

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

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

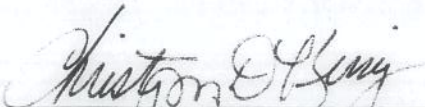
**RECOMMENDATION OF THE**  
**URBAN COUNTY PLANNING COMMISSION**  
**OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY**

**IN RE: MAR 2015-10: NORTH FORTY PROPERTIES, LLC** – petition for a zone map amendment from an Expansion Area Residential-1 (EAR-1) zone to an Expansion Area Residential-2 (EAR-2) zone, for 46.64 net (47.18 gross) acres, for property located at 1551 Deer Haven Lane (a portion of). (Council District 12)

Having considered the above matter on **July 23, 2015**, at a Public Hearing, and having voted **7-2** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL** of this matter for the following reasons:

1. The requested zone change is in agreement with the 2013 Comprehensive Plan, and in substantial agreement with the more detailed recommendations of the 1996 Expansion Area Master Plan, for the following reasons:
  - a. The 2013 Plan recommends increased residential densities, where appropriate, within the existing Urban Services Area. This proposed development is consistent with this theme.
  - b. The Clark Property, in its entirety, is recommended for Expansion Area Residential-1 (48± acres) and Expansion Area Residential-2 (134± acres), defined as 0-3 units/gross acre and 3-6 units/gross acre, respectively. This equates to a recommendation of between 403-953 residential units for that land area.
  - c. The petitioner proposes to utilize density averaging and clustering; therefore, Article 23A-2(m) of the Zoning Ordinance requires that the land be located within the same zoning category.
  - d. Across the entire Clark Property, a total of 879 dwelling units are now proposed (523 units in Units 1-3 and 356 units in Unit 4) for development, at an overall density of 4.80 dwelling units per gross acre, which remains in agreement with the EAMP, since up to 953 dwelling units are recommended by the EAMP for the Clark Property.
  - e. The petitioner intends to develop 403-807 units on the proposed Expansion Area Residential-2 portion of the property, at a density of 3-6 units/gross acre.
  - f. The greenway recommended by the EAMP is proposed on the corollary development plan filed in conjunction with this rezoning request.
  - g. The “park road” (Blackford Parkway) is proposed to be extended through the property to an intersection with Polo Club Boulevard, as recommended by the EAMP.
2. This recommendation is made subject to approval and certification of **ZDP 2015-52: Clark Property, Unit 4**, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of Planning Commission Approval.

ATTEST: This 12<sup>th</sup> day of August, 2015.

  
Secretary, Christopher D. King

**MIKE OWENS**  
CHAIR



Note: The corollary development plan, ZDP 2015-52: Clark Property, Unit 4, was approved by the Planning Commission on July 23, 2015, and certified on August 6, 2015.

K.R.S. 100.211(7) requires that the Council take action on this request by October 21, 2015.

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

OBJECTORS

- Susan Enlow, 2382 Walnut Grove Lane
- Marsha Stanhope, 2496 Walnut Grove Lane
- Elizabeth Booth, 1940 Deer Haven Lane
- Brandon Jacobs, 3416 Bay Springs Park
- David Booth, 1940 Deer Haven Lane

OBJECTIONS

- Concerned about the possible impact of the proposed development on the Greenbrier subdivision, and she believed that this request should have been postponed in order to allow nearby residents to learn more about the proposal.
- Did not believe that Greenbrier residents had received sufficient notice of the proposed rezoning.
- Believed that the EAR-1 zoning in the area was intended to serve as a buffer for nearby agricultural properties; and, as such, it should not be rezoned to EAR-2.
- Concerned that the proposed development would negatively impact his property by placing high-density development directly adjacent to his back yard.
- Believed that the petitioner's justification provided sufficient evidence to support the proposed rezoning; or that the Expansion Area Master Plan allowed for rezoning of properties that were recommended for EAR-1 zoning.

VOTES WERE AS FOLLOWS:

AYES: (7) Berkley, Cravens, Drake, Mundy, Richardson, Smith, and Wilson

NAYS: (2) Owens, Penn

ABSENT: (2) Brewer, Plumlee

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **MAR 2015-10** carried.

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