

5. ATCHISON HELLER CONSTRUCTION ZONING MAP AMENDMENT & HARPER WOODS ZONING DEVELOPMENT PLAN

- a. PLN-MAR-17-00028: ATCHISON HELLER CONSTRUCTION (10/1/17)*- petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 11.37 net (11.76 gross) acres, and from a Townhouse Residential (R-1T) zone to a Planned Neighborhood Residential (R-3) zone, for 0.13 net (0.25 gross) acre, for properties located at 2311 Armstrong Mill Road and 3539 Kenesaw Drive.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that 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.

In addition, the Comprehensive Plan has established six themes and goals and objectives to support each of the themes, which include: growing successful neighborhoods (Theme A), protecting the environment (Theme B), creating jobs and prosperity (Theme C), improving a desirable community (Theme D), maintaining a balance between planning for urban uses and safeguarding rural land (Theme E) and implementing the plan for Lexington-Fayette County (Theme F).

The petitioner proposes a Planned Neighborhood Residential (R-3) zone for the subject property in order to develop a combination of detached single-family and townhouse residential dwelling units. The petitioner proposes 39 dwelling units for the site, for an average density of 3.39 units per net acre.

The Zoning Committee Recommended: Approval.

The Staff Recommends: Approval, for the following reasons:

1. The requested Planned Neighborhood Residential (R-3) zone is in 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 single-family and townhouse residential dwelling unit types to meet the needs of the community at a density of 3.39 units per net acre. The development will need to be incorporated into the adjoining neighborhoods to the west and east of the subject property to ensure a well-designed neighborhood is provided at this location, and access easements for single-family residences should be minimized.
 - b. The 2013 Comprehensive 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 proposes, through the corollary development plan to maintain the drainageway, which has now been identified as a floodplain, and tree stand along the tributary of East Hickman Creek. The petitioner is also protecting numerous significant trees on the site.
 - c. The 2013 Comprehensive Plan recommends *Improving a Desirable Community* (Theme D and Chapter 6) by working to achieve an effective and comprehensive transportation system (Goal #1). The petitioner will need to provide an appropriate termination of Beringer Drive, an existing stub street, or connect Beringer Drive through the subject property to Kenesaw Drive.
 - d. The 2013 Comprehensive Plan recommends compact and contiguous development within the Urban Service Area through absorption of vacant and underutilized land (Theme E, Goal #1), which is being met by the petitioner's proposal, and the plan is compatible with the existing residential uses surrounding the subject property.
 2. This recommendation is made subject to approval and certification of PLN-MJDP-17-00077: Harper Woods, 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-17-00077: HARPER WOODS (10/1/17)* - located at 2311 Armstrong Road and 3539 Kenesaw Drive.
(EA Partners)

The Subdivision Committee Recommended: Postponement, There were some questions regarding the plan status, the long-term maintenance of private infrastructure and the number of "discussion" items.

1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.

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

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. Department of Environmental Quality's approval of environmentally sensitive areas.
6. Extend interior sidewalk system to Beringer Drive in front of townhouse Units 32-38.
7. Clarify 25' floodplain setback on Lots 30 & 31.
8. Addition of right-of-way reservation on adjoining (church) property.
9. Addition of vehicular use area landscaping adjacent to the R-1C zone.
10. Revise street geometrics at Beringer Drive cul-de-sac to have right-of-way at the back of sidewalk.
11. Discuss street status (private or public).
12. Discuss potential subdivision of townhouses and lot access findings.
13. Discuss buildable area proposed on Lots 19, 20 & 31.
14. Discuss proposed structures on Lots 5-15.
15. Discuss long term maintenance of 100' vegetative buffer zone on single-family lots.
16. Discuss tree protection area and/or measures on Lots 24-30.

Staff Zoning Presentation – Ms. Wade presented and summarized the staff report and recommendations for this zone change, and displayed photographs of the subject property and aerial photographs of the general area. She said the subject property has been utilized as a single-family home and small farm. The applicant is proposing to develop a mixture of townhouses and single-family residential on the property for 39 dwelling units, which is a density of 3.39 dwelling units per acre.

Ms. Wade said that this request was previously heard by the Planning Commission and was denied. The applicant then withdrew their application and requested an early rehearing and had re-filed in July 2017. She said the applicant contends that their application is in agreement with the 2013 Comprehensive Plan Goals & Objectives. She said the proposed development plan is now consistent with the Board of Adjustment and the Planning Commission's decisions, which were the approval of the church, a portion of a cul-de-sac on Beringer Drive, and the extension of Beringer Drive. She also stated that the Planning Commission made the decision to subdivide the Featherstone Farm, which reserved a right-of-way for the cul-de-sac. She said the applicant conducted a floodplain study and identified the floodplain location, which makes the applicant in agreement with portions of the 2013 Comprehensive Plan. She said the staff is in agreement with the applicant that this zone change proposal is compliant with the 2013 Comprehensive Plan.

Development Plan Presentation – Mr. Martin presented a rendering of this preliminary development plan, which was displayed, and he also handed out an updated staff report to the Commission with revised conditions, as follows:

The Staff Recommends: 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. Department of Environmental Quality's approval of environmentally sensitive areas.
- ~~6. Extend interior sidewalk system to Beringer Drive in front of townhouse Units 32-38.~~
- ~~7. Clarify 25' floodplain setback on Lots 30 & 31.~~
- ~~8. Addition of right of way reservation on adjoining (church) property.~~
- ~~9. Addition of vehicular use area landscaping adjacent to the R-1C zone.~~
- ~~10. Revise street geometrics at Beringer Drive cul de sac to have right of way at the back of sidewalk.~~
6. 11. Discuss street status (private or public) Denote: Status of proposed street shall be determined at time of Preliminary Subdivision Plan.
- ~~12. Discuss potential subdivision of townhouses and lot access findings.~~
7. 13. Discuss Denote: bBuildable area proposed on Lots 19, 20 & 31 shall be determined at time of Preliminary Subdivision Plan.
- ~~14. Discuss proposed structures on Lots 5-15.~~
- ~~15. Discuss long term maintenance of 100' vegetative buffer zone on single family lots.~~
- ~~16. Discuss tree protection area and/or measures on Lots 24-30.~~

Mr. Martin said the applicant is proposing a private street to go through the property, crossing the floodplain, and continuing down to intersect with Beringer Drive. He said that there are 31 buildable single-family detached lots, along with the townhouses. He said that there was extensive discussion and concerns regarding the property. He pointed out the 25' setback off of the 100-year floodplain, which does impact a few of the lots. He said staff is anticipating a preliminary subdivision plan that will create the lots. He said that there is a vegetative buffer area, which is required under the Stormwater Manuals, which will also have an impact on the property. He said the issue of long-term maintenance will also need to continue to be worked on as development of the property evolves. He said the applicant is proposing a trail system as an amenity, along the creek tying in to the public trail system along Armstrong Mill Road. He said that there are two very significant burr oak trees that are being protected.

Mr. Martin said this development plan has been recommended for approval. He said the applicant needs to resolve the issue of the Beringer Drive cul-de-sac.

Applicant Presentation – Jacob Walbourn, attorney, was present representing the petitioner. He said the applicant is in agreement with the staff's recommendations. He said that he was appreciative of staff working with them with this complicated plan.

Citizen Comment – There were no citizens present to speak to this application.

Commission Comment – Mr. Owens thanked the applicant for their cooperation with the staff.

Zoning Action – A motion was made by Mr. Owens, seconded by Ms. Mundy, and carried 10-0 (Penn absent) to approve PLN-MAR-17-00028: ATCHISON HELLER CONSTRUCTION, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Owens, seconded by Ms. Mundy, and carried 10-0 (Penn absent) to approve PLN-MJDP-17-00077: HARPER WOODS, for the revised conditions provided by the staff.