

AN ORDINANCE CHANGING THE ZONE FROM AN EXPANSION AREA RESIDENTIAL (EAR-2) ZONE TO A COMMUNITY CENTER (CC) ZONE, FOR 4.92 NET (5.13 GROSS) ACRES, FOR PROPERTY LOCATED AT 6800 MAN O'WAR BOULEVARD (A PORTION OF). (JASON L. JUSTICE: COUNCIL DISTRICT 12).

WHEREAS, at a Public Hearing held on October 26, 2017, a petition for a zoning ordinance map amendment for property located at 6800 Man O' War Boulevard (a portion of) from an Expansion Area Residential (EAR-2) zone to a Community Center (CC) zone, for 4.92 net (5.13 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change by a vote of 9-0; 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 property located at 6800 Man O' War Boulevard (a portion of) from an Expansion Area Residential (EAR-2) zone to a Community Center (CC) zone, for 4.92 net (5.13 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: December 7, 2017



MAYOR

ATTEST



CLERK OF URBAN COUNTY COUNCIL

Published: December 14, 2017-1t

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Jason L. Justice
6800 Man O War Boulevard
Zone Change from EAR-2 to CC
Lexington, Fayette County, Kentucky

A TRACT OR PARCEL OF LAND SITUATED APPROXIMATELY 1,415-FT NORTHEAST OF THE INTERSECTIONS OF BLACKFORD PARKWAY AND MAN O WAR BOULEVARD IN NORTHEAST FAYETTE COUNTY, KENTUCKY AND BEING MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

BEGINNING AT A POINT in the north property corner of 6800 Man O War Boulevard as recorded in Deed Book 2028, Page 651 in the Office of the Fayette County Clerk; thence with the eastern property line South 50 Degrees 22 Minutes 28 Seconds East a distance of 566.34 feet to a point in the proposed zone line; thence with the proposed zone line for the following five (5) calls: South 21 Degrees 42 Minutes 45 Seconds West a distance of 388.50 feet to a point; thence North 54 Degrees 44 Minutes 04 Seconds West a distance of 59.55 feet to a point; thence along an arc 138.48 feet to the right, having a radius of 1000.00 feet, the chord of which is North 50 Degrees 46 Minutes 03 Seconds West for a distance of 138.37 feet to a point; thence North 47 Degrees 20 Minutes 53 Seconds West a distance of 293.97 feet to a point; thence North 45 Degrees 42 Minutes 58 Seconds West a distance of 191.63 feet to a point in the northern property line; thence with the said property line for the following two (2) calls: North 45 Degrees 58 Minutes 50 Seconds East a distance of 200.39 feet; thence North 29 Degrees 33 Minutes 35 Seconds East a distance of 147.17 feet TO the POINT OF BEGINNING.

The above described parcel contains 5.13 acres gross and 4.92 acres net.

J:\0704\ZOMAR\EAR2 to CC.docx

Rec'd by J.W.
Date: 11/10/17

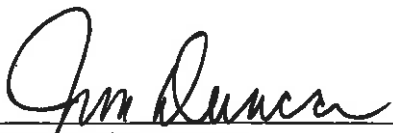
RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: **PLN-MAR-17-00037: JASON L. JUSTICE** – a petition for a zone map amendment from an Expansion Area Residential (EAR-2) zone to a Community Center (CC) zone, for 4.92 net (5.13 gross) acres, for property located at 6800 Man O'War Blvd (a portion of). (Council District 12)

Having considered the above matter on **October 26, 2017**, at a Public Hearing, and having voted **9-0** 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 Community Center (CC) zone is in agreement with the 2013 Comprehensive Plan, and in substantial agreement with the more detailed recommendations of the 1996 Expansion Area Master Plan (EAMP), for the following reasons:
 - a. The 2013 Comprehensive Plan recommends providing well designed neighborhood and communities, and the petitioner is expanding mixed-use development options and providing a continuum of housing options for seniors, all connected for various modes of transportation (Theme A, Goal #3).
 - b. The Plan further recommends providing accessible community facilities and services to meet the health, safety and quality of life need for the community, and the petitioner is assisted living and healthcare) (Theme D, Goal #2).
 - c. The proposed CC zone and its corollary development plan are in compliance with the principles of the EAMP, by successfully accomplishing the concept of organizing a mixed-use area around a public space (cemetery), and creating a main street entrance for the development.
 - d. The proposed density within the CC zone of 4.29 dwelling unit per gross acre (22 units) falls within the existing allowed density of 3–6 dwelling units per gross acre in an EAR-2 zone (14–29 dwelling units for 5.13 gross acres); therefore, no residential density will be lost through the amendment.
2. This recommendation is made subject to the approval and certification of **PLN-MJDP-17- 00099: Meadow Oaks (Ashford Oaks Village)(Amd.)**, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of Planning Commission Approval.

ATTEST: This 10th day of November, 2017.


Secretary, Jim Duncan

WILLIAM WILSON
CHAIR

Note: The corollary development plan, PLN-MJDP-17- 00099: Meadow Oaks (Ashford Oaks Village)(Amd.) was approved by the Planning Commission on October 26, 2017 and certified on November 9, 2017.

Note: A conditional use for assisted living facility in an Expansion Area Residential (EAR-2) zone and dimensional variance were approved to increase the maximum allowable height of the building from 35 feet to 48 feet for this request, by the Planning Commission at this hearing.

K.R.S. 100.211(7) requires that the Council take action on this request by January 24, 2018.

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

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (9) Bell, Berkley, Brewer, Cravens, Mundy, Owens, Penn, Plumlee, and Wilson

NAYS: (0)

ABSENT: (2) Forester and Richardson

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-17-00037** carried.

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

MAP AMENDMENT REQUEST (MAR) APPLICATION

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

Applicant:

JASON L. JUSTICE, 6800 MAN O WAR BLVD, LEXINGTON, KY 40509

Owner(s):

JASON L. JUSTICE, 6800 MAN O WAR BLVD, LEXINGTON, KY 40509

Attorney:

Darby Turner, Bingham Greenebaum Doll, LLP, 300 W Main Street, Ste 1200, Lexington, KY 40507

2. ADDRESS OF APPLICANT'S PROPERTY

6800 MAN O WAR BLVD, LEXINGTON, KY (a portion of)

3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY

Zoning	Existing		Requested		Acreage	
		Use	Zoning	Use	Net	Gross
EAR-2		Agriculture	CC	Retail, Restaurant, Residential	4.92	5.13

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:	To Be Constructed
Storm Sewers:	To Be Constructed
Sanity Sewers:	To Be Constructed
Refuse Collection:	LFUCG
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



September 1, 2017

Urban County Planning Commission
Division of Planning – Planning Services Section
c/o Mr. William Wilson, Chairperson
200 East Main Street
Lexington, Kentucky 40507

Re: Jason L. Justice / Ashford Oaks Village
Rezone of Portion of 6800 Man O War Boulevard from EAR-2 to CC
Conditional Use Permit – Assisted Living Facility
Building Height Variance – 35 feet to 48 feet

Dear Members of the Planning Commission:

We represent Jason L. Justice for his application for a zone map amendment request for a portion of the property located at 6800 Man O War Boulevard, along with a conditional use permit and dimensional variance for a minor portion thereof. The subject property is 37.06 acres, and it is currently split zoned between the Expansion Area Residential 1 (EAR-1) Zone and the Expansion Area Residential 2 (EAR-2) Zone. The applicant is seeking the following: (1) A rezone of 5.13 acres (net) of the EAR-2 Zone to Community Center (CC) Zone; (2) A conditional use permit in the EAR-2 Zone for an assisted living facility consisting of 120 beds; and (3) A dimensional variance to increase the maximum allowable height of a building in the EAR-2 Zone from 35 feet to 48 feet for the above referenced assisted living facility.

The subject property is currently vacant, and it is used by the applicant as pasture and for other agricultural purposes. The applicant desires to develop the 37.06 acres site into a retirement community with services and amenities to promote independent living with 118 townhouse, villa and cottage units, along with an on-site assisted living facility in the future with 120 beds. The development will include the existing pond, pedestrian access ways, tennis courts, pools and other recreational and community facilities for the use of the residents. The development will also include a small commercial component to allow for targeted neighborhood businesses (e.g., restaurants, barbers, and stylists) to service the residents of the development. For the assisted living facility to fit within the density of the development, it needs the flexibility to have a third floor. The applicant's plan is for residents in the surrounding neighborhoods and area to have a high quality retirement community for themselves and their relatives, as their needs may arise in the future. There are currently no retirement communities in close proximity of the subject property.

Currently, the subject property is surrounded by complementary uses. The subject property is in close proximity to a number of residential subdivisions (Meadow Oaks (Ashford Oaks), Greenbrier Estates, and Glenneagles), along with the Greenbrier Golf & Country Club.

To the east, the subject property is bordered by Man O' War Boulevard. The applicant owns the property to the north and east of the subject property, which is being retained as his residence and farm. The closest retail store is almost 1 mile away by vehicle. Based on the above described properties, the proposed development will complement the surrounding area and provide commercial services that are not currently provided within close proximity.

The subject property was rezoned in 2001 from Agricultural Rural (A-R) Zone to EAR-1 and EAR-2 in compliance with the Expansion Area Master Plan, as adopted by the Comprehensive Plan. The approved development plan for the subject property proposed multi-family, townhouses, and single family units on the subject property. The Expansion Area Master Plan sets forth provisions to guide growth within the Expansion Area to the Urban Service Area, encouraging new development in the Expansion Area "to function as a 'community'" with a mix of uses, housing types and community facilities.

The zone change request for 5.13 acres (net) from EAR-2 Zone to CC Zone is appropriate for the subject property, as outlined above, and is in compliance with the stated Principles of the Expansion Area Master Plan. The zone change will allow neighborhood commercial uses and greater flexibility for the applicant to develop the subject property. The zone change satisfies Theme A, Goal 3, of the Comprehensive Plan, by expanding mixed use development options connected with pedestrian modes of transportation to housing communities. The zone change also satisfies Theme D, Goal 2, of the Comprehensive Plan, by providing accessible community facilities and services to meet the health, safety and quality of life needs of Lexington.

The applicant desires to have an assisted living facility in the EAR-2 Zone, which is a conditional use. The 2013 Comprehensive Plan acknowledges the strong growth of the medical industry in Lexington as "a large percentage of our population continues to age." As mentioned above, the applicant desires to allow the area residents to transition from the typical housing unit to an independent unit, and finally, transition to an assisted living facility in the development. An assisted living facility would not have an adverse influence on the subject property or surrounding neighborhoods. It would in fact expand the housing options and types in this area of Lexington.

The assisted living facility is proposed to be three stories in height. The height maximums for the EAR-2 Zone is for the typical building, which has a floor-to-floor dimension of 10 feet. A medical related building has a floor-to-floor dimension of 16 feet to accommodate the large amount of ductwork, cabling and other infrastructure in the ceiling between floors. Forty-eight feet is necessary for a three story medical related building. The additional height of the building is only 13 feet beyond what is permitted in the EAR-2 Zone. The proposed building will be almost 500 feet from the closest residence on the adjacent properties. Granting this variance is permissible under Section 7-6(b)(1) of the Zoning Ordinance.

BINGHAM GREENEBAUM DOLL LLP

LFUCG Planning Commission

Page 3

September 1, 2017

As discussed more fully below, these requests comply with the Comprehensive Plan and the Expansion Area Master Plan.

Very truly yours,

A handwritten signature in black ink, appearing to read "Job D. Turner, III". The signature is written in a cursive style with a large loop at the end.

Job D. Turner, III

cc: Mr. Jason L. Justice
P. Branden Gross, Esq.

JDT/pbg

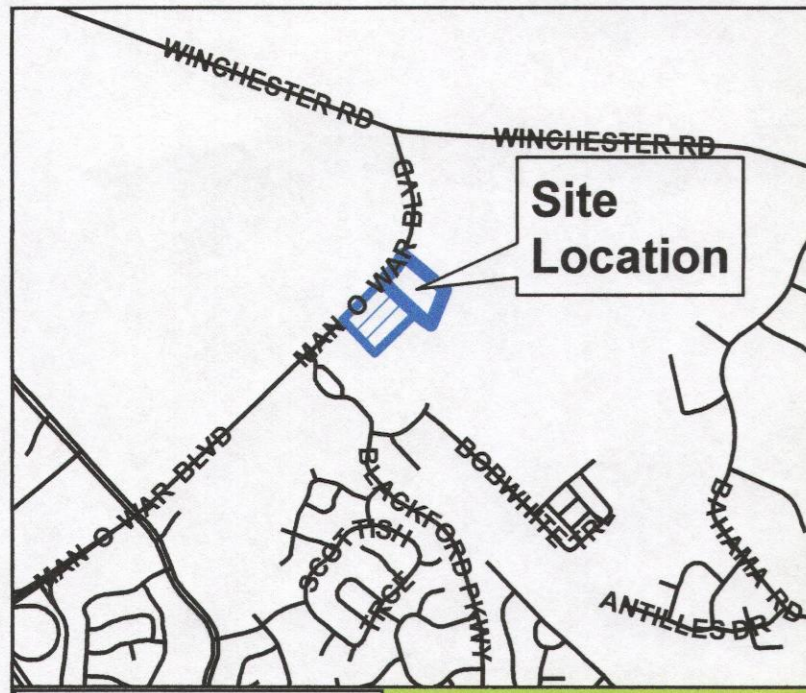
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Jason L. Justice
6800 Man O War Boulevard
Zone Change from EAR-2 to CC
Lexington, Fayette County, Kentucky

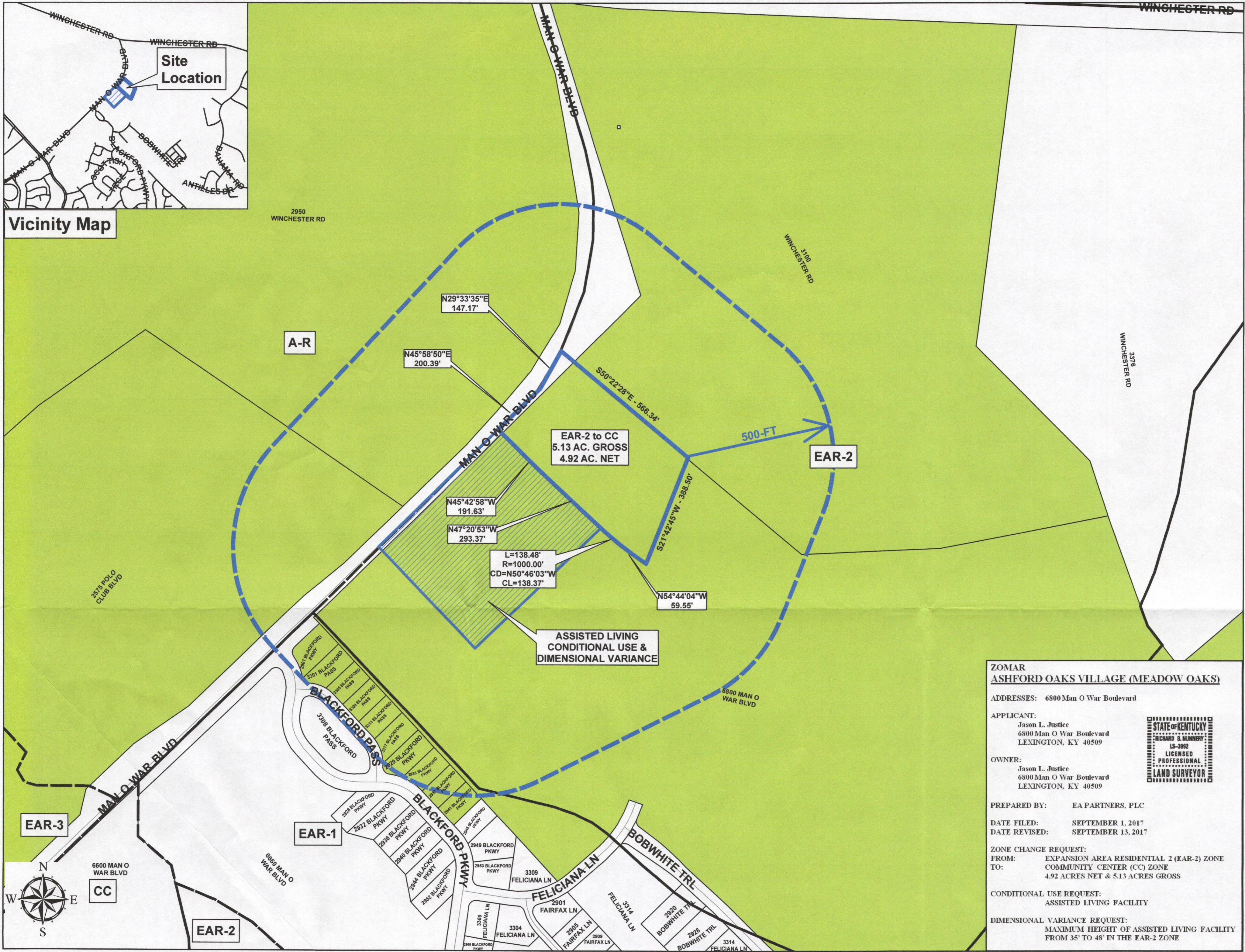
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BEGINNING AT A POINT in the north property corner of 6800 Man O War Boulevard as recorded in Deed Book 2028, Page 651 in the Office of the Fayette County Clerk; thence with the eastern property line South 50 Degrees 22 Minutes 28 Seconds East a distance of 566.34 feet to a point in the proposed zone line; thence with the proposed zone line for the following five (5) calls: South 21 Degrees 42 Minutes 45 Seconds West a distance of 388.50 feet to a point; thence North 54 Degrees 44 Minutes 04 Seconds West a distance of 59.55 feet to a point; thence along an arc 138.48 feet to the right, having a radius of 1000.00 feet, the chord of which is North 50 Degrees 46 Minutes 03 Seconds West for a distance of 138.37 feet to a point; thence North 47 Degrees 20 Minutes 53 Seconds West a distance of 293.97 feet to a point; thence North 45 Degrees 42 Minutes 58 Seconds West a distance of 191.63 feet to a point in the northern property line; thence with the said property line for the following two (2) calls: North 45 Degrees 58 Minutes 50 Seconds East a distance of 200.39 feet; thence North 29 Degrees 33 Minutes 35 Seconds East a distance of 147.17 feet TO the POINT OF BEGINNING.

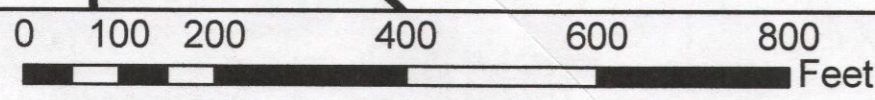
The above described parcel contains 5.13 acres gross and 4.92 acres net.



Vicinity Map



Notification Map



ZOMAR
ASHFORD OAKS VILLAGE (MEADOW OAKS)

ADDRESSES: 6800 Man O War Boulevard

APPLICANT:
 Jason L. Justice
 6800 Man O War Boulevard
 LEXINGTON, KY 40509

OWNER:
 Jason L. Justice
 6800 Man O War Boulevard
 LEXINGTON, KY 40509

PREPARED BY: EA PARTNERS, PLC

DATE FILED: SEPTEMBER 1, 2017
 DATE REVISED: SEPTEMBER 13, 2017

ZONE CHANGE REQUEST:
 FROM: EXPANSION AREA RESIDENTIAL 2 (EAR-2) ZONE
 TO: COMMUNITY CENTER (CC) ZONE
 4.92 ACRES NET & 5.13 ACRES GROSS

CONDITIONAL USE REQUEST:
 ASSISTED LIVING FACILITY

DIMENSIONAL VARIANCE REQUEST:
 MAXIMUM HEIGHT OF ASSISTED LIVING FACILITY
 FROM 35' TO 48' IN THE EAR-2 ZONE



STAFF REPORT ON AMENDED PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-17-00037: JASON L. JUSTICE

DESCRIPTION

Zone Change: From an Expansion Area Residential 2 (EAR-2) zone
To a Community Center (CC) zone

Acreage: 4.92 net (5.13 gross) acres

Location: 6800 Man o' War Boulevard (a portion of)

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	EAR-2	Agricultural
To North	EAR-2	Agricultural and Television Studio/Tower
To East	EAR-2	Agricultural
To South	EAR-1 & EAR-2	Residential
To West	A-R	Agricultural

URBAN SERVICES REPORT

Roads – The subject property is bounded to the northwest by Man o' War Boulevard (KY 1480), which transitions to a two-lane highway along the property frontage between Interstate 75 and Winchester Road (US 60). Man o' War Boulevard is a minor arterial roadway that is controlled and maintained by the Urban County Government. Roadway improvements and dedication of right-of-way along Man o' War Boulevard may be necessary to facilitate safe vehicular traffic in this portion of the Urban Service Area. The "park road" planned for Expansion Area 2a is located on the adjacent Blackford Property, south of the subject property. Felician Lane is a local street that is planned to continue through the proposed development and stub into the agricultural tract to the north. An entrance roadway, between the proposed businesses and assisted living facility, is also proposed near the existing farm access point. All local streets, private and public, are required to be constructed by the developer in accordance with the Engineering Manuals.

Curb/Gutter/Sidewalks – Man o' War Boulevard does not have curb, gutter or sidewalks presently. Such improvements should be considered in association with the proposed land use change. Felician Lane has been constructed with full curbs, gutters, and sidewalks, and other local streets will be required to have these same improvements throughout the proposed development.

Storm Sewers – This property lies within the North Elkhorn Creek watershed. The developer will be required to construct the storm sewer lines in this area. The overall storm water management system in this area will utilize the regional retention techniques designed for the Expansion Area - in compliance with the adopted LFUCG Engineering Manuals. The existing pond and drainage areas on the subject property are recommended for pond improvements and bank stabilization by the Expansion Area Stormwater Master Plan.

Sanitary Sewers – This property is located within the North Elkhorn sewershed, and will be served by the Town Branch Wastewater Treatment Facility on Lisle Industrial Road. The Expansion Area Master Plan planned a major trunk line through the Blackford Property to the southeast, and the developer will construct sanitary sewers to connect to the trunk line as development occurs.

Refuse – The Urban County Government services this area with refuse collection on Tuesdays. Supplemental refuse collection may be necessary for portions of the proposed development, including the businesses and the assisted living facility.

Police – The nearest police station is the Central Sector roll call center, located off Winchester Road near its interchange with New Circle Road, approximately 3½ miles to the northwest of the subject property.

Fire/Ambulance – The nearest fire station (#17) is located at the intersection of Winchester Road and Royster Road, approximately two miles to the east of the subject property. The Division of Fire and

Emergency Services also has plans for a new fire station in this portion of the Urban Services Area near the Hamburg area.

Utilities – Electric, phone, water, natural gas, cable television, and streetlights are available within the already developed portion of the Meadow Oaks subdivision and should be able to be extended to the subject property.

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.

The subject property is located within the Expansion Area, more specifically Subarea 2a. The Expansion Area Master Plan recommends Expansion Area Residential 2 future land use for the subject property.

The petitioner proposes a retirement community development, with services and amenities, on approximately 37 acres of land, including a mixed-use area, independent living units (townhouses, villas and cottages of varying sizes), and an assisted living facility with 120 beds. The petitioner is requesting that five acres of the property be developed in a Community Center (CC) zone to provide services within the community, like restaurants, barber and beauty shops, retail sales establishments and medical offices. A total of 260 dwelling units are proposed within the boundary of the corollary development plan, for an overall density of 7.02 dwelling units per gross acre. A conditional use and variance are also requested in association with the zone change application.

CASE REVIEW

The petitioner has requested a zone change from an Expansion Area Residential 2 (EAR-2) zone to a Community Center (CC) zone for about five acres of property located along the east side of Man o' War Boulevard, between Winchester Road (US 60) and Blackford Parkway. The subject property is located within Expansion Area 2a, which is located between Winchester Road (north); the Urban Service Area boundary (east); the Brighton shared use trail (south); and Interstate 75 (west).

This portion of the Expansion Area is characterized by residential land use of varying types to the south in the Blackford Oaks and Glen Eagles subdivisions (EAR-1 and EAR-2 zoning), and agricultural land use, which is intended for residential development, to the north, east and west of the subject property. The WTVQ television studio and transmission towers are also located on the tract immediately to the north of the site.

Overall, the petitioner proposes a retirement community development, with services and amenities, on approximately 37 acres of land, including a mixed-use area, independent living units (townhouses, villas and cottages of varying sizes), and an assisted living facility with 120 beds. The petitioner is requesting that five acres of the property be developed in a Community Center (CC) zone to provide services and amenities within the retirement community. A total of 22 dwelling units are proposed to meet the required residential component of the CC zone. A conditional use and variance are also requested for property adjacent to the subject property, which is depicted on the corollary development plan filed in association with the zone change application.

The 2013 Comprehensive Plan establishes Themes, Goals and Objectives to further the vision for the future land use development of our community. However, the 1996 Expansion Area Master Plan remains in effect, as Article 23 of the Zoning Ordinance requires a finding that all new developments must comply with that plan, in order to be approved. In the case of the current rezoning request, the more detailed recommendations of the EAMP (Subarea 2a) must be reviewed.

Subarea 2a of the EAMP recommended a density of 316-696 dwelling units for the entire Meadow Oaks Property (148 acres) split between the EAR-1 and EAR-2 zoning categories, and more specifically, 14-29 dwelling units for land now requested for rezoning. The petitioner requested a zone change in 2001 in compliance with the Expansion Area Master Plan, and specifically requested approval of a maximum 676 dwelling units. The petitioner is not amending the total density of the Meadow Oaks development with the modification now proposed, but rather adding community center land uses to create a focal point and true community of place, as envisioned by the EAMP.

The EAMP future land use element contemplated that commercial, office and institutional uses be located in community centers which have form and function of a traditional village or town center (pg. 42), where individual uses are organized around public spaces and streets that are attractive and open to multiple modes of transportation. The EAMP also emphasizes that the key elements of a community of place are multi-purpose trips, reliance on alternative modes of transportation, calmed traffic and a mix of uses organized around places of public and private assembly. The Transition Area Overlay (TA) land use designation is implemented as an overlay zone and includes proposed uses such as civic, cultural and religious institutions adjacent to Community Center (CC) land uses as part of a unified plan of development within the Expansion Area. The CC and TA zones are intended to function together, and when an integrated plan for these two zones is accomplished by way of vehicular and pedestrian accessways and other community design features, then the density and height limits are allowed to comply with the less restrictive CC zone requirements.

Although the subject property is not one of the four locations originally designated for CC future land use by the EAMP, the staff agrees with the petitioner that the proposed development plan is in compliance with the principles of the Plan, and successfully accomplishes the concept of organizing a mixed-use area around a public space (cemetery), and creating a main street entrance for the development. In addition, the proposed density within the CC zone of 22 units falls within the existing allowed density of 3–6 dwelling units per gross acre in an EAR-2 zone (14–29 dwelling units for 5.13 gross acres).

The staff has concluded that the petitioner's plan meets the critical elements and principles of the EAMP, based on the following:

- 1) there is no density increase beyond levels originally proposed by the EAMP;
- 2) the "park road" (Blackford Parkway) will still serve as the area's collector street;
- 3) the proposed retirement community is organized around a community center or place; and
- 4) the proposed mixed-use center or neighborhood commercial is confined to a discrete node, with development that is screened, landscaped and oriented to the regional arterial roadway (Man o' War Boulevard).

Lastly, the petitioner opines that the requested rezoning is also supported by several Goals and Objectives of the 2013 Comprehensive Plan by expanding mixed-use development options and providing a continuum of housing options for seniors, all connected for various modes of transportation (Theme A, Goal #3), and by providing accessible community facilities (assisted living and healthcare) and services to meet the health, safety and quality of life need for the community (Theme D, Goal #2). For these reasons, the staff concludes that this is in agreement with the 2013 Comprehensive Plan, and the substantial compliance with the principles of the 1996 Expansion Area Master Plan.

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

1. The requested Community Center (CC) zone is in agreement with the 2013 Comprehensive Plan, and in substantial agreement with the more detailed recommendations of the 1996 Expansion Area Master Plan (EAMP), for the following reasons:
 - a. The 2013 Comprehensive Plan recommends providing well designed neighborhood and communities, and the petitioner is expanding mixed-use development options and providing a continuum of housing options for seniors, all connected for various modes of transportation (Theme A, Goal #3).

- b. The Plan further recommends providing accessible community facilities and services to meet the health, safety and quality of life need for the community, and the petitioner is assisted living and healthcare) (Theme D, Goal #2).
 - c. The proposed CC zone and its corollary development plan are in compliance with the principles of the EAMP, by successfully accomplishing the concept of organizing a mixed-use area around a public space (cemetery), and creating a main street entrance for the development.
 - d. The proposed density within the CC zone of 4.29 dwelling unit per gross acre (22 units) falls within the existing allowed density of 3–6 dwelling units per gross acre in an EAR-2 zone (14–29 dwelling units for 5.13 gross acres); therefore, no residential density will be lost through the amendment.
2. This recommendation is made subject to approval and certification of PLN-MJDP-17- 00099: Meadow Oaks (Ashford Oaks Village)(Amd.), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of Planning Commission Approval.

TLW/dw

10/4/2017

Planning Services/Staff Reports/MAR/2017/PLN-MAR-17-00037.doc

**STAFF REPORT FOR CONDITIONAL USE & VARIANCE REQUESTED FROM
PLANNING COMMISSION**

PLN-MAR-17-00037: JASON L. JUSTICE

REQUESTED CONDITIONAL USE

1. Assisted living facility in an Expansion Area Residential (EAR-2) zone.

REQUESTED VARIANCE

1. To increase the maximum allowable height of the building from 35 feet to 48 feet.

ZONING ORDINANCE

Article 6-4(c) states: "The Planning Commission may hear and act upon requested conditional uses and variances associated with a zone change. If the Planning Commission should choose to hear a conditional use or variance request, the Planning Commission shall have all of the powers and responsibilities of the Board of Adjustment, as defined in Articles 7-6(a) and 7-6(b) of the Zoning Ordinance. All conditional use and variance applications shall be acted upon by the Planning Commission within ninety (90) days of the application, unless postponed further by the applicant."

Article 23A-6(d)2 lists an assisted living facility as one of several conditional uses in the EAR-2 zone, provided that any site for such use must front on a street with a functional classification of collector or arterial.

Article 23A-6(g) states that the maximum height of a building in an EAR-2 zone shall be 35 feet.

For elderly housing, Article 23A-6(j) requires three (3) on-site parking spaces for every four (4) dwelling units. For an assisted living facility in zones other than in the Expansion Area, required parking also includes a space for each employee on the maximum shift. The applicant in this case is proposing parking based on that requirement.

CASE REVIEW

This 37-acre property is located just south of Winchester Road, on the east side of Man o' War Boulevard, in Expansion Area 2a. It is currently zoned EAR-1 (1.51 acres in its southeastern corner) and EAR-2, having been re-zoned in 2001 from A-R (Agricultural Rural) to its current zoning. The development plan submitted with that zone change indicated a mix of multi-family, townhome and single-family residential development for the property, in agreement with the Expansion Area Master Plan (EAMP), which encourages new development in the Expansion Area to function as a community with a mix of uses, housing types and community facilities.

The applicant is now requesting a zone change to CC for approximately five acres of the property, in order to facilitate the development of a retirement community that will contain both residential and commercial uses – basically a mixed-use development for senior citizens. Along with this zone change, the applicant is requesting a conditional use and a variance to allow construction of an assisted living facility as part of the overall retirement community, although it will be located on the EAR-2 portion of the property (assuming the conditional use and variance are approved either now by the Planning Commission or at a later time by the Board of Adjustment). The assisted living facility is currently designed as a 3-story building with 120 beds. Parking spaces are proposed based on three spaces per four beds, plus one space for each employee on the maximum shift, for a total of 116 spaces.

The proposed facility will be part of an overall transitional residential development that, as currently designed, will contain 118 townhome-style, villa and cottage units for independent living. Once re-zoned, the CC portion of the property will provide services and amenities for the residents, such as a restaurant and retail or other commercial services, to help ensure and promote the independent living aspect of the project.

In the 2013 Comprehensive Plan it was acknowledged that there has been strong growth of the healthcare

industry in Lexington due to the large percentage of our population approaching retirement age. The applicant has stated his desire to create a situation that will allow area residents to transition from the typical housing unit to an independent unit within the development and finally to the assisted living facility, if and when needed. Fayette County has other transitional residential developments, but none in close proximity to the subject property, and none that have commercial uses as part of their development. What is proposed would not have an adverse impact on either the subject property or surrounding neighborhoods, but would expand the housing options and types in this part of Lexington, which supports both the EAMP and the Comprehensive Plan.

In conjunction with the conditional use request for the assisted living facility, the applicant is also requesting a height variance to allow its construction. The maximum height for buildings in the EAR-2 zone is 35 feet, which is stated in both the EAMP and the Zoning Ordinance, although it is only recommended in the EAMP. Typically, buildings that would be constructed in the EAR-2 zone would be no more than 35 feet in height (based on an approximate 10-foot floor-to-floor dimension). The applicant is requesting a variance to allow an overall height increase of 13 feet, for a total building height of 48 feet. This will provide greater floor-to-floor space (16 feet), which is required for all healthcare facilities (stipulated by AIA guidelines) to accommodate cabling and ductwork for HVAC, plumbing and the electrical needed for the necessary specialized equipment.

The CC zone has a maximum allowable height of 48 feet; however, as proposed on the preliminary development plan, the buildings that will be located in the CC zone (which adjoins the assisted living facility to the north), will be two stories and 35 feet in height. The residential structures to the south and east of the assisted living facility are proposed to be two stories and 30 feet in height. The assisted living facility will be centered along the frontage of the property; and constructing it with a 48-foot height, as requested, will provide a visual anchor for the development. Additionally, it will provide balance to the streetscape, thereby making the added height not only functional but a positive aesthetic consideration.

Although the EAMP states that the maximum allowable height in the EAR-2 zone should be 35 feet, it does not require it to be so; and although the 48-foot height is not in agreement with the EAMP's recommendation, the height of the building may be varied as a dimensional requirement of the Zoning Ordinance. Compared to the overall development concepts contained in the EAMP (e.g., creating a sense of community by providing a mix of housing and other uses on the property, which this is intended to do), granting a variance to the height of the building is minimal in scope and impact. In fact, rather than seen as not being in agreement with the EAMP, it will actually help to facilitate its implementation. And based on the location of the property and the topography of the area, the added height will likely be unnoticed.

The Staff Recommends: **Approval of the requested conditional use**, for the following reasons:

- a. Granting the requested conditional use should not adversely affect the subject or surrounding properties. The Expansion Area Master Plan recommends a variety of housing types, as does the 2013 Comprehensive Plan. What is proposed for the property is a variety of housing types as well as a variety of uses (including the assisted living facility), designed to create a cohesive retirement development for senior citizens with a sense of community, also recommended by the two Plans.
- b. As this is in the Expansion Area, if not already available, necessary public services and facilities such as fire and police protection, and sanitary and storm sewers, will be made available and adequate to serve the subject property.

The Staff Recommends: **Approval of the variance to increase the maximum allowable height of the building from 35 feet to 48 feet**, for the following reasons:

- a. Granting the requested variance will not adversely affect the public health, safety or welfare, nor will it alter the character of the general vicinity. The proposed building will be only 13 feet taller than the limitation of the EAR-2 zone but will be at the same height allowed in the CC zone, which is 48 feet. At the proposed height, the assisted living facility will create a visual anchor for the development and will provide a balance to the streetscape as it applies to the property and the general area.
- b. The special circumstance that serves to justify the variance is that this is a healthcare facility, which has greater floor-to-floor requirements for its mechanical and electrical systems. It will be a 3-story, 120-bed facility, and the increased height is necessary to accommodate its design.
- c. Strict application of the Zoning Ordinance would either restrict the building to two stories or would disallow construction in keeping with AIA guidelines for construction of healthcare facilities.

These recommendations of approval are made subject to the following conditions:

1. Should the portion of the subject property be rezoned to CC as proposed, the entirety of the property shall be developed according to the submitted Zoning Development Plan, or as further amended by the Planning Commission.
2. All necessary permits, including a Zoning Compliance Permit, Building and Paving permits, Land Disturbance permit and a Certificate of Occupancy, shall be obtained from the Divisions of Planning, Building Inspection and Engineering prior to any construction, and prior to occupancy of any of the buildings on the property.
3. The parking lot and driveway shall be paved, with spaces delineated, and landscaped/screened in accordance with Articles 16 and 18 of the Zoning Ordinance.
4. The final design of the parking lot, access drive and internal circulation shall be subject to review and approval by the Division of Traffic Engineering.
5. Any outdoor pole lighting for the parking lot shall be of a shoebox (or similar) design, with light shielded and directed downward to avoid disturbing adjoining or nearby properties. Such lighting shall have a maximum height of twenty-five feet.
6. A storm water management plan shall be implemented in accordance with the requirements of the adopted Engineering Manuals, subject to acceptance by the Division of Engineering.
7. A note shall be placed on the Zoning Development Plan indicating the conditional use and variances that the Planning Commission has approved for this property [under Article 6-4(c) of the Zoning Ordinance].

4. JASON L. JUSTICE ZONING MAP AMENDMENT & ASHFORD OAKS VILLAGE (MEADOW OAKS) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-17-00037; JASON L. JUSTICE (11/30/17)*- petition for a zone map amendment from an Expansion Area Residential (EAR-2) zone to a Community Center (CC) zone, for 4.92 net (5.13 gross) acres, for property located at 6800 Man o' War Blvd (a portion of). A conditional use permit and a variance are also requested.

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.

The subject property is located within the Expansion Area, more specifically Subarea 2a. The Expansion Area Master Plan recommends Expansion Area Residential 2 future land use for the subject property.

The petitioner proposes a retirement community development, with services and amenities, on approximately 37 acres of land, including a mixed-use area, independent living units (townhouses, villas and cottages of varying sizes), and an assisted living facility with 120 beds. The petitioner is requesting that five acres of the property be developed in a Community Center (CC) zone to provide services within the community, like restaurants, barber and beauty shops, retail sales establishments and medical offices. A total of 260 dwelling units are proposed within the boundary of the corollary development plan, for an overall density of 7.02 dwelling units per gross acre. A conditional use and variance are also requested in association with the zone change application.

The Zoning Committee Recommended: Approval.

The Staff Recommends: Approval, for the following reasons:

1. The requested Community Center (CC) zone is in agreement with the 2013 Comprehensive Plan, and in substantial agreement with the more detailed recommendations of the 1996 Expansion Area Master Plan (EAMP), for the following reasons:
 - a. The 2013 Comprehensive Plan recommends providing well designed neighborhood and communities, and the petitioner is expanding mixed-use development options and providing a continuum of housing options for seniors, all connected for various modes of transportation (Theme A, Goal #3).
 - b. The Plan further recommends providing accessible community facilities and services to meet the health, safety and quality of life need for the community, and the petitioner is assisted living and healthcare) (Theme D, Goal #2).
 - c. The proposed CC zone and its corollary development plan are in compliance with the principles of the EAMP, by successfully accomplishing the concept of organizing a mixed-use area around a public space (cemetery), and creating a main street entrance for the development.
 - d. The proposed density within the CC zone of 4.29 dwelling unit per gross acre (22 units) falls within the existing allowed density of 3-6 dwelling units per gross acre in an EAR-2 zone (14-29 dwelling units for 5.13 gross acres); therefore, no residential density will be lost through the amendment.
2. This recommendation is made subject to approval and certification of PLN-MJDP-17- 00099: Meadow Oaks (Ashford Oaks Village)(Amd.), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of Planning Commission Approval.

b. REQUESTED CONDITIONAL USE

1. Assisted living facility in an Expansion Area Residential (EAR-2) zone.

c. REQUESTED VARIANCE

1. To increase the maximum allowable height of the building from 35 feet to 48 feet.

The Zoning Committee recommended: Approval per the staff recommendations.

The Staff Recommends: Approval of the requested conditional use, for the following reasons:

- a. Granting the requested conditional use should not adversely affect the subject or surrounding properties. The Expansion Area Master Plan recommends a variety of housing types, as does the 2013 Comprehensive Plan. What is proposed for the property is a variety of housing types as well as a variety of uses (including the assisted living facility), designed to create a cohesive retirement development for senior citizens with a sense of community, also recommended by the two Plans.
- b. As this is in the Expansion Area, if not already available, necessary public services and facilities such as fire and police protection, and sanitary and storm sewers, will be made available and adequate to serve the subject property.

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

The Staff Recommends: Approval of the variance to increase the maximum allowable height of the building from 35 feet to 48 feet, for the following reasons:

- a. Granting the requested variance will not adversely affect the public health, safety or welfare, nor will it alter the character of the general vicinity. The proposed building will be only 13 feet taller than the limitation of the EAR-2 zone but will be at the same height allowed in the CC zone, which is 48 feet. At the proposed height, the assisted living facility will create a visual anchor for the development and will provide a balance to the streetscape as it applies to the property and the general area.
- b. The special circumstance that serves to justify the variance is that this is a healthcare facility, which has greater floor-to-floor requirements for its mechanical and electrical systems. It will be a 3-story, 120-bed facility, and the increased height is necessary to accommodate its design.
- c. Strict application of the Zoning Ordinance would either restrict the building to two stories or would disallow construction in keeping with AIA guidelines for construction of healthcare facilities.

These recommendations of approval are made subject to the following conditions:

1. Should the portion of the subject property be rezoned to CC as proposed, the entirety of the property shall be developed according to the submitted Zoning Development Plan, or as further amended by the Planning Commission.
 2. All necessary permits, including a Zoning Compliance Permit, Building and Paving permits, Land Disturbance permit and a Certificate of Occupancy, shall be obtained from the Divisions of Planning, Building Inspection and Engineering prior to any construction, and prior to occupancy of any of the buildings on the property.
 3. The parking lot and driveway shall be paved, with spaces delineated, and landscaped/screened in accordance with Articles 16 and 18 of the Zoning Ordinance.
 4. The final design of the parking lot, access drive and internal circulation shall be subject to review and approval by the Division of Traffic Engineering.
 5. Any outdoor pole lighting for the parking lot shall be of a shoebox (or similar) design, with light shielded and directed downward to avoid disturbing adjoining or nearby properties. Such lighting shall have a maximum height of twenty-five feet.
 6. A storm water management plan shall be implemented in accordance with the requirements of the adopted Engineering Manuals, subject to acceptance by the Division of Engineering.
 7. A note shall be placed on the Zoning Development Plan indicating the conditional use and variances that the Planning Commission has approved for this property [under Article 6-4(c) of the Zoning Ordinance].
- d. **PLN-MJDP-17-00099: ASHFORD OAKS VILLAGE (MEADOW OAKS) (11/30/17)* - located at 6800 Man o' War Boulevard (Barrett Partners)**

The Subdivision Committee Recommended: Postponement, there were some questions regarding whether or not the plan is in compliance with the open space, density and Community Center zone requirements.

1. Provided the Urban County Council rezones the property CC; 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 location of garage on all residential building.
8. Correct north arrow.
9. Addition of adjacent property information (N-392 on Bobwhite Trail).
10. Denote number and location of residential units in CC area.
11. Denote the approval of the conditional use in the EAR-2 zone.
12. Reduce density to comply with Article 23A-6(f) of the Zoning Ordinance for EAR-2 zone.
13. Denote front yard orientation of buildings in the EAR-2 zone.
14. Addition of any existing and proposed easements.
15. Discuss parking spaces on private streets.
16. Discuss compliance with front yard garage setback of 25' per Article 23A-2(f) (i)(2) of the Zoning Ordinance.
17. Discuss orientation and landscaping adjacent to Man o' War Boulevard.
18. Discuss compliance with Article 23A-9(k)2 of the Zoning Ordinance as to the timing of the residential component.
19. Discuss amenity conflicts with existing pond (at the clubhouse and pool).
20. Discuss pedestrian access to CC area along the main streets to be 6' in width.
21. Discuss intent to subdivide property.
22. Discuss pedestrian access to EAR-2 area north of CC area.
23. Discuss improvements to Man o' War Boulevard.

Staff Zoning Presentation – Ms. Wade stated that this hearing was to be a full hearing, but the applicant spoke with the citizens who were present and their concerns were addressed. She presented and summarized the staff report and recommendations for the zone change. She displayed aerial photographs of the subject property and general area. She said the farm was a community center zone that was rezoned in 2001 and a portion has been developed. She said that at this time the applicant is

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proposing to build a retirement community development, which would include mixed use, restaurant, retail, and dwelling units, such as an assisted living facility, townhouses, villas and cottages within a five-acre site.

Ms. Wade referenced the 2013 Comprehensive Plan and the 1996 Expansion Area Master Plan and stated that the recommendation for this site was for residential use with 14 to 29 dwelling units. She said that the applicant is proposing 22 dwelling units. She said the applicant is organizing the CC zone around a central location, which is desired in the 1996 Expansion Area Master Plan. She said the applicant believes their justification meets the 2013 Comprehensive Plan Goals and Objectives, which the staff agreed. She said the staff and the Zoning Commission both recommended approval of this zone change.

Development Plan Presentation – Ms. Gallt presented a rendering of the preliminary development plan, and she 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 CC; 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 location of garage on all residential building.~~
8. ~~Correct north arrow.~~
9. ~~Addition of adjacent property information (N 302 on Bobwhite Trail).~~
10. ~~Denote number and location of residential units in CC area.~~
6. 44. Denote the approval of the conditional use in the EAR-2 zone.
12. ~~Reduce density to comply with Article 23A-6(f) of the Zoning Ordinance for EAR-2 zone.~~
13. ~~Denote front yard orientation of buildings in the EAR-2 zone.~~
7. 14. Addition of any existing and proposed easements.
8. 15. Discuss parking spaces on private streets.
16. ~~Discuss compliance with front yard garage setback of 25' per Article 23A-2(f) (i)(2) of the Zoning Ordinance.~~
9. 47. ~~Discuss Denote building front orientation and landscaping adjacent to Man o' War Boulevard.~~
10. 48. Discuss Resolve compliance with Article 23A-9(k)2 of the Zoning Ordinance as to the timing of the residential component at time of final development plan.
11. 49. ~~Discuss amenity conflicts with~~ Denote boardwalk location along existing pond (at the clubhouse and pool).
12. 20. Discuss Denote pedestrian access to CC area along Feliciana Lane, main entrance roadway and CC area roadway ~~the main streets~~ to be 6' in width.
13. 24. Discuss intent to subdivide property.
14. 22. Discuss Label pedestrian access to EAR-2 area north of CC area.
15. 23. Discuss improvements to Man o' War Boulevard and denote cross-section (G-G).
16. Discuss collector street cross-section for main entrance roadway and Feliciana Lane, including intersection spacing.

Ms. Gallt pointed out the access to the subject property and the CC area, townhomes and cottages and the assisted living facility on the development plan. She said that there are a few standard conditions on the plan, including to denote the conditional use, and several others. She said that pedestrian access needs to be 6' in width along the primary street, and that it would be inappropriate to discuss possible improvements on Man o' War Blvd.

Requested Conditional Use and Variance – Mr. Martin presented the staff report and the staff's recommendations for the requested conditional use and the variance for the subject property. He said that this is an assisted living facility and transitional elderly living development, which requires a conditional use in the Expansion Area Residential (EAR-2) zone. He said the applicant is proposing a three-story building with 120 beds, and 116 parking spaces. He said that the applicant is requesting a height variance in order for to meet the requirements in the industry; they need higher ceilings for their electrical and mechanical systems. He said that staff is recommending approval for both the conditional use and the variance.

Traffic Impact Study - Jimmy Emmons presented the MPO staff report on the submitted Traffic Impact Study for this zone change. He displayed the state's functional classification of the streets in the area. He said the Kentucky Transportation Cabinet has plans to widen Winchester Road and Man o' War Blvd.

Mr. Emmons said the staff's primary concern was the main street from Man o' War Blvd. to Feliciana Lane that serves the assisted living facility is being proposed as a local street and the staff believes that with the intensification of the land use in the area, that it will produce collector level traffic on that street. He said that entrance improvements are needed for the access onto Man o' War Blvd. He said the loop street within the CC zone has one intersection that is too close to Man o' War Blvd to meet the

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subdivision regulations and the staff believes that will be unsafe for an intersection. He said that Scott Thompson, Bicycle/Pedestrian Coordinator, recommended round-a-bouts in the area for safer pedestrian and cyclist environments. He said that at the time of the final development plan, the main entrance road at Feliciana Lane will be required to coordinate with District 7, Traffic Engineering and the Bicycle/Pedestrian Coordinator to create a roadway that will pay specific attention to mobility and safety for all users of this road.

Mr. Emmons said that conditions #15 and 16 could be changed as follows:

15. 23. Discuss Denote improvements to Man o' War Boulevard and denote cross-section (G-G).
16. Discuss Denote collector street cross-section for main entrance roadway and Feliciana Lane, including intersection spacing.

Applicant Presentation – Darby Turner, attorney, was present representing the petitioner. He said that the concern with the sidewalk along Man o' War Blvd. there is no requirement of sidewalks between I-75 and Winchester Road. With regard to condition #13 about the applicant's intent to subdivide the property; he said that this development will be condominium style and that there won't be any subdivision of units.

Commission Questions – Mr. Penn complimented the applicant for proposing the CC in this area.

Mr. Martin said the staff recommended that all of the "Discussion" items to state "Denote, the condition, shall be resolved at the final development plan stage."

Zoning Action – A motion was made by Mr. Cravens, seconded by Mr. Brewer, and carried 9-0 (Forester and Richardson absent) to approve PLN-MAR-17-00037: JASON L. JUSTICE, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Cravens, seconded by Mr. Brewer, and carried 9-0 (Forester and Richardson absent) to approve PLN-MJDP-17-00099: ASHFORD OAKS VILLAGE (MEADOW OAKS), with the revised conditions provided by the staff and revising condition numbers 8, 13, 15, and 16 to read as follows:

The Staff Recommends: Approval, subject to the following conditions:

1. Provided the Urban County Council rezones the property CC; 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 location of garage on all residential building.~~
- ~~8. Correct north arrow.~~
- ~~9. Addition of adjacent property information (N-302 on Bobwhite Trail).~~
- ~~10. Denote number and location of residential units in CC area.~~
6. 44. Denote the approval of the conditional use in the EAR-2 zone.
- ~~42. Reduce density to comply with Article 23A-6(f) of the Zoning Ordinance for EAR-2 zone.~~
- ~~13. Denote front yard orientation of buildings in the EAR-2 zone.~~
- ~~7. 14. Addition of any existing and proposed easements.~~
- ~~8. 15. Denote Discuss~~ parking spaces on private streets shall be resolved at the final development plan stage.
- ~~46. Discuss compliance with front yard garage setback of 25' per Article 23A-2(f)(1)(2) of the Zoning Ordinance.~~
9. 47. Discuss Denote building front orientation and landscaping adjacent to Man o' War Boulevard.
10. 48. Discuss Resolve compliance with Article 23A-9(k)2 of the Zoning Ordinance as to the timing of the residential component at time of final development plan.
11. 49. Discuss amenity conflicts with Denote boardwalk location along existing pond (at the clubhouse and pool).
12. 20. Discuss Denote pedestrian access to CC area along Feliciana Lane, main entrance roadway and CC area roadway the main streets to be 6' in width.
13. 24. Denote Discuss intent to subdivide property shall be resolved at the final development plan stage.
14. 22. Discuss Label pedestrian access to EAR-2 area north of CC area.
15. 23. Denote Discuss improvements to Man o' War Boulevard and denote cross-section (G-G) shall be resolved at the final development plan stage.
16. Denote Discuss collector street cross-section for main entrance roadway and Feliciana Lane, including intersection spacing shall be resolved at the final development plan stage.

Requested Conditional Use and Variance Action – A motion was made by Mr. Cravens, seconded by Mr. Brewer, carried 9-0 (Forester and Richardson absent) to approve the requested conditional use and variance, for the reasons provided by the staff.