

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

IN RE: **PLN-MAR-19-00010: BALL HOMES, INC (AMD)** – an amended petition for a zone map amendment from an Agricultural Rural (A-R) zone to an Expansion Area Residential (EAR-1) zone, for 26.34 net (27.19 gross) acres and an Expansion Area Residential (EAR-2), for 11.92 net (13.30 gross) acres, for property located at 2575 Polo Club Boulevard (a portion of). (Council District 12)

Having considered the above matter on **October 24, 2019**, at a Public Hearing, and having voted **7-0** 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 applicant has not provided sufficient and complete information to demonstrate agreement with the Goals, Objectives, Policies, or Development Criteria of the 2018 Comprehensive Plan. Additionally, the applicant has deviated from the Land Use Element of the EAMP, an adopted element of the 2018 Comprehensive Plan. As such, the proposed zone change is not in agreement with the 2018 Comprehensive Plan.
2. The existing Agricultural Rural (A-R) zoning is inappropriate for the subject property, for the following reasons:
  - a. The grade of the subject property has resulted in the difficulty of utilizing agricultural uses and those conditional uses in the A-R zone.
  - b. The ownership of the once contiguous farm has been divided overtime, as the land has passed from one owner to another. The subject property was added to the Urban Service Area (USA) boundary, via the adoption of the Expansion Area in 1996 and has a significant area of land that is unsuitable for agricultural land uses due to the floodplain, which covers approximately 7.5 acres of land.
3. The proposed Expansion Area Residential-1 (EAR-1) Expansion Area Residential-2 (EAR-2) zones are appropriate for the subject property, for the following reasons:
  - a. The proposed zoning is compatible with the surrounding land uses and zoning at this location.
  - b. The proposed zoning presents an appropriate step-down in the residential uses from the highest intensity residential zoning to the lowest intensity, as the zoning in the area transitions away from the interstate corridor and Polo Club Boulevard toward the Urban Service Area boundary.
  - c. Positioning higher density residential land uses adjacent to the greenway at this location allows for greater access for those residents to the open space, while also providing connectivity and infrastructure that is needed for denser development.
  - d. The subject property is located within the Urban Service Area and is currently supported by urban services, including the transportation network and sewer services.
4. There has been no physical, social, or economic change in the immediate area, since the adoption of the 2018 Comprehensive Plan, that has significantly altered the basic character of the area.
5. This recommendation is made subject to approval and certification of **PLN-MJDP-19-00036: Hamburg East (Belhurst)**, 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 8<sup>th</sup> day of November, 2019.

  
Secretary, Jim Duncan

MIKE OWENS  
CHAIR

Note: The corollary development plan, PLN-MJDP-19-00036: HAMBURG EAST (BELHURST) was approved by the Planning Commission on October 24, 2019 and certified on November 7, 2019.

K.R.S. 100.211(7) requires that the Council take action on this request by January 22, 2020.

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

**OBJECTORS**

- None

**OBJECTIONS**

- None

**VOTES WERE AS FOLLOWS:**

AYES: (7) deMovellan, Forester, Mundy, Nicol, Owens, Penn, and Plumlee

NAYS: (0)

ABSENT: (4) Bell, Brewer, Pohl, and Wilson

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-19-00010** carried.

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