

AN ORDINANCE CHANGING THE ZONE FROM AN AGRICULTURAL URBAN (A-U) ZONE TO A NEIGHBORHOOD BUSINESS (B-1) ZONE, FOR 5.79 NET (7.88 GROSS) ACRES; AGRICULTURAL URBAN (A-U) ZONE TO TOWNHOUSE RESIDENTIAL (R-1T) ZONE, FOR 2.38 NET AND GROSS ACRES; AGRICULTURAL URBAN (A-U) ZONE TO A SINGLE FAMILY RESIDENTIAL (R-1D) ZONE, FOR 6.72 NET AND GROSS ACRES; TOWNHOUSE RESIDENTIAL (R-1T) ZONE TO A SINGLE FAMILY RESIDENTIAL (R-1D) ZONE, FOR 1.49 NET (1.88 GROSS) ACRES; TOWNHOUSE RESIDENTIAL (R-1T) ZONE WITH CONDITIONAL ZONING RESTRICTIONS TO A TOWNHOUSE RESIDENTIAL (R-1T) ZONE WITHOUT CONDITIONAL ZONING RESTRICTIONS, FOR 1.49 NET (1.93 GROSS) ACRES; AND SINGLE FAMILY RESIDENTIAL (R-1D) ZONE TO A TOWNHOUSE RESIDENTIAL (R-1T) ZONE, FOR 0.26 NET AND GROSS ACRES, FOR PROPERTY LOCATED AT 4145 AND 4235 HARRODSBURG ROAD. (TAYLORMADE REAL ESTATE, LLC (AMD.); COUNCIL DISTRICT 10.)

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WHEREAS, at a Public Hearing held on October 27, 2016, a petition for a zoning ordinance map amendment for property located at 4145 and 4235 Harrodsburg Road from an Agricultural Urban (A-U) zone to a Neighborhood Business (B-1) zone, for 5.79 net (7.88 gross) acres; Agricultural Urban (A-U) zone to Townhouse Residential (R-1T) zone, for 2.38 net and gross acres; Agricultural Urban (A-U) zone to a Single Family Residential (R-1D) zone, for 6.72 net and gross acres; Townhouse Residential (R-1T) zone to a Single Family Residential (R-1D) zone, for 1.49 net (1.88 gross) acres; Townhouse Residential (R-1T) zone with conditional zoning restrictions to a Townhouse Residential (R-1T) zone without conditional zoning restrictions, for 1.49 net (1.93 gross) acres; and Single Family Residential (R-1D) zone to a Townhouse Residential (R-1T) zone, for 0.26 net and gross acres was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change by a vote of 10-0; 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 4145 and 4235 Harrodsburg Road from an Agricultural Urban (A-U) zone to a Neighborhood

Business (B-1) zone, for 5.79 net (7.88 gross) acres; Agricultural Urban (A-U) zone to Townhouse Residential (R-1T) zone, for 2.38 net and gross acres; Agricultural Urban (A-U) zone to a Single Family Residential (R-1D) zone, for 6.72 net and gross acres; Townhouse Residential (R-1T) zone to a Single Family Residential (R-1D) zone, for 1.49 net (1.88 gross) acres; Townhouse Residential (R-1T) zone with conditional zoning restrictions to a Townhouse Residential (R-1T) zone without conditional zoning restrictions, for 1.49 net (1.93 gross) acres; and Single Family Residential (R-1D) zone to a Townhouse Residential (R-1T) zone, for 0.26 net and 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: December 6, 2016

MAYOR



ATTEST:



CLERK OF URBAN COUNTY COUNCIL

Published: December 8, 2016-1t

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The following description is intended for zoning purposes only. The description represents information depicted on documents of record found in the Fayette County Clerk's office. This description does not represent a boundary survey and should not be used for real estate conveyance or transfer.

**Zone Change from A-U to B-1  
For  
4235 Harrodsburg Road  
Lexington, KY 40517**

Commencing at the southwest corner of the terminus of Madrone Way as depicted on Plat of Ethington and Ethington Property, Section 2 as recorded in Plat Cabinet K, Slide 18 of the Fayette County Clerk's records, said point also being a corner in the northern line of South Elkhorn Christian Church; thence with the line of said South Elkhorn Christian Church South 57° 05' 45" East 253.52, South 57° 05' 44" East 120.12 feet a point in the line of said South Elkhorn Christian Church, the Point of Beginning; thence continuing with the line of said church for one (1) call:

1. South 57° 05' 45" East 269.64; thence severing the western Right-of-Way of Harrodsburg Road for one (1) call:
2. South 57° 05' 26" East 128.61 feet to a point on the centerline of said Harrodsburg Road; thence with said centerline for two (2) calls:
3. North 37° 06' 36" East 222.87 feet;
4. North 33° 51' 07" East 632.56 feet; thence severing parcel for six (6) calls:
  5. North 56° 26' 19" West 106.42 feet;
  6. North 56° 26' 19" West 123.06 feet;
  7. North 56° 41' 25" West 151.11 feet;
  8. North 56° 41' 25" West 21.12 feet;
  9. South 32° 39' 58" West 295.87 feet;
  10. South 35° 26' 22" West 565.13 feet to the Point of Beginning containing 7.88 Acres Gross and 5.79 Acres Net.

The following description is intended for zoning purposes only. The description represents information depicted on documents of record found in the Fayette County Clerk's office. This description does not represent a boundary survey and should not be used for real estate conveyance or transfer.

**Zone Change from A-U to R-1T  
For  
4235 Harrodsburg Road  
Lexington, KY 40517**

Commencing at the southwest corner of the terminus of Madrone Way as depicted on Plat of Ethington and Ethington Property, Section 2 as recorded in Plat Cabinet K, Slide 18 of the Fayette County Clerk's records, said point also being a corner in the northern line of South Elkhorn Christian Church; thence with the line of said South Elkhorn Christian Church South 57° 05' 45" East 253.52 feet to a point in the line of said South Elkhorn Christian Church, the Point of Beginning; thence continuing with the line of said church for one (1) call:

1. South 57° 05' 44" East 120.12 feet; thence severing parcel for five (5) calls:
2. North 35° 26' 22" East 565.13 feet;
3. North 32° 39' 58" East 295.87 feet;
4. North 56° 41' 25" West 121.70 feet;
5. South 32° 20' 15" West 283.33 feet;
6. South 35° 26' 33" West 566.94 feet to the Point of Beginning containing 2.38 Acres Gross and Net.

The following description is intended for zoning purposes only. The description represents information depicted on documents of record found in the Fayette County Clerk's office. This description does not represent a boundary survey and should not be used for real estate conveyance or transfer.

**Zone Change from A-U to R-1D  
For  
4235 Harrodsburg Road  
Lexington, KY 40517**

Beginning at the southwest corner of the terminus of Madrone Way as depicted on Plat of Ethington and Ethington Property, Section 2 as recorded in Plat Cabinet K, Slide 18 of the Fayette County Clerk's records, said point also being a corner in the northern line of South Elkhorn Christian Church; thence with the line of said Ethington and Ethington parcel for two (2) calls:

1. North 35° 26' 33" East 594.70 feet;
2. North 32° 36' 11" East 570.48 feet to a point in the line of South Elkhorn Subdivision Unit 1 as recorded in Plat Cabinet F, Slide 714; thence with said South Elkhorn Subdivision for one (1) call:
3. South 58° 09' 58" East 234.96 feet; thence severing parcel for five (5) calls:
  4. South 30° 39' 27" West 134.51 feet;
  5. South 56° 41' 24" East 10.46 feet;
  6. South 32° 20' 15" West 173.20 feet;
  7. South 32° 20' 15" West 283.33 feet;
  8. South 35° 26' 33" West 566.94 feet to a point in the line of South Elkhorn Christian Church; thence with said line for one (1) call:
9. North 57° 05' 45" West 253.52 feet to the Point of Beginning containing 6.72 Acres Net and Gross.

The following description is intended for zoning purposes only. The description represents information depicted on documents of record found in the Fayette County Clerk's office. This description does not represent a boundary survey and should not be used for real estate conveyance or transfer.

**Zone Change from R-1T CZ to R-1T  
For  
4235 Harrodsburg Road  
Lexington, KY 40517**

Commencing at the southeast corner of Lot 34 as depicted on Plat of Ethington and Ethington Property, Section 1 as recorded in Plat Cabinet J, Slide 759 of the Fayette County Clerk's records, said point also being a corner western line of South Elkhorn Subdivision Unit 1 as depicted on Plat Cabinet F, Slide 714; thence with the line of said South Elkhorn Subdivision South 58° 09' 58" East 234.96 feet; thence South 30° 39' 27" West 134.51 feet; thence South 56° 41' 24" East 10.46 feet to the Point of Beginning; thence with the existing R-1D/R- Zone Line for one (1) call:

1. South 58° 09' 58" East 434.75 feet; thence severing the Right-of-Way of Harrodsburg Road for one (1) call:
2. South 58° 09' 58" East 104.10 feet to a point on the centerline of Harrodsburg Road; thence with said centerline for two (2) calls:
3. South 45° 22' 56" West 19.83 feet;
4. South 36° 11' 11" West 168.88 feet; thence with the existing R-1T/A-U Zone Line for two (2) calls:
5. North 56° 26' 19" East 106.12 feet;
6. North 56° 26' 19" East 123.06 feet; thence with the existing R-1T/R-1D Zone Line for three (3) calls:
7. North 31° 50' 54" East 76.84 feet;
8. North 58° 09' 05" West 151.53 feet;
9. South 31° 28' 37" West 72.99 feet; thence with said R-1T/A-U Zone line for three (3) calls:
10. North 56° 41' 25" West 21.12 feet;
11. North 56° 41' 25" West 121.70 feet;
12. North 32° 20' 15" East 173.20 feet to the Point of Beginning containing 1.93 Acres Gross and 1.49 Acres Net.

The following description is intended for zoning purposes only. The description represents information depicted on documents of record found in the Fayette County Clerk's office. This description does not represent a boundary survey and should not be used for real estate conveyance or transfer.

**Zone Change from R-1T CZ to R-1D  
For  
4235 Harrodsburg Road  
Lexington, KY 40517**

Commencing at the southeast corner of Lot 34 as depicted on Plat of Ethington and Ethington Property, Section 1 as recorded in Plat Cabinet J, Slide 759 of the Fayette County Clerk's records, said point also being a corner western line of South Elkhorn Subdivision Unit 1 as depicted on Plat Cabinet F, Slide 714; thence with the line of said South Elkhorn Subdivision South 58° 09' 58" East 234.96 feet, the Point of Beginning; thence continuing with the line of said Subdivision for three (3) calls:

1. South 65° 25' 57" East 54.21 feet;
2. South 58° 09' 58" East 424.19 feet;
3. South 58° 11' 46" East 108.24 feet to a point on the center line of Man-O'-War Boulevard; thence said centerline for one (1) call:
  
4. South 45° 22' 56" West 145.72 feet; thence with the existing R-1D/R-1T Zone Line for three (3) calls:
  
5. North 58° 09' 58" West 104.10 feet;
6. North 58° 09' 58" West 434.75 feet
7. North 56° 41' 24" West 10.46 feet; thence with the existing R-1D/A-U line for one (1) call:
  
8. North 30° 39' 27" East 134.51 feet to the Point of Beginning containing 1.83 Acres Gross and 1.49 Acres Net.

The following description is intended for zoning purposes only. The description represents information depicted on documents of record found in the Fayette County Clerk's office. This description does not represent a boundary survey and should not be used for real estate conveyance or transfer.

**Zone Change from R-1D CZ to R-1T  
For  
4235 Harrodsburg Road  
Lexington, KY 40517**

Commencing at the southeast corner of Lot 34 as depicted on Plat of Ethington and Ethington Property, Section 1 as recorded in Plat Cabinet J, Slide 759 of the Fayette County Clerk's records, said point also being a corner western line of South Elkhorn Subdivision Unit 1 as depicted on Plat Cabinet F, Slide 714; thence with the line of said South Elkhorn Subdivision South 58° 09' 58" East 234.96 feet; thence South 30° 39' 27" West 134.51 feet; thence South 56° 41' 24" East 10.46 feet; thence South 32° 20' 15" East 173.20 feet; thence South 56° 41' 25" East 142.82 feet to the Point of Beginning; thence with the existing R-1D/A-U Zone Line for one (1) call:

1. South 56° 41' 25" East 151.11 feet; thence with the existing R-1D/R-1T Zone Line for three (3) calls:
2. North 31° 50' 54" East 76.84 feet;
3. North 58° 09' 05" West 151.53 feet;
4. South 31° 28' 37" West 72.99 feet to the Point of Beginning containing 0.26 Acre Gross and Net.



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

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

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

**IN RE: PLN-MAR-16-00003: TAYLORMADE REAL ESTATE, LLC (AMD)** – amended petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Neighborhood Business (B-1) zone, for 5.79 net (7.88 gross) acres; Agricultural Urban (A-U) zone to a Townhouse Residential (R-1T) zone, for 2.38 net and gross acres; Agricultural Urban (A-U) zone to a Single Family Residential (R-1D) zone, for 6.72 net and gross acres; Townhouse Residential (R-1T) zone to a Single Family Residential (R-1D) zone, for 1.49 net (1.88 gross) acres; Townhouse Residential (R-1T) zone with conditional zoning restrictions to a Townhouse Residential (R-1T) zone without conditional zoning restrictions, for 1.49 net (1.93 gross) acres; and Single Family Residential (R-1D) zone to a Townhouse Residential (R-1T) zone, for 0.26 net and gross acres, for property located at 4145 and 4235 Harrodsburg Road. (Council District 10)

Having considered the above matter on **October 27, 2016**, at a Public Hearing, and having voted **10-0** 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 combination of Neighborhood Business (B-1) zoning, Townhouse Residential (R-1T) zoning and Single Family Residential (R-1D) zoning is in agreement with the 2013 Comprehensive Plan, for the following reasons:
  - a. The Goals and Objectives of the Plan encourage an expansion of housing choices and housing near employment/commercial areas (Theme A, Goal #1); support infill and redevelopment as a strategic component of growth (Theme A, Goal #2); maintain the urban forest (Theme A, Goal #3.d.); and provide compact, contiguous and/or mixed-use sustainable development to accommodate future growth needs (Theme E, Goal #1.b.).
  - b. The applicant proposes a mixed-use development, with pedestrian connectivity throughout and to the adjoining Palomar neighborhood to the northwest and northeast of the subject site. The development also provides a variety of housing types that are located near existing and proposed employment/commercial areas.
  - c. The applicant is proposing a residential density of 3.92 dwelling unit per acre, which within the range recommended for the site by previous Comprehensive Plans, in addition to neighborhood commercial opportunities.
  - d. The applicant intends to preserve many significant trees on the subject properties in order to maintain the minimum tree canopy requirements for this development.
2. The proposed development generally meets the Complete Streets concept (with the exception of the Almond Way termination), which includes the design and use of the right-of-way for vehicles, bicycles and pedestrians, as recommended by Theme D, Goal #1.a. of the 2013 Comprehensive Plan. The connection of local and collector streets with the subject properties is of vital importance to ensure the proposed development functions as a part of the neighborhood it is proposed to serve. Without these vital connections, the development cannot

meet the goals established in "Chapter 6: Improving a Desirable Community" for reduced traffic congestion and connectivity of adjoining land uses for a complete street network.

- 3. This recommendation is made subject to approval and certification of PLN-MJDP-16-00008: Ethington & Ethington 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 14<sup>th</sup> day of November, 2016.

  
Secretary, Jim Duncan

WILLIAM WILSON  
CHAIR

Note: The corollary development plan, PLN-MJDP-16-00008: ETHINGTON & ETHINGTON PROPERTY was approved by the Planning Commission on October 27, 2016 and certified on November 10, 2016.

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

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

**OBJECTORS**

- Joe Clabes, 4033 Palomar Boulevard, was present on behalf of the Palomar Hills Association Board
- Prescott Hill, Mangrove Drive

**OBJECTIONS**

- Increased traffic and speeding in the area.
- Increased cut-thru traffic and congestion; tree preservation is sufficient.

**VOTES WERE AS FOLLOWS:**

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

Motion for **APPROVAL** of **PLN-MAR-16-00003** carried.

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

## GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

**1. ADDRESS INFORMATION (Name, Address, City/State/Zip, & PHONE NUMBER)**

APPLICANT <b>Taylor-made Real Estate, LLC 881 Corporate Dr. Lexington, KY 40503</b>
OWNER: <b>ETHINGTON &amp; ETHINGTON 4235 Harrodsburg Rd. Lexington, KY 40513</b> <b>Dixiana Development LLC 1301 Dixiana Domino Rd Lexington, KY 40511</b>
ATTORNEY: <b>Nick Nicholson, Stoll Keenon Ogden PLLC, 300 W. Vine St, Ste. 2100, Lexington, KY 40507, (859) 231-3000</b>

**2. ADDRESS OF APPLICANT'S PROPERTY (Please attach Legal Description)**

**4145 and 4235 Harrodsburg Rd Lexington KY 40513**

**3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY (Use attachment, if needed--same format.)**

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
A-U	Residential	B-1	Commercial	5.79	7.88
A-U	Residential	R-1T	Residential	2.38	2.38
A-U	Residential	R-1D	Residential	6.72	6.72
R-1T CZ	Vacant	R-1D	Residential	1.49	1.83
R-1T CZ	Vacant	R-1T	Residential	1.49	1.93
R-1D CZ	Vacant	R-1T	Residential	0.26	0.26

**4. SURROUNDING PROPERTY, ZONING & USE**

Property	Use	Zoning
North	Residential	R-1D
East	Residential	R-4/R-3
South	Industrial	A-U
West	Residential	R-1D

**5. EXISTING CONDITIONS**

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
b. Have any such dwelling units been present on the subject property in the past 12 months?	<input checked="" type="checkbox"/> YES <input 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 checked="" type="checkbox"/> NO  ____ Units

**6. URBAN SERVICES STATUS (Indicate whether existing or how to be provided.)**

Roads	<input checked="" type="checkbox"/> Existing	<input checked="" type="checkbox"/> To be constructed by	<input checked="" type="checkbox"/> Developer	<input type="checkbox"/> Other
Storm Sewers	<input type="checkbox"/> Existing	<input checked="" type="checkbox"/> To be constructed by	<input checked="" type="checkbox"/> Developer	<input type="checkbox"/> Other
Sanitary Sewers	<input type="checkbox"/> Existing	<input checked="" type="checkbox"/> To be constructed by	<input checked="" type="checkbox"/> Developer	<input type="checkbox"/> Other
Curb/Gutter/Sidewalks	<input type="checkbox"/> Existing	<input checked="" type="checkbox"/> To be constructed by	<input checked="" type="checkbox"/> Developer	<input type="checkbox"/> Other
Refuse Collection	<input checked="" type="checkbox"/> LFUCG	<input type="checkbox"/> Other		
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

**7. DESCRIBE YOUR JUSTIFICATION FOR REQUESTED CHANGE (Please provide attachment.)**

This is  in agreement with the Comp. Plan  more appropriate than the existing zoning  due to unanticipated changes.

**8. APPLICANT/OWNER SIGNS THIS CERTIFICATION.**

I do hereby certify that to the best of my knowledge and belief, all application materials are herewith submitted and the information they contain is true and accurate. I further certify that I am  OWNER or  HOLDER of an agreement to purchase this property since 2007.

APPLICANT: \_\_\_\_\_  
 OWNER: \_\_\_\_\_  
 JCG EMPLOYEE/OFFICER, if applicable \_\_\_\_\_

Attorney for Taylor-made: Dixiana \_\_\_\_\_

DATE 9/8/16  
 DATE \_\_\_\_\_  
 DATE \_\_\_\_\_



NICK NICHOLSON

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

September 8, 2016

Planning Commission  
Lexington-Fayette Urban County Government  
101 East Vine Street  
Lexington, KY 40507

**Re: PLN-MJDP-16-00003: Ethington & Ethington Property  
4145 and 4235 Harrodsburg Road**

Dear Members of the Planning Commission:

We represent the Applicant, Taylormade Real Estate, LLC ("Taylormade") with respect to its application for a zone change and preliminary development plan for the property located at 4145 and 4235 Harrodsburg Road (the "Property"). The original zone change request has been amended to clarify our previous request for the removal of the conditional zoning restrictions pertaining to 4145 Harrodsburg Road and a waiver of Subsection 6-8(f) and Exhibit 6-1 of the Subdivision Regulations.

The conditional zoning restrictions were put in place as a part of two different zone changes for 4145 Harrodsburg Road: MAR 2007-12 and MARV 2013-3. All of the conditional zoning restrictions on the property dealt with tree preservation mostly along the property boundaries between 4145 and 4235 Harrodsburg Road. At the time, 4235 Harrodsburg was continuing the agricultural use of the property so additional screening and tree protection was required. With the proposed development, the two properties will be developed as one project. This alleviates the concern regarding the impact of the new development on the remaining agricultural use adjacent to 4145 Harrodsburg Road. Further, the zoning restrictions were implemented through measurements from proposed zoning lines. With this application, those zoning lines are going to change. Therefore, as described, it is likely that the areas once sought to be preserved would no longer be protected as originally planned. The Applicant is still willing to discuss tree preservation with the Staff, even the possibility of including several tree preservation areas or conditional zoning restrictions. However, the Applicant requests that the existing conditional zoning restrictions are removed now that both parcels are being developed as a cohesive plan and the R-1T & R-1D zone lines are being altered.

We will be at your October Planning Commission Meeting and request your approval of the aforementioned waiver of the subdivision requirements.

Best Regards;

Stoll Keenon Ogden PLLC

Nick Nicholson



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

**NICK NICHOLSON**  
DIRECT DIAL: (859) 231-3950  
DIRECT FAX: (859) 246-3649  
Nick.Nicholson@skofirm.com

August 12, 2016

Planning Commission  
Lexington-Fayette Urban County Government  
101 East Vine Street  
Lexington, KY 40507

**Re: PLN-MJDP-16-00008: Ethington & Ethington Property  
4145 and 4235 Harrodsburg Road**

Dear Members of the Planning Commission:

We represent the Applicant, Taylormade Real Estate, LLC ("Taylormade") with respect to its application for a zone change and preliminary development plan for the property located at 4145 and 4235 Harrodsburg Road (the "Property"). The original zone change request has been amended to decrease the amount of acreage dedicated to townhouses and increase the acreage for single-family residences near Syringa Drive. As part of this application, the Applicant requests removal of the conditional zoning restrictions pertaining to 4145 Harrodsburg Road and a waiver of Subsection 6-8(f) and Exhibit 6-1 of the Subdivision Regulations.

The conditional zoning restrictions were put in place as a part of two different zone changes for 4145 Harrodsburg Road: MAR 2007-12 and MARV 2013-3. All of the conditional zoning restrictions on the property dealt with tree preservation mostly along the property boundaries between 4145 and 4235 Harrodsburg Road. At the time, 4235 Harrodsburg was continuing the agricultural use of the property so additional screenage and tree protection was required. With the proposed development, the two properties will be developed as one project. This alleviates the concern regarding the impact of the new development on the remaining agricultural use adjacent to 4145 Harrodsburg Road. Further, the zoning restrictions were implemented through measurements from proposed zoning lines. With this application, those zoning lines are going to change. Therefore, as described, it is likely that the areas once sought to be preserved would no longer be protected as originally planned. The Applicant is still willing to discuss tree preservation with the Staff, even the possibility of including several tree preservation areas or conditional zoning restrictions. However, the Applicant requests that the existing conditional zoning restrictions are removed now that both parcels are being developed as a cohesive plan and the R-1T & R-1D zone lines are being altered.

Regarding the waiver request, specifically, the Applicant requests to be allowed to terminate existing Almond Way into the rear of the development without creating a cul-de-sac. This request is justified on hardship and special circumstances due to the existing use of Almond Way for driveways servicing the adjacent property and not owning the right-of-way for Almond Way. As Almond Way is a dedicated public road, the Applicant has no ability to create a cul-de-sac at the rear of existing Almond Way prior to reaching the Property.

Further, while there is a need to create connected neighborhoods, there is not a need to encourage cut-through motor vehicle traffic. With more dense projects, comes the need to creatively address the increase in traffic. The Applicant already proposes four vehicular access points in to the Property. This is more than sufficient for the vehicular traffic that will be accessing the Property from Harrodsburg Road, Old Higbee Mill, and the surrounding Palomar Neighborhood. The connectivity benefit of a vehicle connection to Almond Way is negligible. Instead, the Applicant proposes to convert the existing access point into pedestrian access for the Property. This will ensure that the connectivity goals of the Comprehensive Plan are still met without burdening true local streets with cut-through traffic. Simply put, having a fifth access point serving only a few residents is not in the best interest of the entire area or the proposed development.

We will be at your August Planning Commission Meeting and request your approval of the aforementioned waiver of the subdivision requirements.

Best Regards;

Stoll Keenon Ogden PLLC

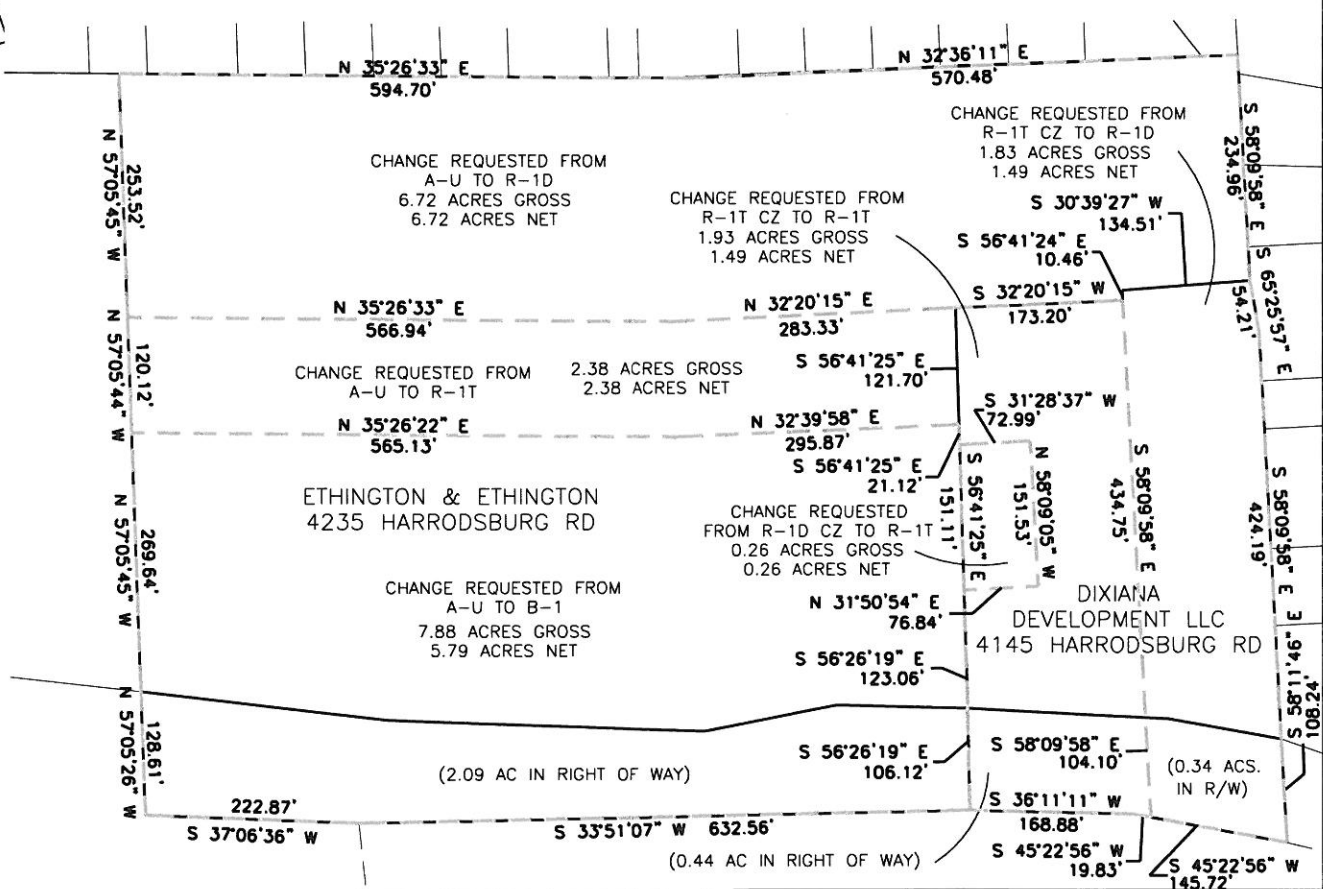
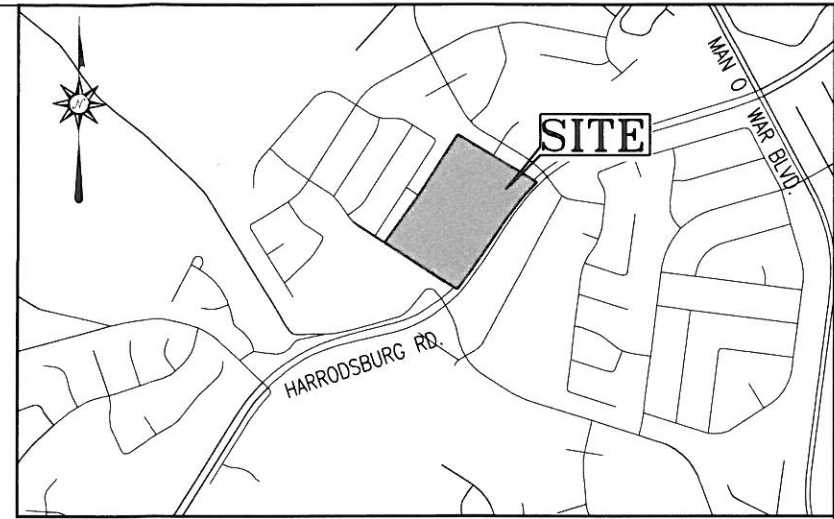
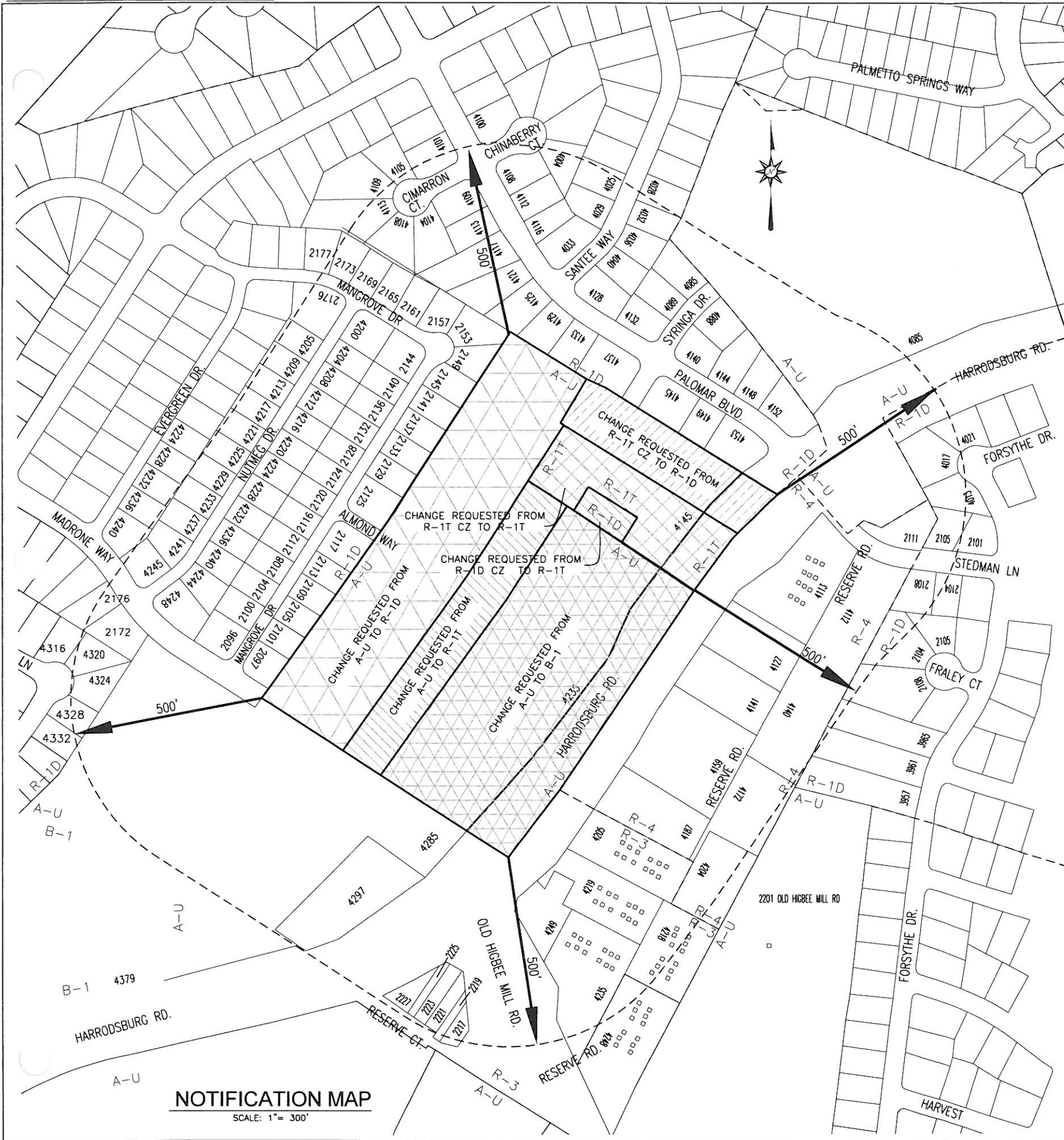


Mick Nicholson

NN:NN

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**NOTIFICATION MAP**  
SCALE: 1" = 300'

**PROPERTY MAP**  
SCALE: 1" = 200'



ZOMAR:		TITLE: 4235 & 4145 HARRODSBURG ROAD			
PROPERTY ADDRESS:	FROM	TO	GROSS	NET	
4235 HARRODSBURG ROAD	A-U	B-1	7.88	5.79	
OWNER: ETHINGTON & ETHINGTON	A-U	R-1T	2.38	2.38	
4145 HARRODSBURG ROAD	A-U	R-1D	6.72	6.72	
LEXINGTON, KENTUCKY 40513	R-1T CZ	R-1T	1.93	1.49	
OWNER: DIXANA DEVELOPMENT LLC	R-1T CZ	R-1D	1.83	1.49	
APPLICANT NAME / ADDRESS:	R-1D CZ	R-1T	0.26	0.26	
TAYLORMADE REAL ESTATE, LLC					
881 CORPORATE DR					
LEXINGTON, KENTUCKY 40503					
PREPARED BY: VISION ENGINEERING, LLC					
DATE FILED OR AMENDED: SEPTEMBER 9, 2016	TOTAL		21.00	18.13	

**STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT**

**PLN-MAR-16-00003: TAYLORMADE REAL ESTATE, LLC**

**DESCRIPTION**

<b>Zone Change:</b>	<b><u>Request</u></b>	<b><u>Acreage</u></b>		
	<b><u>From</u></b>	<b><u>To</u></b>	<b><u>Net</u></b>	<b><u>Gross</u></b>
	A-U	B-1	5.81	7.83
	A-U	R-1T	2.41	2.44
	A-U	R-1D	6.67	6.67
	R-1D	R-1T	0.26	0.26
	R-1T	R-1D	<u>0.03</u>	<u>0.03</u>
		<b>TOTAL:</b>	15.18	17.23

**Location:** 4145 and 4235 Harrodsburg Road

**EXISTING ZONING & LAND USE**

<b><u>Properties</u></b>	<b><u>Zoning</u></b>	<b><u>Existing Land Use</u></b>
Subject Properties	A-U, R-1T & R-1D	Agricultural, Vacant
To North	R-1D	Single Family Residential
To East	R-3 & R-4	Multi-Family Residential
To South	A-U & R-3	Church, Townhouse Residential
To West	R-1D	Single Family Residential

**URBAN SERVICES REPORT**

**Roads** – The subject properties are bordered to the southeast by Harrodsburg Road (US 68). Harrodsburg Road is a major five-lane, divided highway at this location, and is one of two major commuter routes connecting Jessamine and Fayette Counties. It continues northward into downtown and becomes South Broadway. Harrodsburg Road intersects Man O War Boulevard at a signalized intersection approximately ¼ mile to the northeast of the subject properties. Almond Way and Syringa Drive, both local streets within the Palomar subdivision, stub into the site from the west and north, respectively. Madrone Way, a collector street, stubs into the South Elkhorn Christian Church property very near the southwest corner of the subject property. It is proposed to be extended to the Harrodsburg/Old Higbee Mill Road signalized intersection immediately south of the subject site. Almond Way is not proposed by the applicant to be extended into the proposed development, but Syringa Drive is proposed to have a circuitous extension to the southwest of its current terminus. The applicant also proposes a new intersection along their frontage and a service road that runs parallel to Harrodsburg Road.

**Curb/Gutter/Sidewalks** – Harrodsburg Road does not have curb, gutter or sidewalks along the frontage of this property, although these were requested by the Urban County Council years ago. All other roadways in the vicinity, including Syringa Drive, Almond Way, Madrone Way and the other residential streets in the adjacent Palomar Subdivision, do have curbs, gutters and sidewalks. These same facilities will need to be continued and constructed by the developer at the time of development of the subject property.

**Storm Sewers** – The subject property is located within the South Elkhorn watershed. Storm sewers and basins are usually to be constructed by the developer, as necessary, in accordance with the LFUCG Engineering Manuals to protect water quality. However, the corollary development plan filed in conjunction with this zone change does not propose an obvious storm water basin on this 15+ acre site. The FEMA Digital Flood Insurance Rate Maps (D-FIRMs) do not indicate that a Special Flood Hazard Area (floodplain) exists on the subject property. There are known flooding problems that occur along the South Elkhorn Creek and its tributaries in the immediate area. Development on the subject property will not be allowed to exacerbate any known flooding problems on the site or nearby.

**Sanitary Sewers** – This property is located in the South Elkhorn sewershed and is served by the West Hickman Wastewater Treatment Facility, in northern Jessamine County. The residential properties in the adjoining subdivisions are currently served by sanitary sewers. Extension of the sanitary sewer system will need to be built by the developer in accordance with the adopted Engineering Manuals. The South Elkhorn pump station was recently improved after experiencing periodic overflow problems during peak flow times in the past.

**Refuse** – This area is served by the Urban County Government with refuse collection on Mondays.



Police – The nearest police station is the West Sector Roll Call Center, located approximately six miles to the north of the subject property on Old Frankfort Pike, near New Circle Road.

Fire/Ambulance – The nearest fire station (#20) is located on Arrowhead Drive at Harrodsburg Road, approximately 1½ miles northeast of the subject property.

Utilities – All utilities are available to serve the site, including natural gas; electric; streetlights; telephone; water; and cable television service. Utilities should easily be able to be extended from the nearby residential neighborhoods to serve the development of the property.

### **COMPREHENSIVE PLAN AND PROPOSED USE**

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The Plan's mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

The petitioner proposes a rezoning to construct a small neighborhood business area, bordered by townhouses and single family residences.

### **CASE REVIEW**

The petitioner has requested a zone change from an Agricultural Urban (A-U) zone, a Townhouse Residential (R-1T) zone and a Single Family Residential (R-1D) zone to a Neighborhood Business (B-1) zone, Townhouse Residential (R-1T) zone and a Single Family Residential (R-1D) zone for approximately 15+ net acres of property.

The subject property is situated on Harrodsburg Road, almost opposite of its signalized intersection with Old Higbee Mill Road. The subject parcel is accessible from US 68, and has stub streets into it from Almond Way and Syringa Drive in the Palomar Subdivision. Access is also planned to the development from Madrone Way, a planned collector street from Palomar that currently stubs into the rear of the South Elkhorn Christian Church property, located immediately south of the subject site. The subject property has been used for residential and agricultural purposes for decades; however, it is now proposed for both residential and commercial development. The subject property is bounded to the north and east by Palomar and to the west and southwest by the church.

A rezoning to the immediate east of subject property was attempted, and accomplished in 2007 for a townhouse residential development, but faced opposition from surrounding property owners and a portion of the Palomar neighborhood. Ultimately, the Urban County Council approved a four-acre rezoning of the property at the current terminus of Syringa Drive (MAR 2007-12: Barry C. Mangold). Three years ago, almost one acre previously rezoned R-1T was changed to an R-1D zone (MAR 2013-3: Patricia Donoghue (AMD.)), but this time, without any opposition. A buffer was required by conditional zoning for both zone changes, in part, as a result of concerns by area neighbors.

The petitioner is now requesting a combination of R-1D, R-1T and B-1 zoning for a 15-acre development of single family homes, townhouses, and ½ dozen commercial buildings. A portion of the previously rezoned property (by Mangold and by Donoghue) is also part of this zone change. A series of local street extensions and connections, with the notable exception of Almond Way, is proposed to provide access to this development. New commercial uses are proposed to directly access Harrodsburg Road, and the extension of Madrone Way, across the South Elkhorn Church property to the immediate south.

The 2013 Comprehensive Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce. The applicant contends that their request is in agreement with the Comprehensive Plan, primarily because it provides a mixture of land uses and because it would provide convenient retail and service uses to the adjoining neighborhood. They also state in their justification that the mixed land use development will be walkable/pedestrian-oriented. While the plan does depict business uses along Harrodsburg Road, surrounded by townhouses, and then a single-family residential street near Palomar subdivision, the site is not walkable, as currently designed. More attention should be given the site layout, before the staff can agree that several of the Goals and Objectives of the Comprehensive Plan are being met by the requested application.

Previous Comprehensive Plans recommended Low Density Residential (LD) future land use for the subject properties, defined as 0-5 dwelling units per net acre. For the 20.56 acres that makeup the subject properties, this residential

recommendation suggested a maximum of 102 dwelling units. The applicant's residential density of 76 dwelling units is within the range recommended by the previous Comprehensive Plan, plus it does provide neighborhood business uses, above and beyond the former recommendation. The Plan also previously recommended the extension of Madrone Way along the southern edge of subject property.

During a previous zone change request for a portion of the subject property in 2007, a number of significant trees were identified near the Bowman House, which has since been demolished. The trees, however, were preserved due to conditional zoning restrictions. Another significant tree exists at or near the proposed entrance to the site from Harrodsburg Road. There are three areas with designated conditional zoning restriction related to tree preservation, but the applicant has not noted those on the development plan nor requested that they be modified or removed with this zone change request.

A traffic impact study has been submitted in conjunction with this zone change request, as required by Article 6 of the Zoning Ordinance. Within the text of this study there is an assumption that 70% of traffic to the site will consist of "pass-by trips," which seems to be in conflict with the zone change justification that the proposed commercial development is neighborhood-oriented and would serve the adjoining area, rather than those on their way through along Harrodsburg Road.

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

1. The applicant's justification opines that the development is pedestrian-oriented, yet local street and pedestrian connects from the adjoining single family residential neighborhood do not exist on the corollary development plan, nor has the applicant made plans for internal sidewalks to connect the residential and commercial uses or along Harrodsburg Road to encourage other neighborhoods to walk to the site. More attention should be given the site layout, before the staff can agree that several of the Goals and Objectives of the Comprehensive Plan are being met by the requested application.
2. The application does not address the conditional zoning restrictions that exist along the western and southern property lines of 4145 Harrodsburg Road, which are in conflict with the current proposed development layout.
3. The traffic study, submitted with the proposed zone change application, assumes a "pass-by trip" rate of 70%, which seems to be in conflict with the zone change justification that the development is neighborhood-oriented and would serve the adjoining area.

TLW/WLS

8/4/16

Planning Services/Staff Reports/MAR/2016/PLN-MAR-16-00003.doc

2. **TAYLORMADE REAL ESTATE, LLC (AMD), ZONING MAP AMENDMENT AND ETHINGTON & ETHINGTON PROPERTY ZONING DEVELOPMENT PLAN**

- a. **PLN-MAR-16-00003: TAYLORMADE REAL ESTATE, LLC (AMD)** – an amended petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Neighborhood Business (B-1) zone, for 5.79 net (7.88 gross) acres; Agricultural Urban (A-U) zone to a Townhouse Residential (R-1T) zone, for 2.38 net and gross acres; Agricultural Urban (A-U) zone to a Single Family Residential (R-1D) zone, for 6.72 net and gross acres; Townhouse Residential (R-1T) zone to a Single Family Residential (R-1D) zone, for 1.49 net (1.88 gross) acres; Townhouse Residential (R-1T) zone with conditional zoning restrictions to a Townhouse Residential (R-1T) zone without conditional zoning restrictions, for 1.49 net (1.93 gross) acres; and Single Family Residential (R-1D) zone to a Townhouse Residential (R-1T) zone, for 0.26 net and gross acres, for property located at 4145 and 4235 Harrodsburg Road.

**COMPREHENSIVE PLAN AND PROPOSED USE**

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The Plan's mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

The petitioner proposes a rezoning to construct a small neighborhood business area, bordered by townhouses and single family residences.

The Zoning Committee Recommended: Referral to the Full Planning Commission.

The Staff Recommends: If construction of Madrone Way is not part of the proposal, Postponement, for the following reasons:

1. According to Article 8-4(a) of the Zoning Ordinance, "In order to avoid premature or improper development, land should remain in this zone until public facilities and services are or will be adequate to serve urban uses."

The Staff Recommends: If construction of Madrone Way is part of the proposal, Approval, for the following reasons:

1. The proposed combination of Neighborhood Business (B-1) zoning, Townhouse Residential (R-1T) zoning and Single Family Residential (R-1D) zoning is in agreement with the 2013 Comprehensive Plan, for the following reasons:
  - a. The Goals and Objectives of the Plan encourage an expansion of housing choices and housing near employment/commercial areas (Theme A, Goal #1); support infill and redevelopment as a strategic component of growth (Theme A, Goal #2); maintain the urban forest (Theme A, Goal #3.d.); and provide compact, contiguous and/or mixed-use sustainable development to accommodate future growth needs (Theme E, Goal #1.b.).
  - b. The applicant proposes a mixed-use development, with pedestrian connectivity throughout and to the adjoining Palomar neighborhood to the northwest and northeast of the subject site. The development also provides a variety of housing types that are located near existing and proposed employment/commercial areas.
  - c. The applicant is proposing a residential density of 3.92 dwelling unit per acre, which within the range recommended for the site by previous Comprehensive Plans, in addition to neighborhood commercial opportunities.
  - d. The applicant intends to preserve many significant trees on the subject properties in order to maintain the minimum tree canopy requirements for this development.
2. The proposed development generally meets the Complete Streets concept (with the exception of the Almond Way termination), which includes the design and use of the right-of-way for vehicles, bicycles and pedestrians, as recommended by Theme D, Goal #1.a. of the 2013 Comprehensive Plan. The connection of local and collector streets with the subject properties is of vital importance to ensure the proposed development functions as a part of the neighborhood it is proposed to serve. Without these vital connections, the development cannot meet the goals established in "Chapter 6: Improving a Desirable Community" for reduced traffic congestion and connectivity of adjoining land uses for a complete street network.
3. This recommendation is made subject to approval and certification of PLN-MJDP-16-00008: Ethington & Ethington 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.

- b. **PLN-MJDP-16-00008: ETHINGTON & ETHINGTON PROPERTY (9/26/16)\*** - located at 4145 and 4235 Harrodsburg Road. **(Vision Engineering)**

The Subdivision Committee Recommended: Postponement. There were some questions regarding lack of Regional Information per Article 21 and Compliance with Article 8-16.

Should this plan be approved, the following requirements should be considered:

1. Provided the Urban County Council rezones the property B-1, R-1T & R-1D; otherwise, any Commission action of approval is null and void.

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

2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Denote: No building permit shall be issued unless and until a final development plan is approved by the Planning Commission.
8. Addition of all statistical information per Article 21.
9. Addition of all notes per Article 21.
10. Delete symbols and line type legends.
11. Dimension drive aisles, parking spaces and entrances.
12. Revise townhome offsets per Article 8-10 of the Zoning Ordinance.
13. Denote sidewalk access from townhomes to internal street system.
14. Discuss termination of Almond Way or possible waiver to the Subdivision Regulations.
15. Discuss pedestrian connections from commercial area to existing and proposed neighborhood.
16. Discuss proposed access from Harrodsburg Road.
17. Discuss status ownership and maintenance of internal street system.
18. Discuss compliance with Article 8-16 requirements and possible variance.
19. Discuss timing and responsibility for offsite road improvements to Madrone Way.
20. Discuss architectural details for buildings along Harrodsburg Road frontage.
21. Discuss need for sidewalk improvements to Harrodsburg Road (Higbee Mill Road to Palomar Blvd.).
22. Discuss driveway locations to Syringa Drive and other townhouses.
23. Discuss stormwater management concept for the site.
24. Discuss significant trees and development conflicts in the proposed B-1 and townhouse areas.
25. Discuss B-1 area orientation and integration with proposed and existing residential areas.

Staff Zoning Presentation – Mr. Sallee presented the staff report on this zone change. He stated that this is an amended application because the most recent revision added an existing R-1T zoned parcel that has conditional zoning restrictions to it. He said that the staff has received 21 letters of correspondence in opposition to this zone change, and he distributed those to the Planning Commission at this time.

Mr. Sallee said that during a previous zone change some significant trees were recommended for protection via conditional zoning. The applicant is willing to consider some tree preservation, but prefers to do so through the development plan process and not to do so through conditional zoning. He said the staff is in agreement with that and that the tree preservation plan does need to be a component of the development plan.

Mr. Sallee also said that a traffic impact study has also been submitted with this application.

Development Plan Presentation - Mr. Martin presented the updated staff report on this development plan, which was handed out to the Commission. He pointed out on the map the trees that will be preserved. The applicant is proposing a right-in, right-out into the proposed commercial area of Harrodsburg Road. He said that the townhouses will have access though an access in the rear of the buildings.

Mr. Martin stated that South Elkorn Church and the applicant have reached an agreement and they will have control of the property and will be able to build Madrone Way.

Mr. Martin also stated that a waiver request had been distributed to the Planning Commission. This request is for Almond Way to leave it as is with a pedestrian and bikeway into the subject property. He said that staff has recommended disapproval of the waiver request.

Traffic Impact Study – Mr. Emmons presented the Transportation Planning staff's report on the revised Traffic Impact Study, for this development and said that the petitioner is in agreement with this report and the overall development recommendations. He said that there are only two entrances and exits to the Palomar Subdivision and that is why the Madrone Way connection is so important. The original Comprehensive Plan from 1986 was planned as a collector street and has been built to those standards. This will give the subdivision two signalized intersections, providing relief to the two current entrance/exit intersections.

Mr. Emmons said that the transportation staff recommends that Madrone Way be constructed in the first phase of development and that the rest of the development is dependent upon that connectivity.

Petitioner Presentation – Nick Nicholson, Stoll Keenon & Ogden, PLLC, was present representing the petitioner. He said that he believes the applicant is in agreement with the staff's recommendations. He said that agricultural zoning is no longer appropriate at this location.

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Mr. Nicholson said that the petitioner is requesting removal of the conditional restrictions because it was put in place for a separate parcel which is now being combined for this one project. He said that there are significant trees that will need to be preserved and the petitioner will meet with the Tim Queary, Urban Forester to change their development to do so.

Mr. Nicholson submitted letters of support from the neighborhood to the Planning Commission.

Commission Comments – There was a question in regard to the pedestrian access if the connection does not go through. Mr. Nicholson replied that it is to have a trail system.

The following citizens were present in favor of this case:

Yvette Childress, 2125 Mangrove Drive, said that she agrees with the developer and the plan to make the area a pedestrian friendly neighborhood.

Scott Johnson, 2109 Mangrove Drive, said that he would suggest making Madrone Way exit only and would like to preserve the pine trees between Mangrove Drive and the proposed property.

The following citizens were present in opposition to this case:

Joe Clabes, 4033 Palomar Blvd., Vice-Chair of the Palomar Hills Association Board, said that he has concerns about the impact to the neighborhood with the opening of Madrone Way; the increased traffic flow and speed of vehicles.

Commission Comments – There was a question regarding the traffic flow. Mr. Clabes said that the neighbors don't favor the proposed connection to Harrodsburg Road. They are in favor the development, just not the connection to the Palomar Subdivision. They would prefer traffic calming to slow traffic. He said that a crash gate could be a possible solution.

Mr. Clabes also stated that the neighbors agree with the way that Almond Way is presented in the development.

Prescott Hill, Mangrove Drive, said that he doesn't know of anyone in the neighborhood that is in favor of this connection. There is currently a lot of cut-thru traffic and the congestion at Lyon Drive is already heavy. He suggested that the connection not be made to the Palomar subdivision. He also said that he would like preserve the trees between the two neighborhoods.

Petitioner Rebuttal – Mr. Nicholson said that the tree line on Mangrove Drive is in the proposed tree protection area.

Commission Comments – There were concerns regarding the tree protection line on the northwest section of the subject property. There was concern that if the rezoning be granted; the agreement of the church will need to be finalized at either the preliminary subdivision plan or the final development plan. There was also a comment regarding the staff's recommendation of Almond Way to only be extended 140 feet instead of through the entirety of the property.

Zoning Action – A motion was made by Mr. Cravens, seconded by Mr. Berkley, and carried 10-0 (Brewer absent) to approve PLN-MAR-16-00003: TAYLORMADE REAL ESTATE, LLC (AMD), for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Cravens, seconded by Mr. Berkley, carried 9-1 (Brewer absent) to approve PLN-MJDP-16-00008: ETHINGTON & ETHINGTON PROPERTY, for the reasons provided by the staff

Waiver - A motion was made by Mr. Cravens, seconded by Ms. Richardson, carried 10-0 (Brewer absent) to approve PLN-MJDP-16-00008: ETHINGTON & ETHINGTON PROPERTY, for the following reason:

The applicant has demonstrated that the extension of Almond Way presents a special circumstance as it is a dedicated public road, serving only two driveways. The termination of Almond Way cannot be accomplished with a cul-de-sac or dedicated public road in the Palomar Hills subdivision and connectivity will be achieved with pedestrian connection.

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