

1. ANDERSON COMMUNITIES, INC. ZONING MAP AMENDMENT & BAPTIST CHURCH AT ANDOVER PROPERTY ZONING DEVELOPMENT PLAN

- a. PLN-MAR-20-00007: ANDERSON COMMUNITIES, INC. (8/2/20)* - a petition for a zone map amendment from an Agricultural Urban (A-U) zone to a High Density Apartment (R-4) zone, for 8.62 net and gross acres, for property located at 3330 Todds Road (a portion of).

COMPREHENSIVE PLAN AND PROPOSED USE

The 2018 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. 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 applicant is seeking a zone change from the Agricultural Urban (A-U) zone to the High Density Apartment (R-4) zone for a portion of the property located at 3330 Todds Road. The applicant is seeking to develop a senior apartment complex that includes three (3) buildings, associated parking, and amenities. To complete this development, the applicant is seeking to extend Putter Lane as a public road, to an intersection with Todds Road. In addition to the apartments, the applicant is proposing to develop ten (10) single family dwellings, fronting on Andover Woods Lane.

The Zoning Committee Recommended: Referral to the full Commission.

The Staff Recommends: Postponement, for the following reasons:

1. The zone change application for the subject property, as proposed, does not completely address how they are meeting the Goals and Objectives of the 2018 Comprehensive Plan. The following Goals and Objectives require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. Theme A, Goal #4.c: Establish and promote road network connections in order to reduce police, EMS, and fire response times.
 - b. Theme D, Goal #1.b: Develop a viable network of accessible transportation alternatives for residents and commuters, which may include the use of mass transit, bicycles, walkways, ride-sharing, greenways and other strategies.
 2. The zone change application for the subject property, as proposed, does not completely address the development criteria for a zone change within the Enhanced Neighborhood Place Type, and the Medium-High Density Residential Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
 - b. B-SU11-1: Green infrastructure should be implemented in new development, is not applicable for this development.
 - c. C-LI7-1: Developments should create mixed-use neighborhoods with safe access to community facilities, green-space, employment, businesses, shopping, and entertainment.
 - d. A-DS1-2: Direct pedestrian linkages to transit should be provided.
 - e. A-DS4-1: A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided. (A-DS2, A-DN1, B-SU1, B-SU2, C-LI7, E-AC5).
 - f. D-CO2-2: Development should create and/or expand a connected multimodal transportation network that satisfies all users' needs, including those with disabilities.
 - g. A-EQ7-3: Community open spaces should be easily accessible and clearly delineated from private open spaces.
- b. PLN-MJDP-20-00020: BAPTIST CHURCH AT ANDOVER PROPERTY (8/2/20)* - located at 3330 TODDS RD., LEXINGTON, KY.
Project Contact: Barrett Partners

Note: The purpose of this development plan is to rezone the property.

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

1. Provided the Urban County Council rezones the property R-4; 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 and steep slopes.
7. Denote 25' setback adjacent to A-U zone on single family Lot #10.
8. Denote enhanced landscaping adjacent to single family lots.
9. Discuss vehicular access to Andover Woods Lane.
10. Discuss access to Todds Road and need for a waiver.

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

11. Discuss access points along Putter Lane cul-de-sac.
12. Discuss Placebuilder criteria.
 - a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
 - b. B-SU11-1: Green infrastructure should be implemented in new development, is not applicable for this development
 - c. C-LI7-1: Developments should create mixed-use neighborhoods with safe access to community facilities, green-space, employment, businesses, shopping, and entertainment.
 - d. A-DS1-2: Direct pedestrian linkages to transit should be provided.
 - e. A-DS4-1: A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided. (A-DS2, A-DN1, B-SU1, B-SU2, C-LI7, E-AC5).
 - f. D-CO2-2: Development should create and/or expand a connected multimodal transportation network that satisfies all users' needs, including those with disabilities.
 - g. A-EQ7-3: Community open spaces should be easily accessible and clearly delineated from private open spaces.

Chair Notes – Mr. Forester stated for the record that the Baptist Church at Andover is a client of the company that he works for, but they are not a client of his, there is not a financial relationship.

Staff Zoning Presentation – Mr. Baillie presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and aerial photographs of the general area. He said the applicant is proposing this zone change to develop a senior apartment complex that includes three buildings and ten single family dwelling units, associated parking, and amenities. He said that the structures will step down in intensity, from a five-story structure near the church, to a four-story structure, then to a three-story structure. The applicant is seeking to construct a total of 268 dwelling units for a proposed residential density of 31 dwelling units per net acre. To complete the residential development, the applicant is seeking to extend the stub street at Putter Lane and connect it with Todds Road. No cross access is proposed to Andover Woods Lane.

Mr. Baillie said that the subject property is located on the south side of Todds Road, which is classified as a minor arterial roadway and Forest Hill Drive, which is a collector street. It is mostly surrounded by residential zoning. He said that Andover Woods Lane is a frontage along this site and is considered to be part of this development. He stated that this was considered during the review of the rezoning in 2019 for Clover Properties, in which staff recommended disapproval and the Planning Commission recommended approval. The 2019 application then went forward to the Urban County Council who disapproved the proposed development, due to a lack of transition to the neighborhood, the proposed high density, and the access issues.

Mr. Baillie said that the applicant chose the Enhanced Neighborhood Place-Type and that they proposed a Medium-High Density Residential Development Type. The proposed place-type, development type, and zone are not appropriate at this location without certain elements, which the applicant is not currently proposing. He said there are two major concerns that staff has with this application. The first concern is proper and adequate connections to reduce police, EMS, and fire response times, which is a major element of the 2018 Comprehensive Plan. This is a best practice within planning when roadways are expanded and increasing densities. He said that the fire department would have a long and complex travel route to tend to this senior development should there be a road blockage. Additionally, there are 96 properties with one access, and Fire Services has indicated that typically with any new development they require two access points at 100 dwelling units. He said that staff believes that is imperative that there be another access point into this development.

The second concern is neighborhood integration. He said that the applicant is building a public street that connects Putter Lane to Todds Road, which will be discussed with a waiver request. He said that staff is concerned how individuals from the Andover Woods Lane section of this development can connect or interact with the proposed multifamily development. He pointed to the ten single family houses and said that they negate any possible connection that can be made from Putter Lane across to Andover Woods Lane, which would tie the two portions of the neighborhood together.

Mr. Baillie said that the staff is recommending disapproval for the following reasons:

1. The requested High Density Apartment (R-4) zone is not in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed development adds housing to a complex and long road system that acts as a cul-de-sac without adequate connections that are meant to reduce police, EMS, and fire response times (Theme A, Goal #4.c) and protect the health, safety and welfare of the Lexington community.
 - b. The proposed development does not create an integrated roadway and pedestrian system that allows for integration of the new development (Theme A, Goal #3).
 - c. The proposed development does not adequately meet the Comprehensive Plan's goals for connectivity for all modes of transportation (Theme A, Goal #3.b). By terminating the stub street into the proposed development and eliminating connections between Putter Lane and Andover Woods Lane, the applicant is reducing the availability of future connections and limiting connectivity.
 - d. The proposed development does not support the Complete Streets concept by integrating the apartment complex with the single family dwelling units, focused on a pedestrian-first design (Theme D, Goal #1.a).

- e. The proposed development has not provided adequate materials to address the Multi-Family Design Standards (A-DS3-1).
2. There have been no major changes of an economic, physical or social nature within the immediate area, which were not anticipated in the Comprehensive Plan adopted by the Commission and which have substantially altered the basic character of such area.
3. The applicant has not put forth a justification for why the current zoning is inappropriate and the proposed zoning is appropriate for the subject property. The goal of connectivity and the location of the site is heavily tied to the appropriateness of the High Density Apartment (R-4) zone. Without the availability of proper infrastructure, roadways and connectivity for all uses within the R-4 zone, the rezoning is not appropriate at this location.

Commission Questions – Mr. Nicol asked for a description of how the connectivity was shown to Andover Woods Lane in the previous zone change and what happened when it went before the Urban County Council. Mr. Baillie said that the original zone change was also for an R-4 zone, but with one large, four story structure, meant to serve senior apartments. He said that the main difference between the two applications is the connection from Putter Lane to Todds Road. The original application proposed an access easement and didn't have any connection to Andover Woods Lane. At that time, the staff was against not having that connection, which they reiterated to this applicant. Another difference is the style of the buildings; however, this application is proposing a higher density and the street connection to Todds Road. He said that the Planning Commission's determination was that the previous zone change was meeting elements of the 2013 Comprehensive Plan and the 2018 Goals & Objectives by being within character, buffered between the high and low density housing, and that the application provided some connections off of Forest Hill Drive and Todds Road. He added that the Urban County Council disapproved this application because of the relationship with the surrounding neighborhood and that it was out of context with the neighborhood. He reiterated the findings: that the proposed development did not respect the character and context of the area by not properly transitioning in height and massing of the proposed structure and the lack of transition of buffering from single-family residences to multi-family structures.

Mr. Penn asked for clarification of the staff's recommendations for this development. Mr. Baillie stated that the revised staff report recommends disapproval, mostly due to the lack of connectivity. Mr. Baillie added that the supplemental staff report should state that "The requested High Density Apartment (R-4) zone is not in agreement with the 2018 Comprehensive Plan's Goals and Objectives."

Development Plan Presentation – Mr. Martin presented the revised preliminary development plan associated with this zone change. He said that should this plan be approved, there will be a final development plan for this property, as well as a combined preliminary subdivision plan addressing the single-family homes. He said that when plans are reviewed by the staff, they are reviewed as if the zone change has been approved and in place. That is why there are different recommendations on the plans than on the proposed zone change. He added that the staff reviews the plan to see if it will meet the requirements of the Zoning Ordinance and the Land Subdivision Regulations.

Mr. Martin indicated that revised conditions were distributed to the Planning Commission, as follows:

1. Provided the Urban County Council rezones the property R-4; 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 and steep slopes.
7. Denote 25' setback adjacent to A-U zone on single family Lot #10 and along northeast property line.
- ~~8. Denote enhanced landscaping adjacent to single family lots.~~
- ~~9. Discuss Denote vehicular access to Andover Woods Lane shall be determined at the time of the Final Development Plan/Preliminary Subdivision Plan.~~
- ~~9. 10. Discuss access to Todds Road and need for a waiver. Provided the Planning Commission grants the requested waiver to the Land Subdivision Regulations Article 6-8 (g).~~
- ~~11. Discuss access points along Putter Lane cul-de-sac.~~
10. 42. Discuss Placebuilder criteria:
 - a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
 - b. B-SU11-1: Green infrastructure should be implemented in new development, is not applicable for this development
 - c. C-LI7-1: Developments should create mixed-use neighborhoods with safe access to community facilities, green-space, employment, businesses, shopping, and entertainment.
 - d. A-DS1-2: Direct pedestrian linkages to transit should be provided.
 - e. A-DS4-1: A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided. (A-DS2, A-DN1, B-SU1, B-SU2, C-LI7, E-AC5).
 - f. D-CO2-2: Development should create and/or expand a connected multimodal transportation network that satisfies all users' needs, including those with disabilities.
 - g. A-EQ7-3: Community open spaces should be easily accessible and clearly delineated from private open spaces.

He displayed a color rendering of the proposed development and pointed to Todds Road and the proposed Putter Lane extension, joining the existing Putter Lane, which provides access into the proposed development's parking area. He said that parking is primarily on the perimeter of the site, with one lot on the north end of the development. He said that the apartment buildings change in height, from a five-story structure near the church, to a four-story structure, then to a three-story structure, which allows the applicant to utilize this difficult site. He indicated the location of the detention area and the 10 single-family lots.

Mr. Martin said that the applicant is proposing 260 senior housing units along with the 10 single-family homes. They are required to have 195 parking spaces and they are proposing 206 parking spaces for this development. He said that the staff has a few standard conditions. Condition #7, the applicant needs to denote the 25-foot setback along the church boundary. Condition #8, in regards to vehicular access to Andover Woods Lane, which Mr. Baillie has explained about the appropriate access into this site. As Mr. Baillie stated, the applicant is providing pedestrian access, which will connect to a pedestrian system that serves the development.

Mr. Martin said that the applicant has requested a waiver with this proposal, which is for the distance between the intersection between Forest Hill Drive and Todds Road where they intend to extend Putter Lane. He said that the applicant is proposing to utilize the existing driveway entrance to the church as the access into this development. He said that the Subdivision Regulations states that a multi-family, high density use shall generally not be allowed to access a local street. He said that this is a remnant site surrounded by local streets. He said the original development had this entire neighborhood served by local streets, which connects to the collector street, Forest Hill Drive. He added that Forest Hill Drive then connects to Todds Road, which is a minor arterial road. He said that the Subdivision Regulations also state that high density residential is allowed access to minor arterials under the assumption that it will be a driveway, which will serve only that development. He said that staff utilized the formula for multi-family access on collector streets for the spacing based on the number of units and determined that this access point should be approximately 840 feet away from another access on to Todds Road. He said that the intersection of Forest Hill Drive is only 525 feet away from this proposed access point, which makes this waiver request for 315 feet. He said that the applicant also requested a waiver for the distance to Champions Way, which is approximately 80 feet. He added that the state had recently constructed turn lanes into the church property. He said that the staff is recommending approval of this development plan and the associated waiver request.

Commission Questions – Mr. de Movellan asked if the connection to Andover Woods Lane would have a significant impact on the traffic to Putter Lane. Mr. Martin said that the more access points available, the better traffic is dispersed, which then lessens the traffic impact on each street.

Mr. Pohl said that he was concerned about the approval of the waiver unless the additional access is part of it.

Mr. Nicol asked what would be the impact if the access to Andover Woods Lanes is not approved. Mr. Martin said that this is a preliminary development plan and that staff would like to keep the discussion of this access open, if this zone change is approved. He added that the property has legal access to Andover Woods Lanes as frontage. He said that the access to Todds Road is important because of health and safety concerns. He added that the Subdivision Regulations would allow a multi-family development to have an access drive to Todds Road.

Mr. de Movellan asked if condition #8 states "denote", and not "discuss". Mr. Martin said that it is "denote" and that it shall be determined at the time of the Final Development/Preliminary Subdivision Plan, because the staff would like to discuss this with the applicant.

Mr. Baillie added that the staff had received 12 letters of support and 7 letters of opposition, for this application.

Applicant Presentation – Mr. Dick Murphy, attorney, Tony Barrett, and Dennis Anderson were present. He said that this proposal is for senior housing, with 260 units, plus 10 single-family, detached units. He said that the buildings step down in height, as Mr. Baillie and Mr. Martin have mentioned. He said that per the 2017 Housing Survey, there is a great need for senior housing. He said that this development will be a 55 years and over housing community.

Mr. Murphy said that the previous development plan, from 2019, didn't have any vehicular or pedestrian connection to Andover Woods Lane. He said that this plan was approved by the Planning Commission, however the Urban County Council disapproved this zone change. He then displayed their proposed development plan and said that he believes that this proposal is utilizing the land better than the previous application. He said that they complete the development of Andover Woods Lane with the single-family homes. He said that Mr. Anderson had met with the neighborhoods many times, which resulted in the completion of Andover Woods Lane in a manor like the existing development. He also said that the most important factor from the Placebuilder process was that the neighborhood didn't want any vehicular access to Andover Woods Lane.

Mr. Murphy said that they are proposing to keep the access from Todds Road as a public street, which requires a waiver. He said that the single-family homes screen the adjacent neighborhood, and there are also garages along the tree line. He said that the

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

pedestrian connection is designed to encourage interaction between the church and this development. He displayed a plan depicting the pedestrian system and said that it connects from the church to each of their buildings, to Putter Lane, Andover Woods Lane, and to Todds Road. He believes that they have proposed good architectural design, which they have submitted a memorandum, at the request of the staff, detailing how they comply with the multi-family/multi-design standards. He said that it details the setbacks, materials, colors, building heights and landscaping. He said that they vary their roof shapes and include both private and community open space areas. He said that they have added a note regarding green infrastructure.

Mr. Murphy said that the road connection is the primary concern of the staff. He said that they are not making the connection because during the public engagement process and meeting with the neighborhood associations, they stated that they did not want any vehicular connection. He added that this not an issue of their development, since they have met the fire code standards by having two access points. He said that the issue is with the existing development, on Andover Woods Lane, and if they need to provide a connection to them to make the project compliant. He said that this proposed plan is acceptable to the neighbors and hopes that all of that process won't be disregarded at the time of the decision. He said that the only way to plan in this community is to have objective standards, which the case Snyder vs. Owensboro, states "the statute plainly contemplates the specific standards shall be set forth, rather than mere broad generalizations with regard to health, safety, morals and general welfare, or the use of such flexible terms as most advantageous development." Mr. Murphy displayed a map depicting the location of the nearest fire station and said that the distance is less than 0.6 mile from the proposed development.

Mr. Murphy cited comments from the residents, which stated, "the Andover Green Area has lasted this long without another point of ingress/egress. It will not suffer from not having a connection to Andover Woods Lane. Opening a connection will propose greater danger to the children that play in the area." Another resident stated, "Andover Hill has had to hire private security to supplement the police's presence because of the criminal activity in our community. We don't need another access into our neighborhood that may allow an additional increase in crime."

Mr. Murphy believes that they are in agreement with the 2018 Comprehensive Plan by expanding housing choices and prioritizing higher density and a mixture of housing types, providing safe and accessible housing to meet the needs of older citizens, supporting infill and redevelopment, ensuring the compatibility with the neighboring properties, providing adequate open space and private walking trails, and connecting the roadway system. He said that there will be van service available to the residents to supplement their mobility. He said that they also have the waiver request that Mr. Martin had presented, which is for the location of their access on Todds Road. He said that if the waiver is not approved, they would have less connectivity into the proposed development. He added that there was a variance filed for the setback along the A-U zone, which they will file with the Board of Adjustment (BOA), and a note will be added on the development plan. He also provided the Planning Commission and the staff with proposed Findings of Facts.

Commission Questions – Mr. Nicol asked Mr. Murphy if they have considered the staff's best practices and not supporting the neighborhoods concerns and removing two residential lots and creating a connection to Andover Woods Lane. Mr. Murphy said that since that was the primary concern of the neighbors that they needed to honor that. He said that after observing the previous zone change for this property where there was not a push for a connection by any neighbor and it also wasn't an issue with the Urban County Council. Mr. Anderson added that the connection was the major concern when he met with the neighborhoods and the church, prior to entering in a purchase agreement and is concern for the design of any development. He said that he believes that the connection to Andover Woods Lane is not needed. He added that there is a natural aesthetic to the land and a topographic change. It is approximately 8 feet lower than Andover Woods Road, so there would need be a ramp built to this development.

Mr. Bell commended the applicant for their compliance with Placebuilder and asked for comments from the Division of Fire & Emergency Services regarding this development. Captain Lengal said that they prefer wide streets and access points, but they do base their decisions on the Fire Code and this plan does meet their criteria. He said that Mr. Baillie was correct that they would accept that access point; however, it is not a requirement from the Division of Fire & Emergency Services.

Citizens in Favor – Tim Vanwingerden, 1894 Marlboro Drive, Member of Baptist Church at Andover, is in favor of this development because it meets the fire code and he believes that Anderson Communities has a proven track record of development. They have been very compliant and understanding with the neighborhood and the church.

Irvin Hurst, 3406 Country Club Drive, also speaking for his neighbor, Roger Hall, 3400 Country Club Drive. He said that he had submitted a letter to the staff. He said that Mr. Anderson has been very good with communicating with the neighbors regarding this proposed development. They have a lot of confidence in him and believe that he will develop something that will complement the neighborhood. He stated that the previous zone changes passed through the Planning Commission without any connection to Andover Woods Lane. He said that he and Mr. Hall both recommend approval of this development.

Ben Crowell, 916 Andover Woods Lane, also complimented Mr. Anderson for listening to the community and trusts him to do what is right for the community, the associations and for the church. He said that the police and fire don't require the additional access to Andover Woods Lane, why does the staff require it. He also asked why the staff wants increased traffic through a senior living development.

Bradley Sinclair, children's minister at Baptist Church at Andover, is looking forward to the senior development in their backyard and to build more relationships with.

Jackie Long, 651 Brookgreen Lane, president of Andover Neighborhood Association, said that the association generally supports this proposal, without any access to Andover Woods Lane. The neighborhood will have a very different opinion if access is granted through this process. She said that the neighborhood has hired private security and any connection will increase crime in their neighborhood.

Edward Schwarberg, 1000 Autumn Ridge Drive, senior pastor at Baptist Church at Andover, said that as a church this is a great opportunity for them to serve seniors. He believes this will bring a great contribution into the area. He also stated that Mr. Anderson expressed to him that he wants there to be a sense of community between this development and the church.

Susan Caudill, 980 Chetford Drive, supports the proposed plan and said the senior development would make a great community.

Julie, Huntersknoll Place, agrees with Jackie Long's comments regarding the development. She said that the intersection of Todds Road and the entrance to the church should have a traffic signal. She also thanked Mr. Anderson for his work with the community.

Jennifer Hackworth, 933 Andover Woods Lane, supports no access to Andover Woods Lane.

Dan Rose, attorney representing Baptist Church at Andover, supports this development as proposed. He said that any through traffic will be a disadvantage to the safety of the residents of this development. He agreed with Mr. Schwarberg that the church and this development will both benefit each other.

Citizens in Opposition– Michael Galavotti, 3601 Brookgreen Circle, asked for clarification of how a two-story home can screen a five-story building. He said that he doesn't agree that a five-story building is compatible with a residential neighborhood. He also doesn't agree that a development can be approved without meeting the building setbacks.

Chairman Forester said that those questions will be answered in the rebuttal part of today's hearing.

Applicant Rebuttal – Mr. Murphy said that Mr. Anderson has worked with the neighbors to create a plan that is acceptable to them, and that includes not having vehicular access to Andover Woods Drive. In regards to screening, he displayed elevation drawings, which depicted the single-family homes screening the taller buildings. He also said that there will be garages and a tree line to also screen the subject property. Regarding the access to Andover Woods Drive, the citizen comments were only a summary of the meetings that Mr. Anderson had with them. He believes that this proposal blends with the church.

Citizen Rebuttal – Julie said that she is in favor of the development but is concerned that the ten proposed houses will not have any screening from the five-story building and their property values may be lower, which could then lower the rest of the neighborhood.

Staff Rebuttal – Mr. Baillie said the previous zone change and development plan was an 8-1 vote to approve by the Planning Commission and an 8-4 vote to disapprove at the Urban County Council. He clarified that the Placebuilder is not just about public engagement. It also incorporates the Goals, Objectives and Policies outlined in the Comprehensive Plan. He added that it is inappropriate to disregard some of those aspects and to only focus on one of them. He said that the staff finds the neighborhood input imperative, the staff does offer best practices regarding the health, safety and welfare of the community.

Mr. Baillie said that the applicant depicted a pedestrian access into Andover Woods Lane, but it isn't integrated into their system. He said that the applicant presented the Snyder vs. Owensboro as a zone change case, which was actually a subdivision case. He said that the staff's recommendation for this zone change is based on the 2018 Comprehensive Plan, not on the Subdivision Regulations. He said that the applicant is making an argument against measurable metrics, by requesting a waiver to reduce measurable safety distance requirements. He added that this is not a review of the National Fire Safety Manual, but of compliance with the 2018 Comprehensive Plan. He said that staff has stressed that the applicant has missed their mark with very important aspects of the Comprehensive Plan by reducing the ability to create connectivity for police, EMS, and fire services by closing off access to Andover Woods Lane.

Mr. Baillie said that the applicant and the neighborhood has discussed vehicular access from Putter Lane to Andover Woods Lane; however, the staff seeking pedestrian access that connects the sites, and police, EMS, and fire services. He reiterated that staff is not looking for a main through-fare between the two areas.

In regards to the public comment about the recommending a development plan for approval when the setbacks are not being met, Mr. Baillie said that is the setback from the A-U zone to R-4 zone is a 25 foot setback. He said that the applicant is moving the application forward today and stated on the record, that they are seeking a BOA case.

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

Mr. Martin said that the applicant needs to note on the development the required 25 foot setback, but they will be able to seek relief from the BOA.

Mr. Martin emphasized to the Planning Commission that without the waiver and access to Todds road, this development would not meet the fire standards, or the Land Subdivision Regulations that states that a multi-family development should not access a local street.

Commission Questions – Ms. Plumlee asked if the staff is agreeable to the applicant's proposed pedestrian connectivity to Andover Woods Lane. Mr. Baillie said that the applicant has not integrated the two pedestrians systems. It is only a way to access Todds Road. He said that the staff is looking for a connection to tie the two portions of the neighborhood together.

Mr. Penn asked for clarification as to why the staff recommended this property should remain an A-U zone, on the original staff report. Mr. Baillie said that an R-4 zone could be appropriate when all of the associated infrastructure is included. He said that the applicant is requesting a very dense development on a site that is off of an arterial roadway and connecting only through a local street. He said that without providing some cross connectivity and not integrating it into the neighborhood, the staff is unable to find that the applicant is meeting the level of appropriateness for the R-4 zone. Mr. Penn said that the previous zone change that was denied by the Urban County Council, was also a proposed R-4 zone, and stated that density was not an issue with this property. Mr. Baillie affirmed.

Mr. Baillie said on the supplemental staff report, under the findings for disapproval, it should state High Density Apartment (R-4) zone and not Planned Neighborhood Residential (R-3) zone.

Commission Discussion - Mr. Bell said that he usually supports the staff, but with the comments from the neighborhood and the presentation, he is in support of the applicant's proposal.

Mr. Baillie stated that Tracy Jones, from the Department of Law, is present for any questions regarding findings.

Mr. Penn asked Ms. Jones if she had reviewed the applicant's proposed findings. Ms. Jones said that she had reviewed the findings. She said that if the Planning Commission is making their decision based on what the neighborhood has said, over the connectivity arguments from the staff, these findings could be appropriate. If there is an inclination to approve this application, she recommends excluding 2.q. and 2.t. from the applicant's proposed findings.

Mr. Nicol said he does value the neighbors' concerns above the staff's desire for a third connection in this instance.

Zoning Action – A motion was made by Mr. Nicol, seconded by Mr. Bell, and carried 9-1 (Pohl opposed) to approve PLN-MAR-20-00007: ANDERSON COMMUNITIES, INC., for the reasons provided by the applicant, which are as follows:

Based on the evidence and exhibits presented today, and the application materials submitted previously, this Planning Commission recommends approval of PLN-MAR-20-00007: Anderson Communities, for the following reasons:

1. The requested High-Density Apartment (R-4) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives for the following reasons:
 - a. Goal A.1 is to expand housing choices. Objective A.1.a. encourages creativity and sustainability in housing development, and Objective A.1.b. prioritizes higher density and mixture of housing types. This development will allow housing for a needed segment, senior housing, and it will supply higher density housing in a sustainable fashion in this location.
 - b. Objective A.1.c. calls for safe and accessible housing to meet the needs of older and/or disadvantaged residents. This development directly answers that need. It supplies 260 units of elderly housing.
 - c. Objective A.1.d. calls for opportunities for higher density development. Goal A.2. calls for support of infill and redevelopment throughout the Urban Service Area as a strategic component of growth. Objective A.2.a. calls for identification of areas of opportunity for infill, redevelopment and mixed-use development. This project directly meets those criteria.
 - d. Objective A.2.b. and A.2.c. call for ensuring compatibility with existing urban form and incorporating green space and open space into the project. This development utilizes a step down of development, adequate open space and private walking trails and numerous connections to surrounding areas of the neighborhoods.
 - e. Goal A.4.c. calls for connecting the road network. This development extends Putter Lane by a public street to the connection with Todds Road. The development allows multi-modal options that de-emphasize single-occupancy vehicle dependents. The development has pedestrian and bicycle connections to other areas in the neighborhood, and it is anticipated that the senior facility will provide transportation to other areas of the community.
 - f. Objective D.1.b. calls for developing a viable network of accessible transportation alternatives for residents and commuters, including bicycles, walkways and ride sharing. This proposal has numerous connections for bicycles, walkways and ride sharing to both the neighborhood to the north, the neighborhood to the south, and to Todds Road.
 - g. The development complies with Goal E.1. and Objective E.1.d. by allowing development on vacant land within the Urban Service Area and development of unutilized land. It assists with goal E.3., maintaining the current boundaries of the Urban Service Area.

2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
- a. The multi-family residential component will comply with the multi-family design standards. The continually varying wall planes, the step down in height, the use of multiple buildings instead of one large building and emphasis on screening surrounding uses are shown on the development plan. These design features will maintain an appropriate scale and context. Further details will be shown on the final development plan. A-DS3-1 and A-DS4-2.
 - b. The project will have a pedestrian-friendly atmosphere to encourage residents to get outdoors. All buildings are connected by sidewalks or walkways. The ground floors of the three senior residential buildings connect directly to the Church. In addition, there are sidewalks or walkways to the neighborhoods to the north and the south, and there are walkways through the Church property, connecting to Todds Road to allow access to shopping to the north and the recently rezoned Andover Club building to the south. A-DS5-3 and A-DS5-4.
 - c. The parking is buffered by inward facing garage structures and landscaping. In addition, the development utilizes the reduced parking allowed for senior housing, three spaces for every four dwelling units. A-DS7-1 and A-DS7-2.
 - d. As focal points, this development uses an on-site clubhouse and social area (in the middle building), and in addition, The Baptist Church at Andover is immediately adjacent. The Andover Club building, which has been rezoned to allow a commercial restaurant and similar uses, is within a five-minute walk, utilizing the sidewalks and walkways which the developer will construct across the property of The Baptist Church at Andover. A-DS10-1 and A-DS12-1.
 - e. This infill residential development increases the density in the area. A-DN2-1.
 - f. The development will utilize setbacks, screening, spacing, varying wall planes and use of multiple buildings along the edges of the surrounding neighborhood. A-DN2-2.
 - g. This development is located near neighborhood focal points, including The Baptist Church at Andover and the Andover Club building. It is within walking and biking distance of other commercial areas including the Brighton area. A-DN4-1.
 - h. This property does not have environmentally sensitive areas. B-PR9-1.
 - i. Opportunities for green infrastructure, such as bio swales or pervious pavement, will be explored at the final development plan. B-SUI 1-1.
 - j. This site is blessed with walkable options, including walking to the Church immediately adjacent, walking or biking one-half mile to the commercial properties on Man-o-War Boulevard, including the Brighton Place Shoppes, which includes restaurants, or a shorter walk to the Andover Club. We are connected by walking and biking sidewalks and trails to the neighborhood to the immediate north and to the neighborhood to immediate south. C-LI6-1 and C-LI7-1.
 - k. This development minimizes parking requirements, by utilizing the reduced parking requirements for elderly housing. C-PS 10-2 and C-PS 10-3.
 - l. Adjacent stakeholders have been consulted, and input regarding screening, addition of single-family detached residences, and vehicular and pedestrian connections have been included in the plan as the result of the Placebuilder public participation process. D-PL 7-1.
 - m. Adequate utility easements will be provided. The senior apartments will have full communication services. D-SP3-1.
 - n. The proposal fully meets the requirement of intensifying underutilized properties and developing underutilized gaps within neighborhoods. E-GR9-4.
 - o. This development provides linkages to transit and to adjacent properties. The development provides sidewalk and walkway pedestrian and bicycle access to the bus lines which operate on Man-o-War Boulevard. In addition, the project is planned to provide van access to residents. Multi-modal connectivity is provided through sidewalks and walkways, for bicycle and walking paths, to the adjacent residential areas to both the north and the south, and to Todds Road. This development provides separation from vehicles through sidewalks and also through walkways which are not adjacent to roadways. A-DSI-2, A-DS4-1, A-DS5-1 and A-DSS-2.
 - p. This development connects with the neighborhood through sidewalk, bicycle, vehicle and van access to the adjacent church, shopping in Brighton Place Shoppes and nearby neighborhoods and the Andover Club building. A-DS10-2.
 - ~~q. The only club street into the subject property, Putter Lane, will be connected to Todds Road. A-DS13-1.~~
 - r. Community centers are located within walking distance. In addition, walking paths are provide through the development. E-SU4-1.
 - s. The development provides a safe, separated multi-modal facility designed with the needs of seniors in mind. Some of the connectivity is provided by sidewalks adjacent to streets, and in addition on the southern portion of the property, there is a separate walkway to Todds Road which gives access to the Andover Club building. In addition, there are private walkways on the premises. D-CO 1-1, D-C02-1 and D-C02.
 - ~~t. The development provides access to Forest Hill Drive through the connection with Putter Lane. The development connects with Todds Road. The turn in Putter Lane acts as a traffic calming feature. The senior community will not need transportation to school sites. There are good sidewalk connections for the ten single family lots. The development to the south, the Andover Woods Lane area, has specifically requested that there be no vehicle connection. That area is below the threshold of 100 units which would indicate the need for a street connection. That standard is set forth in the NFPA Fire Code. D-C04-2, D-C04-3, D-C05-1 and D-SPI-3.~~
 - u. Stormwater detention will be provided on the lowest portion of the property. We have both private open space, including walkways on the premises, and we are accessible to other community functions through our connections to the sidewalks on Todds Road, and to the Andover Club site. A-DS4-3, A-EQ7-3, B-PR7-1 and E-GR3-1.

3. This recommendation is made subject to approval and certification of the accompanying preliminary development plan, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

Development Plan Action – A motion was made by Mr. Nicol, seconded by Mr. Bell, to approve PLN-MJDP-20-00020: BAPTIST CHURCH AT ANDOVER PROPERTY, with the conditions presented by the staff, removing condition #8.

Commission Discussion – Mr. Pohl said that he opposed this proposal because he believe that the pedestrian access could be better. He said that it would be better if the applicant could shift the pedestrian access to Andover Woods Drive to a more centralized location, to promote more connectivity between the two communities.

Mr. Forester said that this may be addressed at the time of the final Development Plan. Mr. Baillie confirmed. Ms. Wade said that the Placebuilder criteria should be changed to "Resolve." Mr. Martin agreed.

Vote – The motion carried 10-0 to approve PLN-MJDP-20-00020: BAPTIST CHURCH AT ANDOVER PROPERTY, for the following reasons:

1. Provided the Urban County Council rezones the property R-4; 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 and steep slopes.
7. Denote 25' setback adjacent to A-U zone on single family Lot #10 and along northeast property line.
- ~~8. Denote vehicular access to Andover Woods Lane shall be determined at the time of the Final Development Plan/Preliminary Subdivision Plan.~~
9. Provided the Planning Commission grants the requested waiver to the Land Subdivision Regulations Article 6-8 (q).
10. Resolve Discuss Placebuilder criteria:
 - a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
 - b. B-SU11-1: Green infrastructure should be implemented in new development, is not applicable for this development
 - c. C-LI7-1: Developments should create mixed-use neighborhoods with safe access to community facilities, green-space, employment, businesses, shopping, and entertainment.
 - d. A-DS1-2: Direct pedestrian linkages to transit should be provided.
 - e. A-DS4-1: A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided. (A-DS2, A-DN1, B-SU1, B-SU2, C-LI7, E-AC5).
 - f. D-CO2-2: Development should create and/or expand a connected multimodal transportation network that satisfies all users' needs, including those with disabilities.
 - g. A-EQ7-3: Community open spaces should be easily accessible and clearly delineated from private open spaces.

Waiver Action - A motion was made by Mr. Nicol, seconded by Mr. Bell to approve the waiver to Article 6-8(q) of the Land Subdivision Regulations for PLN-MJDP-20-00020: BAPTIST CHURCH AT ANDOVER PROPERTY, pertaining to the required local street access spacing for a collector / connector street.

Commission Discussion – Ms. Plumlee said that she doesn't like that the entire process of this development depends on this waiver. She stated that was not appropriate.

Vote - The motion carried 9-1 (Plumlee opposed) to approve the waiver request.

