

ORDINANCE NO. 035-2022

AN ORDINANCE CHANGING THE ZONE FROM AN AGRICULTURAL RURAL (A-R) ZONE TO AN EXPANSION AREA RESIDENTIAL 1 (EAR-1) ZONE, FOR 21.616 NET (22.085 GROSS) ACRES, FOR A PORTION OF PROPERTY AT 2179 BAHAMA ROAD. (HART FAMILY ENTERPRISES, LLC; COUNCIL DISTRICT 12).

WHEREAS, at a Public Hearing held on March 24, 2022, a petition for a zoning ordinance map amendment for a portion of property located at 2179 Bahama Road, from an Agricultural Rural (A-R) zone to an Expansion Area Residential 1 (EAR-1) zone, for 21.616 net (22.085 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change by a vote of 8-0; 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 a portion of property located at 2179 Bahama Road, from an Agricultural Rural (A-R) zone to an Expansion Area Residential 1 (EAR-1) zone, for 21.616 net (22.085 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: May 5, 2022



MAYOR

ATTEST:


CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: May 12, 2022-1t

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

IN RE: **PLN-MAR-22-00002: HART FAMILY ENTERPRISES, LLC** – a petition for a zone map amendment from an Agricultural Rural (A-R) zone to an Expansion Area Residential 1 (EAR-1) zone, for 21.616 net (22.085 gross) acres, for a portion of property at 2179 Bahama Road. (Council District 12)

Having considered the above matter on **March 24, 2022**, at a Public Hearing, and having voted **8-0** 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 requested Expansion Area Residential 1 (EAR-1) zone is in agreement with the 2018 Comprehensive Plan, the 1996 Expansion Area Master Plan (EAMP), and the 2003 Greenbrier Small Area Plan for the following reasons:
 - a. The proposed project is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - i. The proposed rezoning will respect the design features of areas surrounding development to ensure compatibility with the existing form (Theme A, Goal #2.b.). The proposed lifestyle center will be consistent with the design and scale of the existing golf course facilities at this location.
 - ii. The proposed development will improve an existing neighborhood amenity (Theme A, Goal 3) by expanding the services provided to its members, allowing for additional activities to take place during the off-season.
 - iii. The proposed development will preserve the character of the existing neighborhood (Theme A, Goal #3.a.). The Greenbrier Golf and Country Club has been an integral part of the character of this neighborhood since its inception in 1971, and applicant's proposal will help ensure the future success of this neighborhood feature.
 - iv. The proposed development will retain the site's open and green space (Theme A, Goal #2.c.), limiting new construction to previously developed areas of the site.
 - b. The EAMP recommends Expansion Area Residential 1 (EAR-1) future land use for the subject property. The applicant has requested the EAR-1 zoning for the subject property, and is in agreement with the Plan's recommendation.
 - c. The Greenbrier Small Area Plan seeks to ensure the vitality and growth of the existing golf course use. The proposed rezoning will allow the Greenbrier Golf Course to increase the size and utility of the on-site facilities to ensure that the use can meet the community demand and continue to be an amenity for the neighborhood.
2. This recommendation is made subject to approval and certification of **PLN-MJDP-22-00005: Greenbrier Estates Golf Course, Unit 2J**, 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 15th day of April, 2022.


 Secretary, Jim Duncan

LARRY FORESTER
 CHAIR

Note: The corollary development plan, PLN-MJDP-22-00005: Greenbrier Estates Golf Course, Unit 2J was approved by the Planning Commission on March 24, 2022 and certified on April 7, 2022.

K.R.S. 100.211(7) requires that the Council take action on this request by June 22, 2022.

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

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (8) Davis, de Movellan, Forester, Meyer, Michler, Penn, Pohl, and Worth

NAYS: (0)

ABSENT: (3) Barksdale, Bell, Nicol

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of PLN-MAR-22-00002 carried.

Enclosures: Application
Justification
Legal Description
Plat
Staff Report
Developmental Snapshot
Applicable excerpts of minutes of above meeting

MAP AMENDMENT REQUEST (MAR) APPLICATION

1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)

Applicant: HART FAMILY ENTERPRISES LLC, 2179 BAHAMA ROAD, LEXINGTON, KY 40509
Owner(s): HART FAMILY ENTERPRISES LLC, 2179 BAHAMA ROAD, LEXINGTON, KY 40509
Attorney: Clifford Ashburner, 101 S. 5TH STREET, STE 2500, LOUISVILLE, KY 40202 PH: 502-419-7332

2. ADDRESS OF APPLICANT'S PROPERTY

2179 BAHAMA ROAD (A PORTION OF), LEXINGTON, KY 40509
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3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY

Zoning	Existing Use	Zoning	Requested Use	Acreage	
				Net	Gross
A-R	GOLF COURSE	EAR-1	CLUB SPACE	21.616	22.085

4. EXISTING CONDITIONS

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

5. URBAN SERVICES STATUS (Indicate whether existing, or how to be provided)

Roads:	LFUCG
Storm Sewers:	LFUCG
Sanity Sewers:	LFUCG
Refuse Collection:	Private
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





January 31, 2022

Larry Forester, Chair
Lexington Fayette Urban County Planning Commission
101 E. Vine St., #700
Lexington, KY 40507

Re: Greenbrier Golf and Country Club, Inc.

Dear Larry:

Our firm represents Hart Family Enterprises, LLC and Greenbrier Golf and Country Club, Inc. (the "Club"), which propose to rezone a portion of the Club property located at 2179 Bahama Road (the "Subject Property") from A-R to EAR-1 in order to allow for the addition of a lifestyle center to add offerings to current members of the Club. The proposed lifestyle center has already been approved through the granting of a conditional use permit by the LFUCG Board of Adjustment in PLN-BOA-21-00046 under Section 8-1(d)27 of the LFUCG Zoning Ordinance. Section 8-1(d)27 limits the expansion of a golf course in the A-R zoning district to 10,000 square feet beyond the square footage in place in 1995. The recent CUP approval was conditioned on the Club demolishing certain maintenance buildings in order to maintain the 10,000 cap. The Club is making this application in order to allow for the construction of the lifestyle center and the maintenance of existing buildings on club property.

The proposed change in zoning complies with the Goals and Objectives of Imagine Lexington, specifically Theme A, Goal 2 and its Objectives, Theme A, Goal 3 and its Objectives, Theme E, Goal 1, Goal 3, and Goal 4, and their Objectives. The proposed change in zoning will allow the Club to continue to be an amenity in the Greenbrier neighborhood and to do so without creating an opportunity for overdevelopment within the neighborhood.

The Subject Property is part of the larger Greenbrier Estates neighborhood, which was developed outside of the Urban Service Area. In 1996, expansion of the Urban Service Area was studied, including relatively detailed study of the Greenbrier area, an effort that created the Expansion Area Master Plan. The Expansion Area Master Plan recommended that the Greenbrier area be rezoned to EAR-1, a zone which is limited, per the Expansion Area Master Plan, to residential uses and golf courses. An area-wide rezoning was proposed but failed, leaving the Club property and adjacent properties zoned A-R. The proposed change in zoning to

EAR-1 for the addition of the lifestyle center is consistent with the Expansion Area Master Plan recommendation and the prior rezoning effort.

The Subject Property was part of the Greenbrier Small Area Plan in 2003 (the "Greenbrier SAP"). The Greenbrier SAP involved an extensive public engagement process in order to understand concerns of the community since the adoption of the Expansion Area Master Plan and failed zoning effort and to create potential solutions. Among the goals of the Greenbrier SAP was to allow for the continued vitality of the Club. It was recommended in the Greenbrier SAP that the Club property be rezoned to EAR-1 or, in the alternative, that language be included in the A-R zone that would allow for the expansion of buildings on the Club Property. To date, this change to the A-R zoning regulation has not been implemented. Both the Expansion Area Master Plan and the Greenbrier SAP include maintaining the vitality of the Club as a goal but differ somewhat as to the best method to achieve that shared goal. Due to the lack of a prior solution being implemented, the Club now proposes to rezone the Subject Property to allow for the construction of the lifestyle center while retaining the A-R zoning on the rest of the Club property.

Any change in zoning must either comply with the Comprehensive Plan or satisfy other factors set forth in KRS 100.213. The proposed rezoning complies with Imagine Lexington and should be approved.

A review of The Placebuilder indicates that the Place-Type that applies to the Subject Property is Enhanced Neighborhood and the Development Type is best characterized as Low Density Non-residential. The Placebuilder does not recommend EAR-1 as an appropriate zone within the text of the document itself. However, as set forth above, both the Expansion Area Master Plan and the Greenbrier SAP recommend EAR-1 as an appropriate zone for the Subject Property.

Several of the Development Criteria within the Enhanced Neighborhood section of The Placebuilder do not apply to the proposed development.¹ This Justification will address the Development Criteria that apply to all development and to the proposed lifestyle center specifically.

The proposed change in zoning complies with Development Criteria A-DS4-2 and D-PL2-1 because the proposed development is an addition to the existing Club operation designed to serve its existing members with new amenities. The proposed lifestyle center will contain a fitness center and indoor golf practice facilities. The proposed lifestyle center will be located

¹ Development Criteria A-DS10-1, A-DS12-1, A-DN2-1, A-DN3-1, A-DN3-2, C-L16-2, D-SP9-1, E-GR9-1, and E-GR9-3 apply to new residential development exclusively. Development Criteria A-DS11-1, A-EQ7-1, D-SP1-1, D-SP2-1, D-SP1-3, D-SP2-2, and D-SP1-2 apply to schools. Development Criteria C-L1-1, C-DI1-1, C-DI5-1, C-PS9-2, C-PS10-2, C-PS10-3, D-SP3-1, D-SP3-2, E-GR10-2, E-GR10-3 apply to commercial uses exclusively. Development Criteria A-DS13-1, D-CO1-1, D-CO2-1, D-CO2-2, D-CO4-1, D-CO4-2, D-CO4-3, and D-CO5-1 apply to proposed new roads and road connections, which are not part of this application. Development Criteria D-PL9-1 and E-GR5-1 apply to historical preservation exclusively. Development Criteria A-DS7-1, A-DS7-2, C-PS10-1, A-DS1-2, A-DN2-2, A-DS1-1, A-DS10-2, B-SU4-1, B-SU11-1, B-PR2-2, B-PR2-3, B-PR7-1, B-PR7-2, B-RE2-1, B-PR7-3, B-RE1-1, D-PL10-1, E-GR3-2, and E-GR3-1 do not apply to the proposed change in zoning.

January 31, 2022

Page 3

within the existing clubhouse area, between the existing clubhouse and the pool. The building will fit in with the other buildings on the club campus, as demonstrated by the previously-granted CUP approval.

The Club consulted with the surrounding neighborhood organizations through meetings with each directly affected neighborhood, including Greenbrier, Ashford Oaks, and Briercroft. A follow up letter, attached to this application, was circulated by the affected neighborhood organizations with an invitation for anyone interested to contact the Club directly with questions. This public engagement effort complies with Development Criteria D-PL7-1.

The proposed change in zoning complies with Development Criteria A-DS5-3, A-DS5-4, A-DS1-2, A-DS4-1, A-DS5-1, A-DS4-3, D-SP6-1, A-DS5-2, A-DS5-4, B-PR2-1, B-PR9-1. The proposed development will use the existing infrastructure serving the Club and will connect with the existing sidewalks in the neighborhood. Due to its location on the Club property, the proposed development will minimize disturbance of any environmentally sensitive areas. The proposed building will work within the existing landscape of the Club, allowing the Club to offer additional amenities near the clubhouse and pool.

The proposed change in zoning complies with Development Criteria E-GR4-1, E-GR9-2 and E-GR9-4 because it will allow the club to use its existing buildings efficiently and will allow the addition of a low intensity non-residential use in the Greenbrier neighborhood. The proposed development will also intensify the use of the Club property in a way that enhances the surrounding Greenbrier neighborhood by providing year-round use options for the Club property.

The proposed change in zoning complies with Development Criteria A-EQ7-3 because the proposed lifestyle center will be integrated into the Club complex.

The proposed change in zoning complies with Imagine Lexington, the Expansion Area Master Plan and the Greenbrier SAP. It will allow for the Club to operate in a way that will add to its offerings while protecting the larger Greenbrier neighborhood from overdevelopment. For the reasons set forth in this letter, the proposed rezoning should be approved.

Sincerely,



Clifford H. Ashburner

CHA/vm

**Hart Family Enterprises, LLC
2179 Bahama Road
Lexington, KY 40509**

January 31, 2022

**Harold Baillie
Planner Senior
Lexington Fayette Urban County Planning Department
101 E. Vine St., #700
Lexington, KY 40507**

Dear Hal,

By this letter, I am providing the consent of Hart Family Enterprises, LLC to the change in zoning application affecting a portion of the property at 2179 Bahama Road.

Sincerely,



Larry B. Hart

HART FAMILY ENTERPRISES, LLC (PLN-MAR-22-00002)

2179 BAHAMA ROAD

Rezoning the property to allow for the expansion of the existing Greenbrier Country Club facilities (lifestyle center).

Applicant/Owner

HART FAMILY ENTERPRISES, LLC
2179 Bahama Road
Lexington, KY 40509
clifford.ashburner@dinsmore.com



Application Details

Acreeage:

21.616 net (22.085 gross) acres

Current Zoning:

Agricultural Rural (A-R) zone

Proposed Zoning:

Expansion Area Residential 1 (EAR-1) Zone

Description:

The applicant is seeking to rezone the property to allow for expansion of the existing Greenbrier Country Club facilities. The proposed "lifestyle center" will provide amenities for the members of the club.

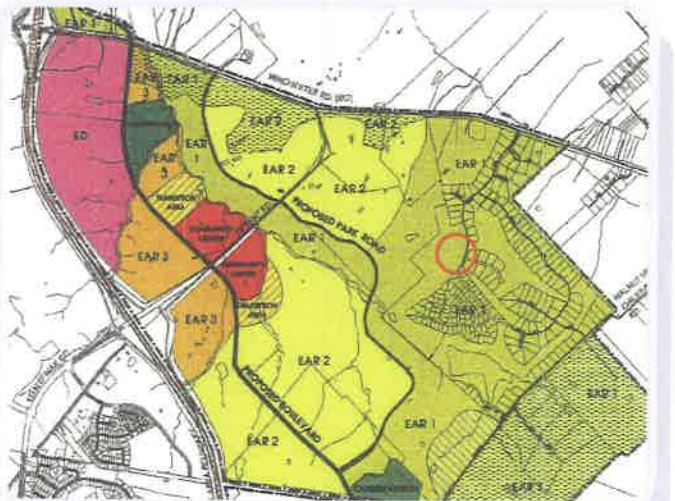


Public Engagement

- The applicant met with the surrounding neighborhood organizations, including the Greenbrier, Ashford Oaks, and Briercroft neighborhood associations to provide information regarding the project and receive input.

Status

- Public Engagement
- Pre-Application Meeting
- Application Review
- Planning Staff Review
- Technical Review Committee
- Zoning/Subdivision Committee Meetings
- Planning Commission Hearing
- Urban County Council Meeting



DISCLAIMER: Plans are subject to change. Visit the Accela Citizen Portal (lexingtonky.gov/plans) or contact Planning for the latest information.

ZONE CHANGE LEGAL DESCRIPTION

of

Hart Family Enterprises, LLC

Portion of 2179 Bahama Road

Deed Book, Page 3035, Page 315

being a portion of

Tract 2 of the Greenbrier Estates Golf Course Unit 2J subdivision

as recorded in

Plat Cabinet D, Slide 332

Zone Change A-R to EAR-1

Lexington, Fayette County, Kentucky

Being a parcel of land in the city of Lexington, Fayette County, Kentucky lying approximately 3,200 feet south, more or less, from the centerline of the intersection of Winchester Road (US 60) and Bahama Road, and being more particularly described as:

Beginning at a point in the center of Bahama Road, said point being the corner of the existing EAR-1 Zone, and said point having approximate Kentucky State Plane Coordinates of $N(Y) = 192,367'$, $E(X) = 1,601,620'$;

thence with the center of Bahama Road with a curve turning to the right with an arc length of 175.89 feet, with a radius of 1145.92 feet, with a chord bearing of South $10^{\circ}17'10''$ East, and with a chord length of 175.72 feet, to a point;

thence continuing with the center of Bahama Road with a compound curve turning to the right with an arc length of 513.63 feet, with a radius of 1,145.92 feet, with a chord bearing of South $06^{\circ}57'06''$ West, and with a chord length of 509.34 feet, to a point;

thence leaving the centerline of the road and across the same, North $70^{\circ}12'27''$ West a distance of

30.00 feet to a point in the west right-of-way of Bahama Road;

thence leaving said right-of-way and with a new line through 2179 Bahama Road for seven calls:

with a curve turning to the right with an arc length of 55.43 feet, with a radius of 119.96 feet,
with a chord bearing of North 55°08'09" West, with a chord length of 54.94 feet, to a point;

thence North 41°53'52" West a distance of 88.27 feet to a point;

thence South 55°05'10" West a distance of 198.18 feet to a point;

thence South 29°28'09" West a distance of 109.21 feet to a point;

thence South 42°40'10" West a distance of 780.39 feet to a point;

thence with a curve turning to the right with an arc length of 308.84 feet, with a radius of 113.75
feet, with a chord bearing of North 59°32'45" West, with a chord length of 222.34 feet, to a
point;

thence North 45°16'22" West a distance of 25.24 feet to a point, said point being the northeast
corner of Gregory & Tracey Pope (Deed Book 3389, Page 496; 3080 Bobwhite Trail);

thence with the line of said Pope, North 45°16'22" West a distance of 24.93 feet to a point, said
point being the southeast corner of Firaz Benyamine Badin and Dyala Hejazi (Deed Book 3874,
Page 201; 3084 Bobwhite Trail);

thence with said Badin and Hejazi, North 47°12'53" East a distance of 218.88 feet to a point;

thence continuing with said Badin and Hejazi, then with M&L Development (Deed Book 2840, page 394; 3314 Feliciana Lane), then with Norma Hope Baker (Deed Book 3883, Page 374; 3092 Bobwhite Trail), then with Norma Hope Baker (Deed Book 3885, Page 205; 3096 Bobwhite Trail), then with Bryan D. & Chasity Ann Raisor (Deed Book 3414, Page 547; 3100 Bobwhite Trail), North 44°25'57" West a distance of 514.99 feet to a point;

thence with said Raisor then with Jason L. Justice (Deed Book 2028, Page 651; 6800 Man O War Boulevard), North 48°34'23" East a distance of 934.68 feet to a point;

thence leaving said Justice and with the southern line of Townhomes of Greenbrier Homeowners Association, Inc. (Deed Book 3234, Page 150; 2201 Bahama Road), South 12°19'52" East a distance of 45.06 feet to a point;

thence continuing with said Association, North 77°08'32" East a distance of 274.28 feet to a point;

thence leaving the line of said association and with the existing EAR-1 zone line, South 86°23'57" East a distance of 60.00 feet to a point;

thence continuing with the existing EAR-1 zone line, North 79°03'42" East a distance of 272.59 feet to a point in the west right-of-way of Bahama Road;

thence continuing with the existing zone line and through said right-of-way, North 79°03'42"

East a distance of 30.07 feet to a point in the centerline of Bahama Road;

which is the Point of Beginning, having a Gross area of 962,029.0 square feet or 22.0851 acres and a Net area of 941,584.7 square feet or 21.6158 acres.

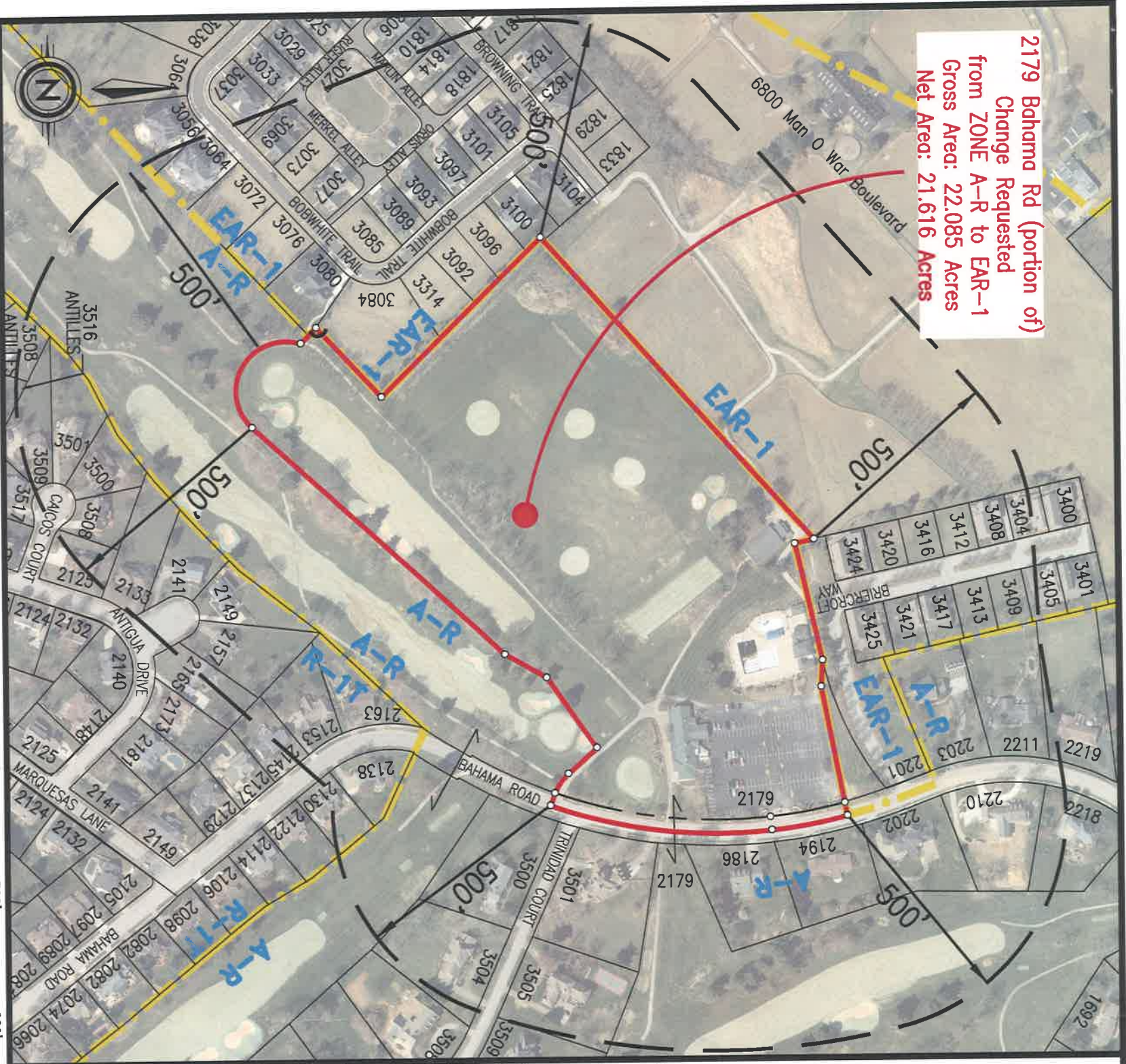
The bearings and coordinates hereon are based on Kentucky State Plane North Zone, North American Datum of 1983 (NAD '83-US Feet). Particularly, the bearings and coordinates are based on a GNSS Survey Utilizing a Trimble R6 GNSS Receiver and the KYTC VRS System.

The description above being based on actual ground survey and compilation of recorded plats and deeds of the property conducted under the direct supervision of Kevin Phillips (PLS 3350), of Endris Engineering, 771 Enterprise Drive, Lexington, Kentucky concluding on January 13, 2022.

Kevin M. Phillips (PLS 3350)
Endris Engineering, PSC
771 Enterprise Drive
Lexington, KY 40510

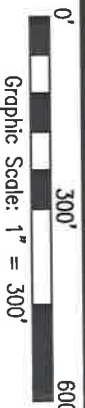
01-20-2022
Date

2179 Bahama Rd (portion of)
Change Requested
from ZONE A-R to EAR-1
Gross Area: 22.085 Acres
Net Area: 21.616 Acres



NOTIFICATION AREA MAP

PREPARED BY:

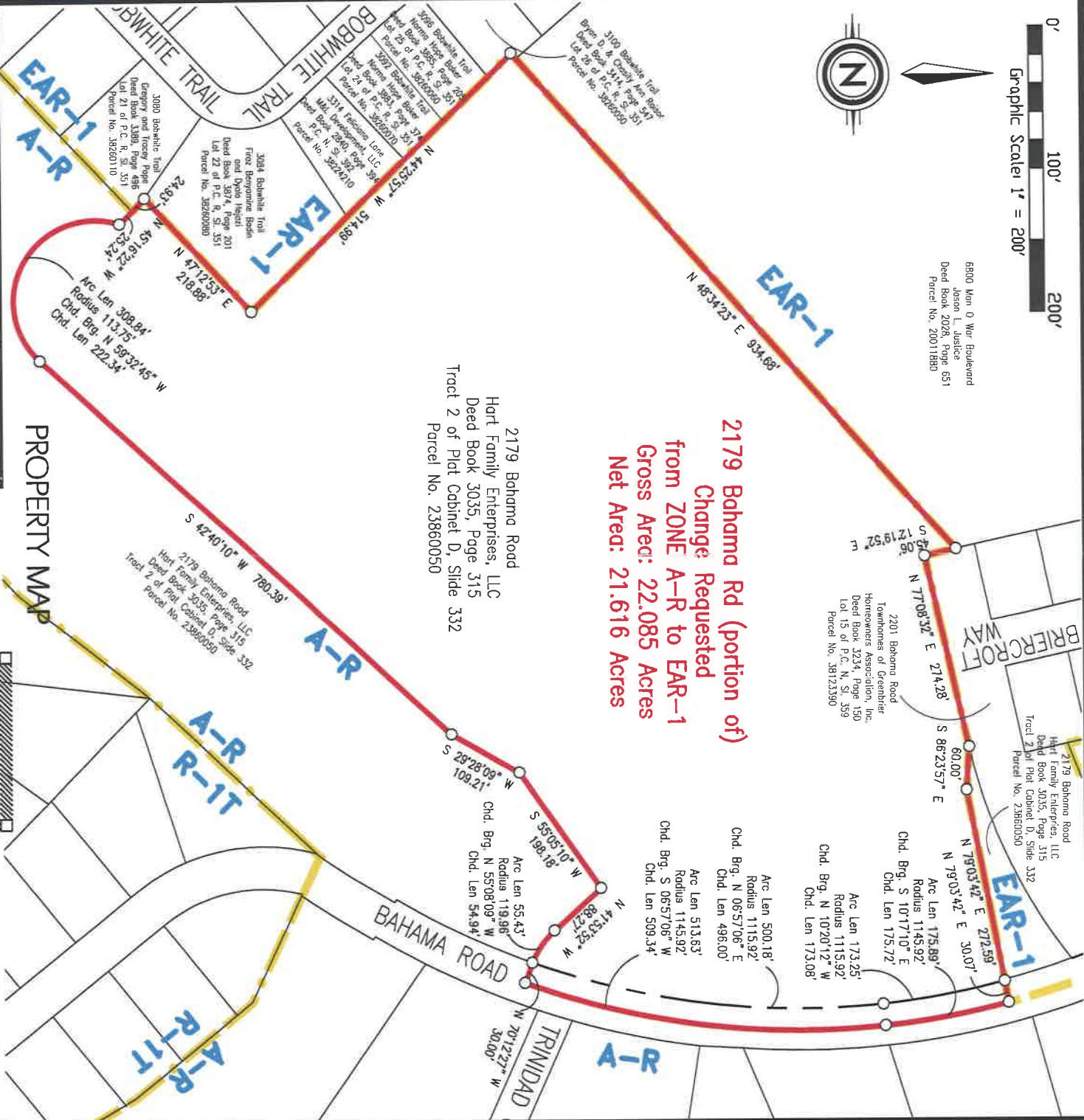
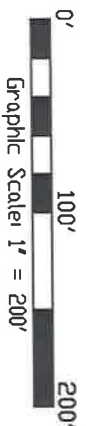


E E ENGINEERING
 771 ENTERPRISE DRIVE
 LEXINGTON, KY 40510
 PH: 859 253-1425
 FAX: 859 233-1436

Land Surveyors • Construction Layout • GPS

LEGEND

Corner Point (Not monumented)



PROPERTY MAP



SITE



FROM	TO	NET	GROSS
A-R	EAR-1	21.616 Acres	22.085 Acres

TITLE: Greenbrier Estates Golf Course Unit 2J
ADDRESS: 2179 Bahama Road (a portion of)
APPLICANT: Hart Family Enterprises, LLC
OWNER: Hart Family Enterprises, LLC
DATE FILED OR AMENDED: January 31, 2022

STATE OF KENTUCKY
KEVIN M. PHILLIPS
 3350
 LICENSED PROFESSIONAL LAND SURVEYOR
 01-31-2022

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-22-00002: HART FAMILY ENTERPRISES, LLC

DESCRIPTION OF ZONE CHANGE

Zone: From an Agricultural Rural (A-R) zone
Change: To an Expansion Area Residential 1 (EAR-1) zone
Acreage: 21.616 net (22.085 gross) acres
Location: 2179 Bahama Road (a portion of)



EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	A-R	Golf Course
To North	EAR-1	Agricultural & Residential
To East	EAR-1	Single Family Residential
To South	R-1T	Single Family Residential
To West	EAR-1	Single Family Residential

URBAN SERVICE REPORT

Roads - The subject property fronts on Bahama Road, a two lane local road. Bahama Road intersects with Winchester Road (KY 60), a major arterial roadway, approximately a ½ mile north of the subject property. In this vicinity, Winchester Road narrows to a two-lane highway as it proceeds east from the I-75 interchange.

Curb/Gutter/Sidewalks - Bahama Road has been constructed with curb and gutter. Sidewalk facilities are present along the eastern portion of Bahama Road; however, they are not present on along the western portion of Bahama Road.

Utilities - All utilities, including natural gas, electric, water, phone, cable television, and internet are available in the area, and are available to serve future development.

Storm Sewers - This portion of the subject property is primarily located within the North Elkhorn Creek watershed. A small portion of the site's parking lot is located within the David creek watershed. The Greenbrier Subdivision was built with minimal stormwater facilities due to its location in the rural service area at the time. There are no known FEMA Special Flood Hazard Areas or known flooding issues within the immediate area.

Sanitary Sewers - The subject property and surrounding residential uses located within the North Elkhorn Sewershed and are served by the Town Branch Wastewater Treatment facility located off of Lisle Industrial Avenue.

Refuse - Refuse collection is provided by the Urban County Government to this portion of the Urban Service Area on Tuesdays. Commercial developments often necessitate supplemental service, which is supplied by private refuse contractors.

Police - The nearest police station to this location is the Central Sector Roll Call Center on Industry Road, near the interchange of Winchester Road and New Circle Road, approximately 4.25 miles west of this location.

Fire/Ambulance - The nearest fire station (No. 17) is located approximately 1.3 miles northeast of the subject property at the intersection of Winchester Road and Royster Road in the Rural Service Area. In addition, Fire Station No. 21 is located about 2.75 miles southwest of the subject property on Mapleleaf Drive, just south of Man o' War Boulevard. A new fire station is planned on Polo Club Boulevard, south of Winchester Road.

Transit - There is no LexTran service available within close proximity of the subject property.

Parks - There are no public parks within proximity of the subject property.

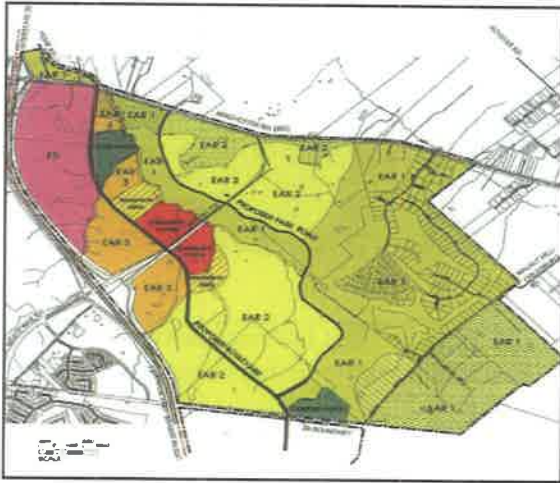
SUMMARY OF REQUEST

A petition for a zone map amendment from an Agricultural Rural (A-R) zone to an Expansion Area Residential 1 (EAR-1) zone, for 21.616 net (22.085 gross) acres, for a portion of property at 2179 Bahama Road.

PROPOSED ZONING



This zone is intended to provide a mixture of low density residential uses which will serve as a transition between the more intensely developed suburban neighborhoods and the Rural Service Area.



EXPANSION AREA

Expansion Area 2 is an area of approximately 4,213 acres of land which is located between Winchester Road and the western end of Jacobson Reservoir. The future land use element divides Expansion Area 2 into three subareas - Expansion Area 2a, Expansion Area 2b and Expansion Area 2c. Expansion Areas 2a and 2b are envisioned to have a full range of housing densities including low-, medium- and high-density; lands for economic development, and community centers. The western most portions of Expansion Area 2a were recommended as a primarily low density residential area that would serve as a buffer between the higher density residential and community center uses along Man O War Boulevard and Winchester Road, and the rural land uses to the north and east.

PROPOSED USE



The applicant is rezoning the property to allow for the operation of a 14,789 square-foot amenity space or “lifestyle center” as an accessory use to the existing Greenbrier Golf Course at this location. The lifestyle center will include additional amenities for the club members, including a health spa, exercise facilities, children’s areas, and electronic golf simulations.

APPLICANT & COMMUNITY ENGAGEMENT



According to the submitted justification letter, the applicant conducted neighborhood meetings with the Greenbrier, Ashford Oaks, and Briercroft neighborhoods. In addition, letters were given to the respective neighborhood groups by the applicant detailing the request and inviting the residents to reach out with any questions or concerns.

PROPERTY & ZONING HISTORY



The subject property is a large, 163.66 acre parcel that is zoned Agricultural Rural (A-R), and has been the location of Greenbrier Golf Course and Country Club since 1971. Prior to 1971, the subject property had been a large tract of undeveloped farmland. Over time, the Greenbrier Golf Course and Country Club has expanded, receiving conditional use permits in 1996 (CV-1996-5: Hart Properties/Greenbrier) and 2021 (BOA-21-00046: Hart Family Enterprises, LLC) to allow facility expansions which include a driving range, swimming pool, golf pro shop, and storage buildings.

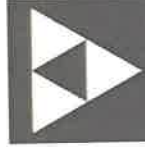
In 2004, the Greenbrier ND-1 Overlay Zone was created, establishing additional zoning restrictions and development criteria for the subject property and the adjacent Greenbrier Neighborhood. While no restrictions were recommended for the Greenbrier Country Club, the property was included to maintain the neighborhood character should the golf course redevelop in the future.

Under the property’s current A-R zoning, the Greenbrier Golf Course is restricted to a total of 10,000 square-foot of additional structure space. Due to the prior development at this location, this restriction would require



the applicant to remove existing storage buildings in order to accommodate the proposed lifestyle center expansion. This restriction is not present in the Expansion Area Residential 1 (EAR-1) zone, which permits a golf course as a principal use. The applicant is seeking to rezone a portion of the subject property to EAR-1 in order to allow for the operation of the lifestyle center while retaining all existing structures.

COMPREHENSIVE PLAN COMPLIANCE



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.

EXPANSION AREA MASTER PLAN

In 1996, the subject property was added to the Urban Service Area with the approval of the Expansion Area and adoption of the Expansion Area Master Plan (EAMP). During the 1996 expansion, the Planning Commission initiated and recommended approval of a zone change for the entire 5,400 acres of the Expansion Area to update the zone across the county. However, at that time, the Urban County Council denied the zone change because of community concerns and a want to have a broader discussion regarding the potential zoning in the area. In 2001, the EAMP became an adopted element of the Comprehensive Plan, and its future land use recommendations have been carried forward to the 2018 Comprehensive Plan.

Within the 1996 Expansion Area Master Plan, the subject property was recommended for Expansion Area Residential 1 (EAR-1) land uses. When the EAMP was drafted, the EAMP envisioned the golf course property and surrounding neighborhoods as a primarily low density residential area that would serve as a buffer between the higher density residential and community center uses along Man O War Boulevard and Winchester Road, and the rural land uses to the north and east. Within this plan, the Greenbrier Golf Course and Country Club were planned to be retained as a neighborhood amenity to serve these residential uses, and as a result golf courses were included in the principal uses of the EAR-1 zone. The planning staff agrees that the proposed Expansion Area Residential 1 rezoning is in keeping with the recommendations and policies of the Expansion Area Master Plan.

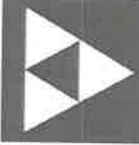
GREENBRIER SMALL AREA PLAN

In 2003, a Small Area Plan (SAP) was adopted for the Greenbrier neighborhood. This plan, spanning 409 acres of land within Expansion Area 2A, built upon the recommendations of the 1996 Expansion Area Master Plan, as well as the 2001 Comprehensive Plan, and offered more specific guidelines for further development in the Greenbrier area and the adjacent golf course.

The applicant contends that this SAP supports the applicant's proposed rezoning of a portion of the subject property to the EAR-1 zone. A core goal of this SAP was to ensure the long term viability of the Greenbrier Golf Course as an amenity to the community, stating that based on survey responses, residents "strongly desired that the golf course and club remain an integral part of the community in the future" (pg. 22). This plan identified the 10,000 square-foot size restriction for additional structures as a barrier to the long term viability of the gold course amenity. The small area plan was supportive of means to remove this restriction on the club, which noted could be achieved through a rezoning to the EAR-1 zone or a zoning ordinance text amendment to remove the size restriction within the Agricultural Rural (A-R) zone.

The surveys conducted in conjunction with the 2003 Greenbrier Small Area Plan did identify a concern in the neighborhood regarding the potential for the golf course property to be rezoned to EAR-1, as it would allow for more dense residential development in the area. The applicant's proposal speaks to these concerns by rezoning only the portion of the site that are needed to accommodate the golf course facilities, leaving a perimeter buffer of A-R zoning that would significantly limit the ability of the majority of the subject property to be redeveloped residentially.

The staff agrees that the proposed rezoning is in keeping with the recommendations and policies of the Greenbrier Small Area Plan.



GOALS & OBJECTIVES

The petitioner opines that the proposed development is in agreement with the 2018 Comprehensive Plan. In their justification statement, the applicant identifies several goals and objectives within the 2018 Comprehensive Plan that they claim are being met with this request.

The first goal cited by the applicant is the Comprehensive Plan's goal to respect the context and design of the existing neighborhood by matching the scale, design, and intensity of existing golf course structures at this location (Theme A, Goal #2b).

Furthermore, the applicant opines that this proposal also fulfills the Comprehensive Plan goal of providing well designed neighborhoods and amenities (Theme A, Goal #3). The applicant's justification letter states that the proposed rezoning will allow the club to "continue to be an amenity in the Greenbrier neighborhood and to do so without creating an opportunity for overdevelopment within the neighborhood." By limiting the scale and scope of the proposed rezoning to the interior portion of the site containing the existing golf course facilities, the applicant claims that the character of the existing neighborhood will not be impacted by the request (Theme A, Goals #3a, 3b). As the proposed building expansion is limited to an area already containing existing development, the applicant indicates that they are preserving green space and minimizing the disruption of any natural features (Theme A Goals #2c, 3c, 3d)

The staff agrees with these aspects of the applicant's proposal and that these Goals and Objectives of the 2018 Comprehensive can be met with the proposed development

DEVELOPMENT CRITERIA

While not required for map amendment requests within the Expansion Area, the applicant has identified a Place-Type and Development Type for the development, and has addressed some of the Development Criteria they contend are being met with this request. The applicant has indicated that the site is located within the Enhanced Neighborhood Place-Type and is seeking to develop the subject property for a Low Density Non-Residential Development Type. Staff concurs with the applicant's assessment of the Place-Type and agrees that a Low Density Non-Residential Development Type can be appropriate for the subject property.

The development criteria for a zone change are the distillation of the adopted Goals and Objectives, as well as the policies put forth in the 2018 Comprehensive Plan. The criteria for development represent the needs and desires of the Lexington-Fayette Urban County community in hopes of developing a better built environment. The applicable criteria are defined based on the proposed place-type and development type.

The applicant's letter of justification makes the case for the appropriateness of the chosen urban form, noting that the newly constructed amenities or "lifestyle center" is planned at an appropriate scale relative to the existing development on-site (A-DS4-2). The proposed expansion will take place in a developed area, and will not result in any alteration to environmentally sensitive areas (B-PR9-1, B-PR2-1), and will not result in the removal of any key natural features (A-DS4-3).

The applicant addresses connectivity, noting that the proposed plan includes a southern connection to the existing pedestrian facilities along the eastern portion of Bahama Road (A-DS1-2, ADS4-1). While there are not mass transit opportunities proposed at the site, the applicant contends the site is accessible by both bike and pedestrian transportation modes from the surrounding neighborhood (D-SP6-1).

Finally, the applicant opines that the proposed use will be a low-intensity amenity that will provide a year-round amenity to the surrounding neighborhood (E-GR9-2).

For these reasons, the staff agrees that the requested Expansion Area Residential 1 (EAR-1) zone is in agreement with the 2018 Comprehensive Plan, the adopted 1996 Expansion Area Master Plan (EAMP), and the 2003 Greenbrier Small Area Plan for the subject property.

STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASONS:



1. The requested Expansion Area Residential 1 (EAR-1) zone is in agreement with the 2018 Comprehensive Plan, the 1996 Expansion Area Master Plan (EAMP), and the 2003 Greenbrier Small Area Plan for the following reasons:
 - a. The proposed project is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - i. The proposed rezoning will respect the design features of areas surrounding development to ensure compatibility with the existing form (Theme A, Goal #2.b.). The proposed lifestyle center will be consistent with the design and scale of the existing golf course facilities at this location.
 - ii. The proposed development will improve an existing neighborhood amenity (Theme A, Goal 3) by expanding the services provided to its members, allowing for additional activities to take place during the off-season.
 - iii. The proposed development will preserve the character of the existing neighborhood (Theme A, Goal #3.a.). The Greenbrier Golf and Country Club has been an integral part of the character of this neighborhood since its inception in 1971, and applicant's proposal will help ensure the future success of this neighborhood feature.
 - iv. The proposed development will retain the site's open and green space (Theme A, Goal #2.c.), limiting new construction to previously developed areas of the site.
 - b. The EAMP recommends Expansion Area Residential 1 (EAR-1) future land use for the subject property. The applicant has requested the EAR-1 zoning for the subject property, and is in agreement with the Plan's recommendation.
 - c. The Greenbrier Small Area Plan seeks to ensure the vitality and growth of the existing golf course use. The proposed rezoning will allow the Greenbrier Golf Course to increase the size and utility of the on-site facilities to ensure that the use can meet the community demand and continue to be an amenity for the neighborhood.
2. This recommendation is made subject to approval and certification of PLN-MIDP-22-00005: Greenbrier Estates Golf Course, Unit 2J, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

DC/HBB/TW
11/22/2021

Planning Services/Staff Reports/MAR/2021/PLN-MAR-22-00002 Hart Family Enterprises, LLC.pdf

1. HART FAMILY ENTERPRISES, LLC & GREENBRIER ESTATES GOLF COURSE ZONING DEVELOPMENT PLAN

- a. **PLN-MAR-22-00002: HART FAMILY ENTERPRISES, LLC** – a petition for a zone map amendment from an Agricultural Rural (A-R) zone to an Expansion Area Residential 1 (EAR-1) zone, for 21.616 net (22.085 gross) acres, for a portion of property at 2179 Bahama Road.

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 to rezone the subject property to the Expansion Area Residential 1 (EAR-1) zone to allow for the operation of a 14,789 square-foot amenity space or "lifestyle center" as an accessory use to the existing Greenbrier Golf Course at this location. The lifestyle center will include additional amenities for the club members, including a health spa, exercise facilities, children's areas, and electronic golf simulations.

The Zoning Committee Recommended: **Approval**, for the reasons provided by staff.

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

1. The requested Expansion Area Residential 1 (EAR-1) zone is in agreement with the 2018 Comprehensive Plan, the 1996 Expansion Area Master Plan (EAMP), and the 2003 Greenbrier Small Area Plan for the following reasons:
 - a. The proposed project is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - i. The proposed rezoning will respect the design features of areas surrounding development to ensure compatibility with the existing form (Theme A, Goal #2.b.). The proposed lifestyle center will be consistent with the design and scale of the existing golf course facilities at this location.
 - ii. The proposed development will improve an existing neighborhood amenity (Theme A, Goal 3) by expanding the services provided to its members, allowing for additional activities to take place during the off-season.
 - iii. The proposed development will preserve the character of the existing neighborhood (Theme A, Goal #3.a.). The Greenbrier Golf and Country Club has been an integral part of the character of this neighborhood since its inception in 1971, and applicant's proposal will help ensure the future success of this neighborhood feature.
 - iv. The proposed development will retain the site's open and green space (Theme A, Goal #2.c.), limiting new construction to previously developed areas of the site.
 - b. The EAMP recommends Expansion Area Residential 1 (EAR-1) future land use for the subject property. The applicant has requested the EAR-1 zoning for the subject property, and is in agreement with the Plan's recommendation.
 - c. The Greenbrier Small Area Plan seeks to ensure the vitality and growth of the existing golf course use. The proposed rezoning will allow the Greenbrier Golf Course to increase the size and utility of the on-site facilities to ensure that the use can meet the community demand and continue to be an amenity for the neighborhood.
2. This recommendation is made subject to approval and certification of PLN-MJDP-22-00005: Greenbrier Estates Golf Course, Unit 2J, 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-22-00005: GREENBRIER ESTATES GOLF COURSE, UNIT 2-J (05/01/22)* - located at 2179 BAHAMA RD., LEXINGTON, KY.**
Project Contact: Carman

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

1. Provided the Urban County Council rezones the property EAR-1; 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.
7. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
8. Depict property boundaries with solid dark line.

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

9. Addition of record plat designation D-332.
10. Clarify area of amendment on vicinity map.
11. Dimension existing and proposed driveways, walkways, parking spaces, and drive aisles.
12. Depict location of access point for construction vehicles.
13. Denote: Landscape and vehicular use areas will be screened as per Article 18 of the Zoning Ordinance.
14. Dimension all buildings and pools.
15. Denote height of buildings in feet.
16. Addition of proposed and existing easements.
17. Label canopy height dimension.
18. Addition of building line setback.
19. Orient vicinity map to match plan layout.
20. Delete Note #9.
21. Denote property is located in a Neighborhood Design Character (ND-1) overlay zone.
22. Discuss plan type preliminary vs. amended final development plan.
23. Discuss Placebuilder criteria.

Staff Zoning Presentation – Mr. Crum presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and of the general area. He stated that the applicant was seeking a zone map amendment from an Agricultural Rural (A-R) zone to an Expansion Area Residential 1 (EAR-1) zone, for 21.616 net (22.085 gross) acres, for a portion of property at 2179 Bahama Road. He indicated that the proposed rezoning would allow for the operation of a 14,789 square-foot amenity space or “lifestyle center” as an accessory use to the existing Greenbrier Golf Course. The lifestyle center will include additional amenities for the club members, including a health spa, exercise facilities, children’s areas, and electronic golf simulations. Mr. Crum indicated that the property is a large, 163.66 acre parcel that is zoned Agricultural Rural (A-R), and has been the location of Greenbrier Golf Course and Country Club since 1971. Prior to 1971, the subject property had been a large tract of undeveloped farmland. Over time, the Greenbrier Golf Course and Country Club has expanded, receiving conditional use permits in 1996 and 2021 to allow facility expansions which include a driving range, swimming pool, golf pro shop, and storage buildings.

Mr. Crum said that the Greenbrier ND-1 Overlay Zone was created in 2004, which established additional zoning restrictions and development criteria for the subject property and the adjacent Greenbrier Neighborhood. While no restrictions were recommended for the Greenbrier Country Club, the property was included to maintain the neighborhood character should the golf course redevelop in the future.

Mr. Crum clarified that under the property’s current A-R zoning, the Greenbrier Golf Course is restricted to a total of 10,000 square-feet of additional structure space. Due to the prior development at this location, this restriction would require the applicant to remove existing storage buildings in order to accommodate the proposed lifestyle center expansion. However, this restriction is not present in the Expansion Area Residential 1 (EAR-1) zone, which permits a golf course as a principal use. The applicant is seeking to rezone a portion of the subject property to the EAR-1 zone in order to allow for the operation of the lifestyle center while retaining all existing structures.

Mr. Crum finalized the presentation of the proposed application with the review of the recommended findings for approval that were enumerated in the staff report, and reported that the Zoning Committee had recommended approval of the zone change.

Commission Questions – None.

Staff Development Plan Presentation – Ms. Gallt presented the staff report and recommendations for the associated Development Plan. Ms. Gallt presented a colored rendering of the subject property and reviewed the current development. She then presented the proposed conditions of approval. Ms. Gallt noted that there were two discussion questions: the status of the plan as either a preliminary development plan or a final development plan (#22), and the review of the Placebuilder development criteria (#23). Ms. Gallt indicated that the discussion regarding the Placebuilder criteria could be deleted, as the applicant had addressed these items, as illustrated by Mr. Crum’s presentation.

Commission Questions – None.

Applicant Presentation – Mr. Cliff Ashburner, attorney for the applicant, indicated the applicant was in agreement with the conditions of the staff and that they were seeking to have the development plan designated as Final Development Plan, which would satisfy conditions #7 and #22 of the staff report for the development plan. He then requested approval of the rezoning and plan in accordance with the staff recommendations.

Commission Questions – Mr. Penn asked if the buildings would be available to members only or available to the public. Mr. Ashburner stated that the facilities would only be available to the members of the Greenbrier Country Club.

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

Zoning Action – A motion was made by Mr. Pohl, seconded by Mr. DeMovellan, and carried 8-0 (Barksdale, Nicol, and Bell absent) to approve PLN-MAR-22-00002: HART FAMILY ENTERPRISES, LLC, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Pohl, seconded by Ms. Penn, and carried 8-0 (Barksdale, Nicol, and Bell absent) to approve PLN-MJDP-22-00005: GREENBRIER ESTATES GOLF COURSE, UNIT 2-J removing conditions #7, #22, and #23.

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