

4. **BOTTS & CRAVENS HOMEBUILDERS, LLC ZONING MAP AMENDMENT & WILHITE PARK, UNIT 1B, SEC 1, LOTS 1 & 2 SUBDIVISION ZONING DEVELOPMENT PLAN**

Note: Mr. Cravens recused himself, and left the hearing at this time.

- a. PLN-MAR-17-00013: BOTTS & CRAVENS HOMEBUILDERS, LLC (6/4/17)*- petition for a zone map amendment from a Professional Office (P-1) zone to a Townhouse Residential (R-1T) zone, for 0.26 net and gross acre, for property located at 3500 and 3520 Arbor Drive (a portion of each).

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The 2015 Armstrong Mill Road West Small Area Plan (AMWSAP) is a plan for the revitalization of the 1900[±] acre area that recommends six goals. Eight designated neighborhood associations are included in the area encompassed by the Small Area Plan. The goals focus on improving safety; improving connectivity; promoting livable neighborhoods with housing choices (while maintaining the neighborhood form) and promoting green infrastructure; improving the quality of life and health including access to affordable and healthy food; and enhancing the sense of place by creating community spaces that foster social interaction and a sense of identity.

The petitioner proposes rezoning about one-quarter of an acre in order to correct a split-zoning condition that was not of their creation.

The Zoning Committee made no recommendation, due to lack of a quorum.

The Staff Recommends: Approval, for the following reason:

1. There has been an unanticipated change of a physical, social or economic nature within the immediate area since the Comprehensive Plan was adopted in 2013, and since the Armstrong Mill Road West Small Area Plan was adopted in 2015, which supports the requested rezoning to a Townhouse Residential (R-1T) zone. The change is the 2016 zone change to a Professional Office (P-1) zone that had the unintended consequence of impacting the existing R-1T zoning on the rest of the property. The result is that other provisions of the zoning Ordinance now apply – namely landscape and screening requirements established by Article 18 and the yard requirements when adjoining a more restrictive zone established by Article 15-3. These two provisions, as a result of the recent zone change, result in the developer losing 10-20% of the project's allowable density.
 2. This recommendation is made subject to the approval and certification of PLN-MJDP-17-00031: WILHITE PARK, UNIT 1B, SEC 1, LOTS 1 & 2, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. PLN-MJDP-17-00031: WILHITE PARK, UNIT 1B, SEC 1, LOTS 1 & 2 (6/4/17)* - located at 3500 and 3520 Arbor Drive.
(EA Partners)

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

1. Provided the Urban County Council rezones the property R-1T; 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. Department of Environmental Quality's approval of environmentally sensitive areas.
6. Denote: No building permit shall be issued unless and until a final development plan is approved by the Planning Commission.
7. Correct spelling on "Tree Inventory Map" and "Roll Curb".
8. Delete note #12.
9. Denote proposed lot size in site statistics.
10. Denote open space proposed per lot.
11. Provided the Planning Commission makes a finding on the access easement per Article 6-8.

Staff Zoning Presentation – Ms. Wade presented and summarized the staff report and recommendations for this zone change. She displayed several photographs of the subject property and the general area. She said that the subject property is within the River Park Neighborhood and the boundary of the 2015 Armstrong Mills Small Area Plan. She reviewed the past zoning history for this site, and the applicable recommendations of the 2013 Comprehensive Plan. She

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

said that there has been a significant physical, economic, or social change in the immediate area that wasn't anticipated. That was the P-1 zone change for the adjacent National Academy site. She also said that rezoning these two pieces to make their parcel all one zone is reasonable and the staff is recommending approval of this zone change.

Development Plan Presentation – Mr. Martin presented a rendering of this development plan, which was displayed, and he also handed out an updated staff report to the Commission with revised conditions, as follows:

The Subdivision Committee Recommended: **Approval**, subject to the conditions listed on today's agenda.

On April 14th, the applicant provided a revised submission to the staff addressing several conditions identified by the Subdivision Committee at their April 6th meeting. The staff can now offer the Planning Commission a revised recommendation for the conditions associated with this zoning development plan.

The Staff Recommends: **Approval**, subject to the following conditions:

1. Provided the Urban County Council rezones the property R-1T; 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. Department of Environmental Quality's approval of environmentally sensitive areas.
- ~~6. Denote: No building permit shall be issued unless and until a final development plan is approved by the Planning Commission.~~
- ~~7. Correct spelling on "Tree Inventory Map" and "Roll Curb".~~
- ~~8. Delete note #12.~~
- ~~9. Denote proposed lot size in site statistics.~~
- ~~6. 10. Denote Addition of open space provided on each proposed per lot in table.~~
7. 44. Provided the Planning Commission makes a finding on the use of an access easement, per Article 6-8 of the Subdivision Regulations.

Mr. Martin said this is a revised plan and he identified the access and drainage easements. He said that the required and provided open space (per lot) needs to be delineated on the plan. He also said that findings for the access easement had been distributed to the Planning Commission regarding the frontage for the subject property, as follows:

Proposed Finding relating to the revised access easement for PLN-MJDP-17-00031: Wilhite Park, Unit 1B, Section 1, Lot 1 & 2 (2nd AMD.)

Pursuant to Section 6-8(m) of the Subdivision Regulations relating to access easement standards, this Planning Commission finds that the application of requirements for public or private streets would be excessive due to existing site development and other reasons. The area covered by this development plan is a 2nd revision to a larger townhome development (DP 2013-67) that was approved with access easement use. Vehicular access is via an existing access easement, which functions as a driveway to lots 5-12. These units are already approved on a Certified Final Development Plan (MJDP-16-00038). The current Development Plan deals only with revising the zoning line. No further setback from the access easement is required. Requiring the existing access easement be converted into public or private street would be excessive.

Petitioner Presentation – Rory Kahly, representing the petitioner. He said the applicant is in agreement with the staff's recommendations.

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

Zoning Action – A motion was made by Mr. Berkley, seconded by Mr. Smith, and carried 9-0 (Drake absent; Cravens disqualified) to approve PLN-MAR-17-00013: BOTTS & CRAVENS HOMEBUILDERS, LLC, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Berkley, seconded by Mr. Smith, carried 9-0 (Drake absent; Cravens disqualified) to approve PLN-MJDP-17-00031: WILHITE PARK, UNIT 1B, SEC 1, LOTS 1 & 2, for the revised conditions provided by the staff along with findings:

The Staff Recommends: **Approval**, subject to the following conditions:

1. Provided the Urban County Council rezones the property R-1T; 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. Department of Environmental Quality's approval of environmentally sensitive areas.

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- ~~6. Denote: No building permit shall be issued unless and until a final development plan is approved by the Planning Commission.~~
- ~~7. Correct spelling on "Tree Inventory Map" and "Roll Curb".~~
- ~~8. Delete note #12.~~
- ~~9. Denote proposed lot size in site statistics.~~
- ~~6. 10. Denote Addition of open space provided on each proposed per lot in table.~~
- ~~7. 14. Provided the Planning Commission makes a finding on the use of an access easement, per Article 6-8 of the Subdivision Regulations.~~

Note: Chairman Wilson stated that Mr. Cravens has an interest in this case and that he recused himself for this discussion, and also did so at the Zoning Committee meeting held earlier this month.

