

- There are no objections to the petition

1. **AU ASSOCIATES, INC ZONING MAP AMENDMENT & SHADOW WOOD PHASE II PROPERTY ZONING DEVELOPMENT PLAN**

- a. **PLN-MAR-22-00006: AU ASSOCIATES, INC** – a petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 0.66 net (1.64 Gross) acres, for the properties located at 601 Old Todds Road and 96 Codell Drive, as well as a portion of closed public right-of-way. The applicant has also requested a variance to the project exterior yard setback for a group residential project to reduce the required yard from twenty (20) feet to ten (10) feet.

**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.

This petitioner is proposing the Planned Neighborhood Residential (R-3) zone to allow for the development of a multi-family complex on three parcels (96 and 100 Codell Drive, and 601 Old Todds Road), two of which are remnant portions of right-of-way created by the realignment of Old Todds Road. The applicant is also requesting a variance to reduce the required side yard setback from 20 feet to 10 feet for portions of 100 Codell Drive.

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

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

1. The existing Agricultural Urban (A-U) zoning is inappropriate, and the proposed Planned Neighborhood Residential (R-3) zoning is appropriate at this location for the following reasons:
  - a. The existing A-U zone is intended to be a holding zone until public facilities and services are adequate. Generally, urban services have been available to serve this portion of the Urban Service Area since the mid-1980s and the realignment of Old Todds Road updated the roadway system in 1998.
  - b. The proposed R-3 zone is consistent with the adjoining lot that is intended to be consolidated and reconfigured in conjunction with the subject properties. The R-3 zone and the proposed and multifamily dwelling units are compatible with the existing land uses in the immediate vicinity.
2. This recommendation is made subject to approval and certification of PLN-MJDP-22-00023: Shadow Wood Phase II (Richwood Bend), 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. Variance Request – The applicant is seeking to reduce the minimum required side yard or project exterior yard from twenty (20) feet to ten (10) feet, a requirement of Article 9-6(c)(2) of the LFUCG Zoning Ordinance within a Group Residential Project.

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

The Staff Recommends: **Approval** of the requested reduction of the project exterior yard from twenty (20) feet to ten (10) feet, for the following reasons:

1. Granting a variance of ten (10) feet should not adversely affect the public health, safety, or welfare as the applicant is situating the area impacted by the request along the adjacent clubhouse use and limiting the impact on the neighboring single family dwelling units.
2. The request arises from the unique shape of the parcel, which tapers as the property extends from the frontage.
3. The request is not a result of a willful violation of the Zoning Ordinance. The applicant has taken care to go through the necessary process for this project and has requested the variances prior to commencing construction.

This recommendation of **Approval** is made subject to the following conditions:

- a. Provided the Planning Commission and Urban County Council approve the requested zone change to the R-3 zone, otherwise the requested variances shall be null and void.
- b. The development shall be constructed in accordance with the approved Final Development Plan, or as amended by the Planning Commission.
- c. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
- d. Action of the Planning Commission shall be noted on the Development Plan for the subject property.

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

- c. **PLN-MJDP-22-00023: SHADOW WOOD PHASE II (RICHWOOD BEND)**, – (07/03/22)\* – located at 601 OLD TODDS RD., AND 96 & 100 CODELL DR., LEXINGTON, KY.  
Project Contact: Prime AE

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

1. Provided the Urban County Council rezones the property R-3; 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. United States Postal Service Office's approval of kiosk locations or easement.
8. Correct plan title to match staff report.
9. Provided the Planning Commission grants the requested side yard variance.
10. Denote: Release of right-of-way for Old Todds Road to be complete prior to certification of the final development plan.
11. Dimension all interior sidewalks.

Staff Zoning Presentation – Mr. Baillie 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 Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 0.66 net (1.64 gross) acres, to allow for the construction of an affordable housing multi-family complex on this property, as well as an adjacent property.

Mr. Baillie discussed how with most zone changes he would talk about how the request is in compliance with the Comprehensive Plan, and the Placebuilder element of the Comprehensive Plan. In this particular case, Mr. Baillie indicated that the applicant is focused on trying to improve the remnant portions of the project. These remnant portions are small and unique in characterization and would make it difficult to apply the Placebuilder and meet a lot of elements of the Comprehensive Plan. The applicant is seeking to apply different elements of the Comprehensive Plan but are utilizing an alternative justification for their zone change. They are seeking to indicate that the current zoning is inappropriate and the proposed R-3 zoning is the most appropriate for the subject properties.

Mr. Baillie indicated that the staff is in agreement with the applicant's justification and that Planning staff and Zoning Committee recommend approval, subject to approval and certification of the development plan.

\* Mr. Bruce Nicol arrived at 1:41 P.M.

Staff Development Plan Presentation – Mr. Martin presented the staff report and recommendations for the associated Development Plan. Mr. Martin presented a colored rendering of the subject property and reviewed the current development. Mr. Martin noted the unusual shape of the development and the types of challenges that would come from it. Mr. Martin highlighted that the right-of-way was owned by the state, and that would be an additional challenge for the applicant to deal with.

Mr. Martin ended the presentation stating that Planning staff and Subdivision Committee has recommended approval.

Commission Questions – Mr. Michler asked if the applicant is planning on adding any usable outdoor amenities and if there was a tree inventory done at the time of this preliminary plan. Mr. Martin answered that at this point there was not any discussion on outdoor amenities, but that the applicant and staff would explore the outdoor amenities issue during the final development plan stage. Additionally, Mr. Martin confirmed that a tree inventory had been done at the time of this preliminary plan and it had found one significant tree, a Green Ash, in poor condition.

Variance Presentation – Mr. Baillie presented the variance request to the Planning Commission and the reasons the variance was requested. The applicant is seeking to reduce the minimum required side yard or project exterior yard from twenty (20) feet to ten (10) feet. Mr. Baillie indicated that after reviewing the justifications for the variance, that staff was in agreement with the variance because of the unique tapering of the site, and the need for proper circulation for Fire, EMS, and Waste Management services.

Applicant Presentation – Mr. Stephen Garland, engineer representing the applicant, stated that he had nothing to add to what the staff had already presented, but was willing to answer any questions the Planning Commission had. There were no questions.

Commission Questions- None.

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Zoning Action – A motion was made by Mr. Pohl, seconded by Mr. de Movellan, and carried 9-0 (Barksdale and Worth absent) to approve PLN-MAR-22-00006: AU Associates, Inc. for the reasons provided by the staff.

Variance Action – A motion was made by Mr. Pohl seconded by Mr. de Movellan, and carried 9-0 (Barksdale and Worth absent) to approve the variance request for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Pohl, seconded by Mr. de Movellan, and carried 9-0 (Barksdale and Worth absent) to approve PLN-MJDP-22-00023: Shadow Wood Phase II (Richwood Bend) for the reasons provided by the staff.

**VI. COMMISSION ITEMS** - The Chair will announced that one commission item would be heard at this time.

- a. **PFR 2022-4: BLUEGRASS COMMUNITY AND TECHNICAL COLLEGE NORTH CAMPUS EXPANSION** – a Public Facility Review to construct a new classroom building, additional parking, and a new vehicular access on property located at 690 Newtown Pike.

Staff Presentation – Ms. Wade presented the PFR to the Planning Commission, noting the location and the exact proposal. This proposal is for Bluegrass Community and Technical College's North Campus expansion that would be located north of Loudon Ave. Ms. Wade presented pictures of the current location, orienting the Planning Commission to the location and showing the existing zoning for the area.

Ms. Wade continued showing the Planning Commission what additions the college is looking to make, highlighting a new classroom building, as well as a new roundabout, connecting the access point from Loudon Ave with the access from Newtown Pike. Additionally the roundabout would connect a third new access point from Freight Road.

Ms. Wade explained that BCTC is presenting this to the Planning Commission to show that that their proposal is in agreement with the Comprehensive Plan, however, Ms. Wade highlighted a few points to make their proposal even stronger. These points included considering modifying the Placebuilder Criteria for a Medium Density Non-residential Mixed use within a Corridor Place Type and access to a bike trail.

Commission Questions- Mr. Michler asked if this was a private development along a corridor, what the guidance would be for putting the storm water retention and what the guidance would say about the angle of the building. Ms. Wade responded that she was not sure there would be guidance on the angling of the building, but the suggestion would be to build along the corridor and place the parking in the rear.

Additionally, Mr. Michler asked if there was guidance away from the pits along the main corridor. Ms. Wade responded saying that there was not that type of guidance in the Placebuilder criteria for the location of storm water basins, it only states to use green infrastructure where possible.

Applicant Presentation- The applicant had nothing to add from what Ms. Wade had presented and stated he could answer any questions.

Commission Questions- Mr. Pohl had a question related to Mr. Michler's earlier question about the angle of the building. Mr. Pohl was troubled about the angle of the building on the major corridor and asked the applicant why it was like that. The applicant did not have a response as to why it's at an angle other than the building is in keeping with the other buildings in the area.

PFR Action- A motion was made by Mr. Penn seconded by Mr. de Movellan , and carried 9-0 (Barksdale and Worth absent) to approve PFR 2022-4: Bluegrass Community And Technical College North Campus Expansion for the reasons provided by the staff.

**VII. STAFF ITEMS** – The staff will report at the meeting.

**A. LONG RANGE PLANNING ACTIVITY REPORT**

Imagine Lexington

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