Partners, L.P. Property prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

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

- b. PLN-MJDP-18-00057: COWGILL PARTNERS, L.P. PROPERTY (MEADOWCREST) (9/30/18)* - located at 2550 WINCHESTER ROAD, LEXINGTON, KY. (Carman)

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

1. Provided the Urban County Council rezones the property ED; 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 development of Lots 1-8 & 10-14 until a Final Development Plan is approved.
8. Delete extraneous lines on face of plan.
9. Correct site statistics.
10. Resolve the proposed access easement for Lots 1-8 and required service road at the time of the Final Development Plan.
11. Resolve proposed right-in/right-out from Winchester Road and improvements to Winchester Road at the time of the Final Development Plan.

Staff Zoning 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. She said that subject property is located within Expansion Area 2A, which was adopted as part of the 1996 Expansion Area Master Plan (EAMP). She said that this is also within an area recommended for the Economic Development (ED) land use, which is for more than 150 acres in this area. She said that a large portion of this area was rezoned for Baptist Health. She said that recently the ED zone was updated to accommodate additional uses, as well as to reduce barriers for development, resulting in an increased number of principal permitted uses.

Ms. Wade said that the applicant is proposing the zone change for 20 acres of the 87-acre site, an assisted living and nursing home facility (continuous care retirement community), which is a principal permitted use in the ED zone. She said the 2013 Comprehensive Plan identified that economic development is an important aspect for our community and emphasized the need for jobs, infrastructure and shovel ready economic development land. She said that the Goals and Objectives that relate to employment include: improving prosperity and jobs; fostering the success of large employment sectors; providing accessible community facilities to meet health, safety, and quality of life needs of visitors and residents; upholding the Urban Service Area Boundary concept; and encouraging the development of underutilized and/or vacant properties.

Ms. Wade said that the applicant opined that this application was in agreement with the 2013 Comprehensive Plan and several of the Goals & Objectives from the 2018 Comprehensive Plan, and the 1996 Expansion Area Master Plan. She said the staff and the Zoning Committee agrees that the requested Economic Development (ED) zone is in agreement with the 2013 Comprehensive Plan, the 2018 Comprehensive Plan's Goals and Objectives, as well as the adopted 1996 Expansion Area Master Plan for the subject property, and recommended approval to the full Planning Commission.

Development Plan Presentation – Mr. Martin presented a rendering of the preliminary development plan associated with this zone change. He said that the applicant is proposing an internal local street and access to Winchester Road. He said that the lots will vary in size from one acre up to 14 acres, none of which will be developed until there is a Final Development Plan. He said that this property has been identified in the Expansion Area Master Plan associated with a regional stormwater management plan, and some environmentally sensitive areas also exist on the site. He said that a sinkhole has been identified, which will be addressed in full at the time of the Final Development Plan. At that time, reports will need to be submitted on how the application complied with the Expansion Area Master Plan.

Mr. Martin said that Polo Club Boulevard access points have already been approved on a Final Development Plan and no additional access is permitted onto Polo Club Boulevard. He said that access to Winchester Road will be resolved at the time of the Final Development Plan. He said that staff is concerned with the access to Winchester Road. He said the applicant is proposing a right-in/right-out and staff's concern is safety where there is not a median located across from those areas. He said that a traffic signal will eventually be placed at Winchester Road and Polo Club Boulevard. He said the applicant has resolved the staff's concern of the connection to Hamburg, underneath the interstate with a note. He said that the staff is recommending approval of this plan.

Traffic Impact Study – Max Conyers presented the traffic study associated with this zone change. He said that most of the staff's concerns have been resolved. He displayed a graphic of the existing signalized locations and proposed right-in/right-out, on Winchester Road. He displayed the proposed Sir Barton Way/Polo Club Boulevard connector project road, which was recommended from the 2016 Man o' War Blvd./I-75 Congestion Study.

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Mr. Conyers said that the staff agrees with the need for signalization and that they prefer the applicant's connection underneath the interstate to connect to the internal road, which would distribute traffic more evenly throughout the area. He said that in regards to the right-in/right-out, the applicant is proposing to close the median in front of this access point, and the staff agreed. He said that the applicant will note on their plan that the right-out will be further discussed at the time of the final development plan. He said that the resident to the north of the subject property has an opening in the median to access their property. He said that during peak times, the traffic demand will be traveling west into Lexington, which will mean making a U-turn at the nearest access. Furthermore, he stated that the staff believes that it will be very dangerous to make the turn because Winchester Road has a high level of heavy (large) vehicles and there isn't a deceleration lane at this location. He said that the staff believes that the right-in/right-out will operate properly if the access is closed and moved further to the east, at Polo Club Boulevard.

Mr. Conyers said that safety is the priority. He said that the staff recommends removing the right-in/right-out at this time, but to leave the note that it be discussed at the time of the Final Development Plan.

Commission Question – Ms. Mundy asked for clarification regarding the connection underneath the interstate. She believes that there is a sinkhole and floodplain at that location. Mr. Conyers said that the alignment is preliminary and will need to be designed by the developer and the engineers. Ms. Mundy asked if this connection has been confirmed. Mr. Conyers said that it has not been confirmed at this time.

Mr. Berkley asked if the staff's recommendations of relocating the median, installing the traffic signal, and the proposed tunnels; could be made exactable items. Mr. Duncan said that Winchester Road is not part of the beneficiary of the exactions, therefore these improvements cannot be subject to exactions. Mr. Duncan added that the proposed tunnel would best be accomplished when the interstate was being widened, then the cost would be covered by the interstate improvements and not by the developer. Mr. Conyers said that the 2016 Man o' War Blvd./I-75 Congestion Study also suggested construction of an auxiliary lane from Winchester Road to Man o' War Blvd.

Applicant Presentation – Mr. Jacob Walbourn, attorney representing the petitioner, said that the applicant is in agreement with the staff's recommendations. He said the applicant uses the term a "continuous care retirement community" to mean an assisted living and nursing home facility. He said that this facility will have independent living units up through the skilled memory care facilities.

Mr. Walbourn said that regarding the development plan, the access easements on the plan did show curb and gutter. He said that these will be constructed to Urban County standards because of the amount of traffic they may carry. He said that this will be resolved at the time of the Final Development Plan, because at this time, the lotting patterns are preliminary. He said that the tunnel is near a drainage area on the property and more work will need to be completed to determine the appropriate location. He said that he has spoken with the Kentucky Transportation Cabinet, who has jurisdiction over Winchester Road, and they remain open to the proposed right-in/right-out. He said that there are significant improvements and alterations that will need to be made to Winchester Road as this project is developed. He said that the applicant is committed to evaluating the appropriateness of the right-in/right-out when the Final Development Plan is submitted. He asked the Planning Commission to approve the development plan with the notation that access to Winchester Road be resolved at the time of the Final Development Plan.

Commission Question – Ms. Plumlee asked how many employees would be needed at this facility. Mr. Walbourn said it will employ more than 80 people and could be phased as it gets developed. He said that it will be a wide range of jobs from grounds keepers to highly trained doctors and nurses. He said that it could be a total of 150-200 employees, approximately 80 people per shift. Ms. Wade said that the applicant didn't specify a number of proposed jobs in their justification statement, but according to the development plan, the staff report indicated a minimum of 80 employees would be working on the maximum shift.

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

Zoning Action – A motion was made by Mr. Owens, seconded by Mr. Forester, and carried 8-0 (Penn absent) to approve PLN-MAR-18-00014: COWGILL PARTNERS LP, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Owens, seconded by Mr. Forester, and carried 8-0 (Penn absent) to approve PLN-MJDP-18-00057: COWGILL PARTNERS, L.P. PROPERTY (MEADOWCREST), for the reasons provided by the staff.