

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

IN RE: PLN-MAR-16-00016: BALL HOMES, INC. – a petition for a zone map amendment from Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 67.58 net (67.65 gross) acres, and to a High Density Apartment (R-4) zone, for 22.01 net (22.18 gross) acres, for properties located at 478 and 480 Squires Road. (Council District 7)

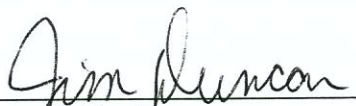
Having considered the above matter on **January 26, 2017**, at a Public Hearing, and having voted **8-1** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter for the following reasons:

1. The proposed Planned Neighborhood Residential (R-3) zone and High Density Apartment (R-4) zone is in substantial agreement with the 2013 Comprehensive Plan for the following reasons:
 - a. The Comprehensive Plan recommends *Growing Successful Neighborhoods* (Theme A, and Chapter 3), which encourages expanding housing choices that addresses the market needs for all of Lexington-Fayette County's residents (Goal #1b.); encourages infill, redevelopment and adaptive reuse that respects the area's context and design features (Goal #2a); and providing well-designed neighborhoods, including neighborhoods that are connected for pedestrian and various modes of transportation (Goal #3 and #3b.). The petitioner has proposed a mixture of residential dwelling unit types, including single-family, townhouses and multi-family dwelling units to meet the needs of the community at a density of 7.11 units per net acre. The corollary development plan also depicts the connection of collector streets and a shared-use path (Easthills Trail) between the Squires Trail and Jacobson Park.
 - b. The 2013 Plan recommends *Protecting the Environment* (Theme B and Chapter 4) by encouraging sustainable use of natural resources (Goal #2b.) and management of green infrastructure, which includes the protection of environmentally sensitive areas before development occurs. The petitioner has agreed to maintain a 25 foot buffer along the A-U zoning boundary, near the water's edge of Reservoir #4. This will protect the shoreline, reduce the risk of stormwater impacts to the reservoir, and help maintain a healthy ecosystem around one of Lexington's drinking water reservoirs.
 - c. The 2013 Plan recommends *Improving a Desirable Community* (Theme D and Chapter 6) by working to achieve an effective and comprehensive transportation system (Goal #1); providing for accessible community facilities and services to meet the health, safety and quality of life needs of residents and visitors (Theme D, Goal #2); and protecting and enhancing natural landscapes that give Lexington its unique identity and image (Theme D, Goal #3). The petitioner has worked to incorporate the planned share-use trail, preserve the aesthetic beauty of the area, and accommodate a Fayette County Public Schools middle school site. The school site will provide open space and serve as a focal point for the neighborhood.
 - d. The 2013 Plan recommends compact and contiguous development within the Urban Service Area (Theme E, Goal #1) and encourages development of vacant and underutilized parcels (Theme E, Goal #3), both of which are being met by the petitioner's proposal within the Urban Service Boundary.

2. This recommendation is made subject to approval and certification of PLN-MJDP-16-00040: The Peninsula, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following buffering restrictions are recommended for the subject property:
 - a. Along the boundary of the subject property which is shared with Kentucky American Water (Reservoir #4), there shall be a twenty-five (25) foot landscape buffer area established from the zone change boundary. Within the buffer area:
 - (1) all structures, including accessory structures, fences and play structures shall be prohibited;
 - (2) existing trees with a 3" caliper, or greater, shall be preserved, except for dead, diseased, hazardous trees or invasive species;
 - (3) all other trees may be removed only with the written consent of the Division of Environmental Services, if deemed to be necessary for the overall health of this environmentally sensitive area.

This buffer restriction is appropriate and necessary for the subject property in order to more fully protect the adjacent reservoir and to more fully implement the principles of the 2013 Comprehensive Plan.

ATTEST: This 10th day of February, 2017.


 Secretary, Jim Duncan

WILLIAM WILSON
 CHAIR

Note: The corollary development plan, PLN-MJDP-16-00040: THE PENINSULA, was approved by the Planning Commission on January 26, 2017 and certified on February 9, 2017.

K.R.S. 100.211(7) requires that the Council take action on this request by April 26, 2017.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Bill Lear and Nick Nicholson, Attorneys.**

OBJECTORS

- Mr. Nathan Billings, attorney for the nearby neighbors
- Dr. Daniel A Potter, Distinguished Research Professor at the University of Kentucky
- Mr. Steve Rice, 1729 Headley Green, Audubon Society of Kentucky
- Ms. Bridget Abernathy, Lexington-Fayette County Tree Board
- Mr. Walt Gaffield, Fayette County Neighborhood Council
- Ms. Heather Barras, 384 Squires Circle
- Mr. Patrick Wesolosky, President of the Bluegrass Bicycling Club
- Mr. Brian Olsen, 305 Shoreside Drive
- Dr. David Greenlee, 3205 Fox Chase Court
- Dr. Suzanne Bhatt, 1000 Rain Court

OBJECTIONS

- Represented the opposition views of the neighborhood.
- Spoke of the hazards of pests and pesticides.
- Spoke about loss of wildlife and trees.
- Spoke about riparian buffer disturbance and protection.
- Believes the proposed school would be exempt from the EPA Consent Decree requirements.
- Spoke about wildlife and increased traffic
- Double sidewalk trail would be unsafe for cyclists.
- Requested that the school be moved to another location.
- Street widths would be too narrow for emergency vehicles.
- Spoke about heavy equipment used to remove native species.

- Mr. Ken Cooke, 639 Cardinal Lane resident, member of the Friends of Wolf Run
- Mr. Addison Hosea, 3276 Hunters Point Drive
- Mr. Ramesh Baht, 1000 Rain Court
- Ms. Danita Hines, a resident near Jesse Clark Middle School
- Mr. Bob Kennedy, 3296 Buckhorn Drive, president of the nearby Neighborhood Association
- Mr. Tony Brusate, National Audubon Society
- Ms. Teresa Sutherland, 3268 Hunters Point Drive
- Ms. Marilyn Seiler, 3228 Cool Water Drive
- Ms. Beate Popkin, 124 Idle Hour Drive
- Mr. Ray Salsman, 1004 Fog Court
- Mr. Larry Ridenour, 3064 Roundway Down
- Mr. Scott Hiner, 3217 Foxchase Court
- Mr. Jeff Herrin, 3205 Buckhorn Drive
- Mr. Bob Williams, area resident
- Ms. Nancy Kennedy, 661 Squires Road
- Mr. Tom Kriegle, 433 Lakebow Court
- Ms. Rebecca Abner, representing her son residing at 636 Squires Road
- Ms. Helen Born, 1004 Rain Court
- Ms. Libby King, 3199 Dewey Drive
- Ms. Nancy Kruger, Della Drive
- Mr. David Saier, 3194 Dewey Drive
- Argued for a 50' buffer area from the water's edge.
- Spoke of drainage of pollutants and solids into the reservoir.
- Asked that a wall be constructed along the edge of the subject property.
- Spoke about protecting the public water system.
- Neighborhood currently suffers from "cut through" traffic and Squires Road cannot accommodate the proposed level of traffic.
- Spoke about bird species on this property.
- Spoke about increased on their neighborhood streets.
- Spoke about four-story apartments next to their two-story homes would be out of character with existing neighborhood.
- Asked that creative thinking be utilized to evaluate this development.
- Apartment complexes are very difficult to serve in emergencies.
- Native trees will be removed from the site.
- Spoke about bald eagles on the property.
- Zone change is inappropriate for this area.
- Worried about the treatment of this development along the water's edge.
- Spoke about increased traffic.
- Density should be reduced.
- Spoke about another "cookie-cutter" neighborhood being developed in the city.
- Property should be a bird sanctuary.
- Hoped the Commission would "do the right thing."
- Requested that the Commission review properties along the water's edge and in greenway areas carefully.
- Spoke about increased traffic.

VOTES WERE AS FOLLOWS:

AYES: (8) Berkley, Cravens, Drake, Mundy, Owens, Richardson, Smith and Wilson

NAYS: (1) Plumlee

ABSENT: (2) Brewer and Penn

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR 16-00016** carried.

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

