

AN ORDINANCE CHANGING THE ZONE FROM AN AGRICULTURAL URBAN (A-U) ZONE TO A PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE, FOR 67.58 NET (67.65 GROSS) ACRES, AND TO A HIGH DENSITY APARTMENT (R-4) ZONE, FOR 22.01 NET (22.18 GROSS) ACRES, FOR PROPERTIES LOCATED AT 478 AND 480 SQUIRES ROAD. (BALL HOMES, INC.; COUNCIL DISTRICT 7).

WHEREAS, at a Public Hearing held on January 26, 2017 a petition for a zoning ordinance map amendment for property located at 478 and 480 Squires Road from an Agricultural-Urban (A-U) zone to a Neighborhood Residential (R-3) zone for 67.58 net (67.65 gross) acres, and to a High Density Apartment (R-4) zone, for 22.01 net (22.18 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 8-1; and

WHEREAS, this Council held a Public Hearing beginning on April 18 and continuing to April 19, 2017 and adopted the recommendation of the Planning Commission with additional conditions; 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 478 and 480 Squires Road from an Agricultural-Urban (A-U) zone to a Neighborhood Residential (R-3) zone for 67.58 net (67.65 gross) acres, and to a High Density Apartment (R-4) zone, for 22.01 net (22.18 gross) acres, being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - That the granting of this zone change is made subject to the following restrictions as conditions of granting the zone change:

Under the provisions of Article 6-7 of the Zoning Ordinance, the following restriction is proposed for the subject property via conditional zoning:

- a. Along the boundary of the subject property which is shared with Kentucky American Water (Reservoir #4), there shall be a fifty (50) foot landscape buffer area established from the zone change boundary. Within the buffer area:

- (1) All structures, including accessory structures, fences and play structures shall be prohibited;
- (2) Existing trees with a 1 and 1/2" caliper, or greater, shall be preserved, except for dead, diseased, hazardous trees or invasive species;
- (3) All other trees may be removed only with the written consent of the Division of Environmental Services, if deemed to be necessary for the overall health of this environmentally sensitive area.


b. The total number of dwelling units within the zone change area shall be limited to four hundred and fifty (450).

These restrictions are appropriate and necessary for the subject property in order to more fully protect the adjacent reservoir, to address traffic concerns based on the traffic impact studies and to more fully implement the principles of the 2013 Comprehensive Plan:

Section 3 - 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 4 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: April 18, 2017

MAYOR 

ATTEST: 
CLERK OF URBAN COUNTY COUNCIL

Published: May 9, 2017-1t
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478 and 480 Squires Road (a portion of)
Kentucky-American Water Company Property
Zone Change from A-U to R-3
Lexington, Fayette County, Kentucky

A TRACT OR PARCEL OF LAND SITUATED SOUTH OF AND ADJACENT TO SQUIRES ROAD APPROXIMATELY 170 FEET EAST OF THE INTERSECTION OF HUNTERS POINT DRIVE AND SQUIRES ROAD IN SOUTHEAST LEXINGTON, FAYETTE COUNTY, KENTUCKY AND BEING MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

BEGINNING AT A POINT in the centerline of Squires Road, said point also lying in the extended eastern property line of Hunters Point, Unit 1 as shown on Plat Cabinet D, Slide 751 of record in the Fayette County Clerk's Office; Thence with said centerline North 39 degrees 07 minutes 17 seconds East, a distance of 89.61 feet to a point; Thence leaving said centerline South 50 degrees 52 minutes 43 seconds East, a distance of 30.00 feet to a point; Thence North 64 degrees 13 minutes 25 seconds East, a distance of 198.06 feet to a point; Thence 653.82 feet along a curve to the left having a radius of 500.00 feet and a chord which bears South 59 Degrees 40 Minutes 24 Seconds East, a distance of 608.22 feet to a point; Thence North 82 degrees 40 minutes 43 seconds East, a distance of 190.26 feet to a point; Thence 262.30 feet along a curve to the right having a radius of 500.00 feet and a chord which bears South 82 Degrees 06 Minutes 20 Seconds East, a distance of 259.30 feet to a point; Thence South 67 degrees 04 minutes 36 seconds East, a distance of 261.11 feet to a point; Thence 197.12 feet along a curve to the left having a radius of 400.00 feet a chord which bears South 08 degrees 48 minutes 21 seconds West, a distance of 195.13 feet to a point; Thence South 74 degrees 40 minutes 35 seconds East, a distance of 265.93 to a point; Thence South 34 Degrees 06 Minutes 42 Seconds West, a distance of 72.56 feet to a point; Thence South 40 Degrees 23 Minutes 32 Seconds East, a distance of 374.74 feet to a point; Thence South 06 degrees 49 minutes 59 seconds West, a distance of 302.19 feet to a point; thence South 33 degrees 58 minutes 38 seconds West, a distance of 350.58 feet to a point; Thence South 37 degrees 42 minutes 47 seconds West, a distance of 356.41 feet to a point; Thence South 45 degrees 40 minutes 39 seconds West, a distance of 302.29 feet to a point; Thence South 38 degrees 34 minutes 11 seconds West, a distance of 344.93 feet to a point; thence North 62 degrees 41 minutes 16 seconds West, a distance of 385.28 feet to a point; Thence North 15 degrees 20 minutes 22 seconds East, a distance

of 192.08 feet to a point; Thence North 32 degrees 46 minutes 40 seconds West, a distance of 101.46 feet to a point; Thence South 57 degrees 11 minutes 56 seconds West, a distance of 195.26 feet to a point; Thence North 84 degrees 49 minutes 45 seconds West, a distance of 81.34 feet to a point; Thence North 36 degrees 17 minutes 38 seconds West, a distance of 259.23 feet to a point; Thence North 53 degrees 51 minutes 57 seconds West, a distance of 350.23 feet to a point; Thence North 33 degrees 21 minutes 03 seconds West, a distance of 418.69 feet to a point; Thence North 38 degrees 25 minutes 05 seconds East, a distance of 831.52 feet to a point; Thence North 30 degrees 17 minutes 10 seconds West, a distance of 555.98 feet to the **POINT OF BEGINNING** and containing 67.65 acres gross and 67.58 acres net.

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478 and 480 Squires Road (a portion of)
Kentucky-American Water Company Property
Zone Change from A-U to R-4
Lexington, Fayette County, Kentucky

A TRACT OR PARCEL OF LAND SITUATED SOUTH OF AND ADJACENT TO SQUIRES ROAD APPROXIMATELY 170 FEET EAST OF THE INTERSECTION OF HUNTERS POINT DRIVE AND SQUIRES ROAD IN SOUTHEAST LEXINGTON, FAYETTE COUNTY, KENTUCKY AND BEING MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

COMMENCING AT A POINT in the centerline of Squires Road, said point also lying in the extended eastern property line of Hunters Point, Unit 1 as shown on Plat Cabinet D, Slide 751 of record in the Fayette County Clerk's Office; Thence with said centerline North 39 degrees 07 minutes 17 seconds East, a distance of 89.61 feet to the **TRUE POINT OF BEGINNING**; Thence continuing with said centerline North 39 degrees 07 minutes 17 seconds East, a distance of 218.74 feet to a point; Thence leaving said centerline North 69 degrees 18 minutes 45 seconds East, a distance of 712.99 feet to a point; Thence North 83 degrees 49 minutes 57 seconds East, a distance of 552.52 feet to a point; Thence South 06 degrees 10 minutes 03 seconds East, a distance of 100.00 feet to a point; Thence South 54 degrees 24 minutes 15 seconds East, a distance of 292.89 feet to a point; Thence South 13 degrees 06 minutes 44 seconds East, a distance of 308.11 feet to a point; thence South 11 degrees 03 minutes 42 seconds East, a distance of 383.04 feet to a point; Thence South 34 degrees 06 minutes 42 seconds West, a distance of 182.53 feet to a point; Thence North 74 degrees 40 minutes 35 seconds West, a distance of 265.93 feet to a point; Thence 197.12 feet along a curve to the right having a radius of 400.00 feet and a chord which bears North 08 Degrees 48 Minutes 21 Seconds East, a distance of 195.13 feet to a point; Thence North 67 degrees 04 minutes 36 seconds West, a distance of 261.11 feet to a point; Thence 262.30 feet along a curve to the left having a radius of 500.00 feet and a chord which bears North 82 Degrees 06 Minutes 20 Seconds West, a distance of 259.30 feet to a point; Thence South 82 degrees 40 minutes 43 seconds West, a distance of 190.26 feet to a point; Thence 653.82 feet along a curve to the right having a radius of 500.00 feet a chord which bears North 59 degrees 40 minutes 24 seconds West, a distance of 608.22 feet to a point; Thence South 64 Degrees 13 Minutes 25 Seconds West, a distance of 198.06 feet to a point; Thence North 50 degrees 52 minutes

43 seconds West, a distance of 30.00 feet to the **POINT OF BEGINNING**
and containing 22.18 acres gross and 22.01 acres net.

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

IN RE: PLN-MAR-16-00016: BALL HOMES, INC. – a petition for a zone map amendment from Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 67.58 net (67.65 gross) acres, and to a High Density Apartment (R-4) zone, for 22.01 net (22.18 gross) acres, for properties located at 478 and 480 Squires Road. (Council District 7)

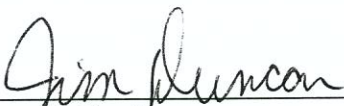
Having considered the above matter on **January 26, 2017**, at a Public Hearing, and having voted **8-1** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter for the following reasons:

1. The proposed Planned Neighborhood Residential (R-3) zone and High Density Apartment (R-4) zone is in substantial 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 residential dwelling unit types, including single-family, townhouses and multi-family dwelling units to meet the needs of the community at a density of 7.11 units per net acre. The corollary development plan also depicts the connection of collector streets and a shared-use path (Easthills Trail) between the Squires Trail and Jacobson Park.
 - b. The 2013 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 has agreed to maintain a 25 foot buffer along the A-U zoning boundary, near the water's edge of Reservoir #4. This will protect the shoreline, reduce the risk of stormwater impacts to the reservoir, and help maintain a healthy ecosystem around one of Lexington's drinking water reservoirs.
 - c. The 2013 Plan recommends *Improving a Desirable Community* (Theme D and Chapter 6) by working to achieve an effective and comprehensive transportation system (Goal #1); providing for accessible community facilities and services to meet the health, safety and quality of life needs of residents and visitors (Theme D, Goal #2); and protecting and enhancing natural landscapes that give Lexington its unique identity and image (Theme D, Goal #3). The petitioner has worked to incorporate the planned share-use trail, preserve the aesthetic beauty of the area, and accommodate a Fayette County Public Schools middle school site. The school site will provide open space and serve as a focal point for the neighborhood.
 - d. The 2013 Plan recommends compact and contiguous development within the Urban Service Area (Theme E, Goal #1) and encourages development of vacant and underutilized parcels (Theme E, Goal #3), both of which are being met by the petitioner's proposal within the Urban Service Boundary.

2. This recommendation is made subject to approval and certification of PLN-MJDP-16-00040: The Peninsula, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following buffering restrictions are recommended for the subject property:
 - a. Along the boundary of the subject property which is shared with Kentucky American Water (Reservoir #4), there shall be a twenty-five (25) foot landscape buffer area established from the zone change boundary. Within the buffer area:
 - (1) all structures, including accessory structures, fences and play structures shall be prohibited;
 - (2) existing trees with a 3" caliper, or greater, shall be preserved, except for dead, diseased, hazardous trees or invasive species;
 - (3) all other trees may be removed only with the written consent of the Division of Environmental Services, if deemed to be necessary for the overall health of this environmentally sensitive area.

This buffer restriction is appropriate and necessary for the subject property in order to more fully protect the adjacent reservoir and to more fully implement the principles of the 2013 Comprehensive Plan.

ATTEST: This 10th day of February, 2017.


 Secretary, Jim Duncan

WILLIAM WILSON
 CHAIR

Note: The corollary development plan, PLN-MJDP-16-00040: THE PENINSULA, was approved by the Planning Commission on January 26, 2017 and certified on February 9, 2017.

K.R.S. 100.211(7) requires that the Council take action on this request by April 26, 2017.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Bill Lear and Nick Nicholson, Attorneys.**

OBJECTORS

- Mr. Nathan Billings, attorney for the nearby neighbors
- Dr. Daniel A Potter, Distinguished Research Professor at the University of Kentucky
- Mr. Steve Rice, 1729 Headley Green, Audubon Society of Kentucky
- Ms. Bridget Abernathy, Lexington-Fayette County Tree Board
- Mr. Walt Gaffield, Fayette County Neighborhood Council
- Ms. Heather Barras, 384 Squires Circle
- Mr. Patrick Wesolosky, President of the Bluegrass Bicycling Club
- Mr. Brian Olsen, 305 Shoreside Drive
- Dr. David Greenlee, 3205 Fox Chase Court
- Dr. Suzanne Bhatt, 1000 Rain Court

OBJECTIONS

- Represented the opposition views of the neighborhood.
- Spoke of the hazards of pests and pesticides.
- Spoke about loss of wildlife and trees.
- Spoke about riparian buffer disturbance and protection.
- Believes the proposed school would be exempt from the EPA Consent Decree requirements.
- Spoke about wildlife and increased traffic
- Double sidewalk trail would be unsafe for cyclists.
- Requested that the school be moved to another location.
- Street widths would be too narrow for emergency vehicles.
- Spoke about heavy equipment used to remove native species.

- Mr. Ken Cooke, 639 Cardinal Lane resident, member of the Friends of Wolf Run
- Mr. Addison Hosea, 3276 Hunters Point Drive
- Mr. Ramesh Baht, 1000 Rain Court
- Ms. Danita Hines, a resident near Jesse Clark Middle School
- Mr. Bob Kennedy, 3296 Buckhorn Drive, president of the nearby Neighborhood Association
- Mr. Tony Brusate, National Audubon Society
- Ms. Teresa Sutherland, 3268 Hunters Point Drive
- Ms. Marilyn Seiler, 3228 Cool Water Drive
- Ms. Beate Popkin, 124 Idle Hour Drive
- Mr. Ray Salsman, 1004 Fog Court
- Mr. Larry Ridenour, 3064 Roundway Down
- Mr. Scott Hiner, 3217 Foxchase Court
- Mr. Jeff Herrin, 3205 Buckhorn Drive
- Mr. Bob Williams, area resident
- Ms. Nancy Kennedy, 661 Squires Road
- Mr. Tom Kriegle, 433 Lakebow Court
- Ms. Rebecca Abner, representing her son residing at 636 Squires Road
- Ms. Helen Born, 1004 Rain Court
- Ms. Libby King, 3199 Dewey Drive
- Ms. Nancy Kruger, Della Drive
- Mr. David Saier, 3194 Dewey Drive
- Argued for a 50' buffer area from the water's edge.
- Spoke of drainage of pollutants and solids into the reservoir.
- Asked that a wall be constructed along the edge of the subject property.
- Spoke about protecting the public water system.
- Neighborhood currently suffers from "cut through" traffic and Squires Road cannot accommodate the proposed level of traffic.
- Spoke about bird species on this property.
- Spoke about increased on their neighborhood streets.
- Spoke about four-story apartments next to their two-story homes would be out of character with existing neighborhood.
- Asked that creative thinking be utilized to evaluate this development.
- Apartment complexes are very difficult to serve in emergencies.
- Native trees will be removed from the site.
- Spoke about bald eagles on the property.
- Zone change is inappropriate for this area.
- Worried about the treatment of this development along the water's edge.
- Spoke about increased traffic.
- Density should be reduced.
- Spoke about another "cookie-cutter" neighborhood being developed in the city.
- Property should be a bird sanctuary.
- Hoped the Commission would "do the right thing."
- Requested that the Commission review properties along the water's edge and in greenway areas carefully.
- Spoke about increased traffic.

VOTES WERE AS FOLLOWS:

AYES: (8) Berkley, Cravens, Drake, Mundy, Owens, Richardson, Smith and Wilson

NAYS: (1) Plumlee

ABSENT: (2) Brewer and Penn

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR 16-00016** 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: Ball Homes, Inc., 3609 Walden Drive, Lexington, KY 40517
Owner(s): KY AMERICAN WATER CO, 2300 RICHMOND RD, LEXINGTON KY 40502
Attorney: Nick Nicholson, Stoll Keenon Ogden, PLLC, 300 West Vine Street, Suite 2100, Lexington, KY 40507

2. ADDRESS OF APPLICANT'S PROPERTY

478 and 480 SQUIRES RD LEXINGTON KY

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

Zoning	Existing		Zoning	Requested		Acreage	
		Use			Use	Net	Gross
A-U		Vacant	R-3	Residential & Middle School	67.58		67.65
A-U		Vacant	R-4	Multi-Family Residential	22.01		22.18

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





WILLIAM M. LEAR, JR
DIRECT DIAL: (859) 231-3011
DIRECT FAX: (859) 246-3611
william.lear@skofirm.com

300 WEST VINE STREET
SUITE 2100
LEXINGTON, KY 40507-1801
MAIN: (859) 231-3000
FAX: (859) 253-1093

October 3, 2016

Lexington-Fayette Urban County Planning Commission
101 East Vine Street
Lexington, KY 40507

**Re: Application for R-3 and R-4 Zoning for Residential Development
478 and 480 Squires Lane**

Dear Members of the Planning Commission:

We represent Ball Homes, LLC and on its behalf have filed a zone change request for the properties located at 478 and 480 Squires Lane (the "Zone Change Property"). The Zone Change Property contains 89.59 net (89.83 gross) acres. The Applicant's request is for 19.59 net (19.76 gross) acres of A-U to be rezoned to R-4, and 70.00 net (70.07 gross) acres of the A-U property to be rezoned to R-3. This zone change is part of a large project detailed on the submitted development plan for residential development and a new Fayette County Middle School. The Zone Change Property is one of the few remaining large undeveloped parcels within the urban service boundary and outside of the expansion areas. It is adjoined by residential and commercial properties to the north and west with the rest of the property surrounded by the Kentucky-American reservoir.

The Applicant is proposing to develop approximately 45 acres of single family lots, 22 townhomes on 4.3 acres, 11 apartment buildings on 17 acres totaling 308 units and 516 bedrooms, and accessory clubhouse and pool facilities. The Fayette County Middle School site has a proposed 20 acres of land to use for constructing the new school. The balance of the property will be dedicated to open space and neighborhood amenities.

This request is in complete agreement with the Comprehensive Plan. The proposed project meets several of the Goals and Objectives of the Comprehensive Plan. Primarily, this project is an ideal iteration of Lexington's guiding principle for infill development on vacant land inside the urban service boundary. There are very few properties that will allow for this combination of acreage for single-family residential, multi-family residential, and a community asset in the new middle school to be planned at once. This well-designed project upholds the Urban Service Area preservation strategy, is appropriate infill in a residential corridor, provides varied housing choices which meet several community needs, encourages community interaction through pedestrian connectivity, all while respecting its neighbors with landscaping buffers, greenspace, and a trail system along the Kentucky-American reservoir. Additionally, this project aids in the Comprehensive Plan's goal of job creation and improving a desirable community by setting aside 20+ acres for a new Fayette County Middle School, a specific recommendation of the 2013 Comprehensive Plan.

The proposal is also consistent with the Comprehensive Plan's Land Use Change Consideration:

1. The Change will address a community need, such as providing a park, a neighborhood focal point, significant employment opportunities or housing needs.
2. The proposed land use enhances, and is compatible with, adjacent land uses.
3. The land use will promote housing located in close proximity to existing employment centers.
5. The land use will create opportunities for needed recreation, additional greenspace and/or greenway connections.
8. The existing utility and transportation networks will accommodate the new land use.
9. Underutilized land should be promoted for greater utility (and) function...
11. The proposed ... development will provide a mix of housing types, residential densities and ... land uses.
12. The use will ... provide neighborhood-oriented commercial centers...
13. The land use should maximize opportunities to accommodate future growth within the Urban Services Area, include land that is underutilized, vacant or planned for a reuse.

Further, the proposal meets several of the key additional considerations for land located outside of the downtown area in the Urban Service Area:

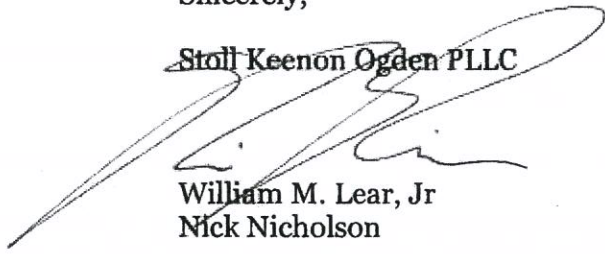
2. Where residential density, and existing infrastructure are adequate to support the use, and the adjacent uses are compatible, the development should create more walkable neighborhoods, neighborhood-oriented businesses and neighborhood amenities.
4. An effective buffer or transition between different intensities of adjacent land uses should be provided.
5. The use shall provide a service deemed beneficial for the immediate area.
6. Developments that improve the livability of existing neighborhoods by adding compatible uses and compatible urban design should be encouraged.
8. Demonstrate "place-making" in new developments, as outlined previously in the text of the Plan.

What this project is at its core is a planned neighborhood featuring a multitude of housing options (from single-family to townhomes to apartments), a new middle school facility, and a use of greenspace that focuses around one of Lexington's best water features that will be the envy of every neighborhood in Fayette County. This project aligns seamlessly with the aspects of a desirable community that the Comprehensive Plan stresses such as openness, social offerings, and aesthetics – especially when considering the walkable design of the neighborhood's interior and the trail system along the reservoir.

In addition to compliance with the Comprehensive Plan, the request is justified because the existing zoning is inappropriate and improper and the proposed zoning is appropriate. The current zoning is A-U and any type of agricultural use would be increasingly difficult as most of the surrounding area have developed as residential subdivisions and commercial businesses. On the other hand, the proposed R-3 and R-4 zoning is appropriate in that it will allow the property to be developed as residential consistent with the types and densities of residential uses in the area and long recommended by Future Land Use maps in previous Comprehensive Plans.

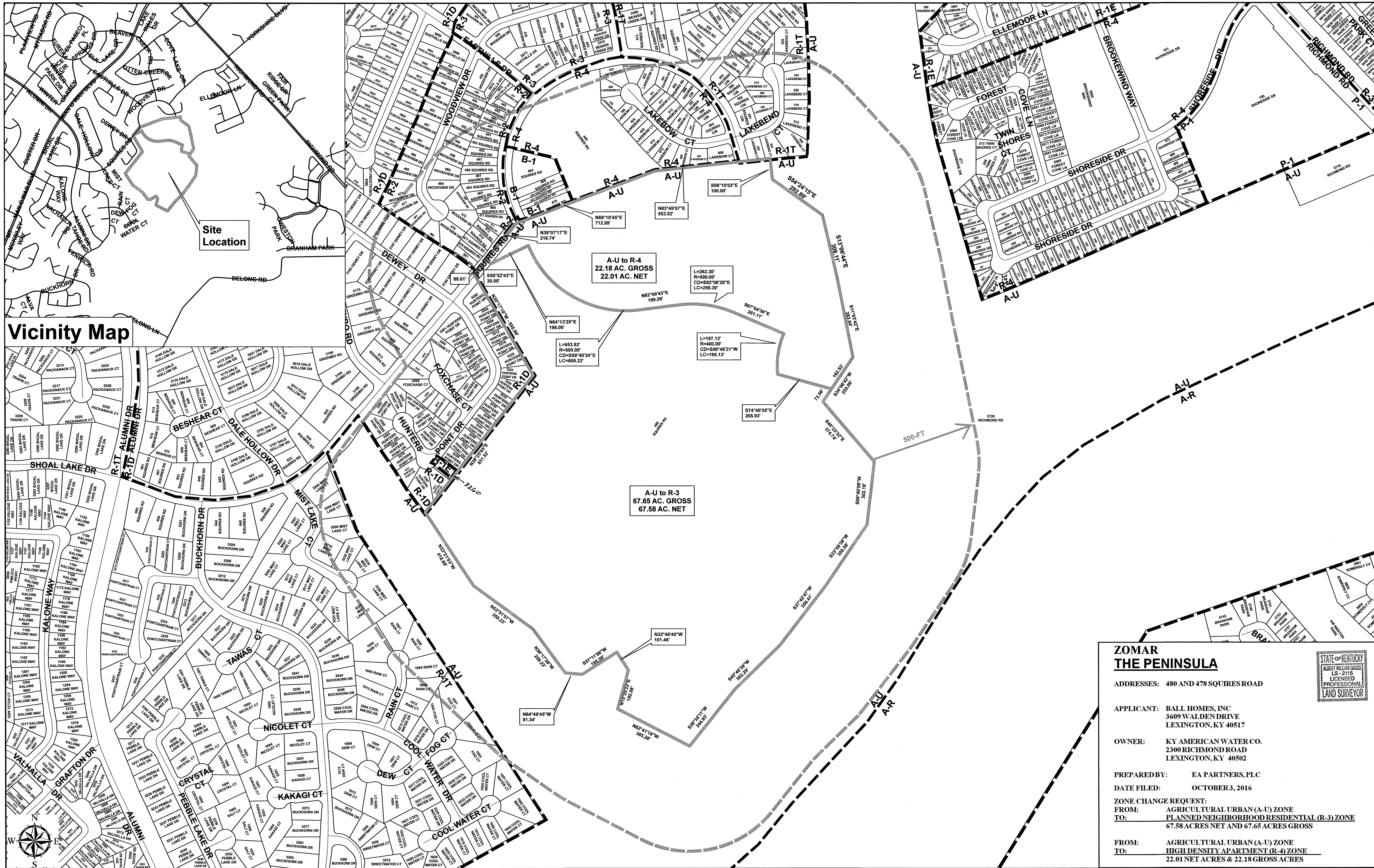
We will be at the November public hearing in order to make a complete presentation of this application and request your favorable consideration.

Sincerely,


Stoll Keenon Ogden PLLC

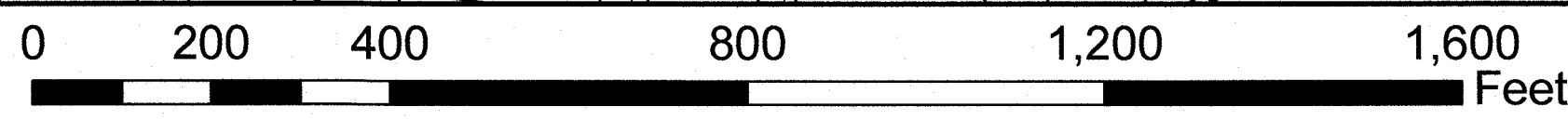
William M. Lear, Jr
Nick Nicholson

WML:NN



Vicinity Map

Notification Map



ZOMAR THE PENINSULA

ADDRESSES: 480 AND 478 SQUIRES ROAD

APPLICANT: BALL HOMES, INC
3609 WALDEN DRIVE
LEXINGTON, KY 40517

OWNER: KY AMERICAN WATER CO.
2300 RICHMOND ROAD
LEXINGTON, KY 40502

PREPARED BY: EA PARTNERS, PLC
DATE FILED: OCTOBER 3, 2016

ZONE CHANGE REQUEST:
FROM: AGRICULTURAL URBAN (A-U) ZONE
TO: PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE
67.58 ACRES NET AND 67.65 ACRES GROSS

FROM: AGRICULTURAL URBAN (A-U) ZONE
TO: HIGH DENSITY APARTMENT (R-4) ZONE
22.01 NET ACRES & 22.18 GROSS ACRES

STATE OF KENTUCKY
ALBERT WILLIAM GROSSE
LS-2115
LICENSED PROFESSIONAL
LAND SURVEYOR

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-16-00016: BALL HOMES, INC.

DESCRIPTION

Zone Change:	Request		Acreages	
	From	To	Net	Gross
	A-U	R-3	67.58	67.65
	A-U	R-4	<u>22.01</u>	<u>22.18</u>
	TOTAL		89.59	89.83

Location: 478 and 480 Squires Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	A-U	Vacant
To North	R-1D, R-1T, R-2, R-4 & B-1	Single-Family & Townhouse Residential, & Neighborhood Commercial
To East	A-U & R-4	Reservoir & Single-Family Residential
To South	A-U, A-R & EAR-1	Reservoir & Single-Family Residential
To West	A-U & R-1T	Reservoir & Single-Family Residential

URBAN SERVICES REPORT

Roads – Squires Road is a two-lane collector roadway that connects Alumni Drive to Richmond Road (US25/421), south of Man o’ War Boulevard. The subject property is located south of Squires Road and Squires Circle, but north of the Kentucky American Water Reservoir #4. Squires Circle is bifurcated by Squires Road near the subject site, and it stubs into the subject property. The applicant plans to realign the west side of Squires Road to create a T-intersection, and also intends to connect their proposed development to the extending stub street. Rather than completing the Squires Circle, the applicant proposes a slightly altered interior circulation for the subject property.

Curb/Gutter/Sidewalks – Curbs, gutters and sidewalks exist along both Squires Road and Squires Circle, as well as along many other local and collector roadways in the neighborhood. Such urban improvements will be required throughout the site. Additionally, the Lakeside Trail is planned to follow the water’s edge along Reservoir #4 to connect between the existing Squires Trail in the neighborhood to the west and the trails along Richmond Road in Jacobson Park.

Storm Sewers – The subject property is located within the East Hickman watershed. A FEMA Special Flood Hazard Area does exist along the edge of the existing reservoir, and does encroach on the subject property in a few locations. The corollary development does not depict any stormwater facilities on-site, but improvements will be required to be constructed in compliance with the Division of Engineering Stormwater Manual for this site.

Sanitary Sewers – The subject property is in the East Hickman sewershed, and is served by the West Hickman Wastewater Treatment Plant, located in northern Jessamine County. Sanitary sewer lines do run along the southern and eastern property boundaries at the water’s edge. Service may need to be improved to serve the full development, including a middle school site. There is currently sanitary sewer capacity available in this sewershed, according to the latest Capacity Assurance Program information; however, it is not enough to permit a full build-out of the residential development or the school.

Refuse – The Urban County Government serves this portion of the Urban Service Area with collection on Fridays. Apartment complexes and townhouse developments sometimes contract with private waste haulers for more frequent service.

Police – The subject property is located approximately two miles to the northeast of the East Sector Roll Call Center on Centre Parkway.

Fire/Ambulance – The subject property is located about 1½ miles from the nearest fire stations. It is equidistant from Fire Station #21 on Mapleleaf Drive and Fire Station #16 on Man o' War Boulevard at Bold Bidder Drive. Another fire station is planned in the vicinity of Hays Boulevard and Athens Boonesboro Road to the southeast of the subject property.

Utilities – All utilities, including street lights, natural gas, telephone service, electric, water, and cable television are available in the adjoining neighborhoods, and should be able to be extended to serve 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 Plan encourages infill, redevelopment and adaptive reuse that respects the area's context and design features (Theme A, Goal #2a), providing well-designed neighborhoods (Theme A, Goal #3); protecting the environment (Theme B); working to achieve an effective and comprehensive transportation system (Theme D, Goal #1); providing for accessible community facilities and services to meet the health, safety and quality of life needs of residents and visitors (Theme D, Goal #2); protecting and enhance natural landscapes that give Lexington its unique identity and image (Theme D, Goal #3); compact and contiguous development within the Urban Service Area (Theme E, Goal #1); and encourages development of vacant and underutilized parcels (Theme E, Goal #3). Additional policy statements in the Plan are also relevant to the proposed zone change request.

The petitioner proposes a combination of Planned Neighborhood Residential (R-3) and High Density Apartment (R-4) zoning for the subject property in order to develop a mixture of single-family, townhouse and multi-family residential dwelling units, for a residential density of 7.11 dwelling units per acre. The subject site is also the location of a proposed middle school.

CASE REVIEW

The petitioner has requested a zone change from an Agricultural Urban (A-U) zone to Planned Neighborhood Residential (R-3) zone and a High Density Apartment (R-4) zone for approximately 90 acres located between Squires Road and the Kentucky American Water Reservoir #4.

The subject property is bounded on the north by a mixture of land uses and zoning categories, including single-family residences in the Hunter's Point and East Hills neighborhoods, townhouses along Squires Road, an apartment complex and a small convenience store/gas station and neighborhood business area. The property is surrounded on the west, south and east by the reservoir and a small amount of property that Kentucky American Water plans to maintain along the water's edge. The reservoir and water's edge will remain in the existing Agricultural Urban zone.

The petitioner proposes a combination of Planned Neighborhood Residential (R-3) and High Density Apartment (R-4) zoning for the subject property in order to develop a mixture of single-family, townhouse and multi-family residential dwelling units. The subject site is also the location of a proposed middle school. A revised corollary development plan submission now depicts 156 single-family homes, 31 townhomes, and 308 multi-family residential dwelling units, along with a neighborhood clubhouse facility, for a residential density of 7.11 dwelling units per acre.

The 2013 Comprehensive Plan focuses on general land use policies, such as land use compatibility; well-designed neighborhoods; improving a desirable community; protecting the natural landscapes and the environment; and making the best use of land inside the Urban Service Boundary for the protection of the surrounding rural areas. The Plan no longer relies upon a future land use map with specific land use recommendations. However, the general concepts, policies and guiding principles of the Plan should always be considered by the Planning Commission and the Urban County Council.

The Plan encourages infill, redevelopment and adaptive reuse that respects the area's context and design features (Theme A, Goal #2a), providing well-designed neighborhoods (Theme A, Goal #3), protecting the environment (Theme B), working to achieve an effective and comprehensive transportation system (Theme D, Goal #1); providing for accessible community facilities and services to meet the health, safety and quality of life needs of residents and visitors (Theme D, Goal #2), protecting and enhance natural landscapes that give Lexington its unique identity and image (Theme D, Goal #3), compact and contiguous development within the Urban Service Area (Theme E, Goal #1) and encourages development of vacant and underutilized parcels (Theme E, Goal #3).

The 2013 Comprehensive Plan did not identify the subject property as vacant land during its inventory analysis, as the land is and has been held by a public utility company for nearly a century. Now that the parcel is being made available by Kentucky American Water for development, the staff considers the parcel "found land" and encourage its future development as an infill site.

Additional policy statements in the Plan, especially within *Chapter 3: Growing Successful Neighborhoods*, are also relevant to the proposed zone change request. These include references to providing abundant open space such as neighborhood parks or shared-use trails (as referenced in the Greenway Master Plan and Pedestrian and Bike Master Plan); varied housing choices; encouraging single-loaded streets along open space and greenways; incorporating focal points within neighborhoods, such as school sites; providing inviting streetscapes and walkable neighborhoods; and providing quality connections with parks, schools and stores. Connections of planned collector streets is also recommended by the Comprehensive Plan.

The petitioner contends that the requested zone change is in agreement with the 2013 Comprehensive Plan. The applicant further opines that the proposed project meets several of the Goals and Objectives of the Plan and that "this project is an ideal iteration of Lexington's guiding principles for infill development inside the Urban Service Area." The development certainly has many positive elements, including the incorporation of varied housing choices, greater compatibility with adjoining land uses, inclusion of a middle school site for Fayette County Public Schools, the continuation of Squires Road/Squires Circle which is a planned collector street system, and some open space along the eastern side of the property with two identified locations with a "view to water."

Still the staff is concerned about the applicant's proposal for a number of reasons. First, the broad strokes of the Comprehensive Plan appear to be addressed with this application, but the more specific policies seem almost lost in this proposal. For instance, the zone change justification states that the proposal respects its "neighbors with landscaping, buffers, greenspace and a trail system along the Kentucky-American reservoir," but no trail has been identified on the corollary development plan in accordance with the Greenway Master Plan and the Bicycle and Pedestrian Master Plan, both of which are guiding documents for the Comprehensive Plan. In addition, the Comprehensive Plan states that connectivity to schools is vital and developments should not "turn their backs" to a neighborhood focal point, such as a neighborhood center, school, park or trail system. The staff questions some of the connectivity and design proposed to support that new neighborhood focal point.

The established tree canopy along the edge of the reservoir should also be considered for some form of preservation and buffering and to accommodate the trail system, as recommended by the Comprehensive Plan. A buffer area, similar to those that exist for other adjoining single-family residential

neighborhoods, should be considered to help protect the shoreline, reduce the risk of stormwater impacts to the reservoir, and help maintain a healthy ecosystem around one of Lexington's drinking water reservoirs.

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

1. The applicant has not demonstrated consideration of Comprehensive Plan recommendations related to connectivity to a school site; single-loaded streets along neighborhood focal points and open space/greenways; protection of the natural landscape along the water's edge or incorporation of a trail system. The staff recommends further consideration of these elements of the Comprehensive Plan prior to making a substantial recommendation.
2. The staff would like to discuss the needs of Fayette County Public Schools, as a future owner, and Kentucky American Water, as the current owner of the site, and how those needs can be addressed while supporting the Comprehensive Plan and the community needs, as a whole.

TLW/WLS

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SUPPLEMENTAL STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-16-00016: BALL HOMES, INC.

CASE REVIEW

Since the Subdivision and Zoning Committees met in November, several items of import should be conveyed from the staff to the Planning Commission.

First, the staff has met with company representatives of both the Fayette County Public Schools and Kentucky American Water about the proposed zone change and development plan proposed by the applicant. The following points should inform and enlighten the discussion at hand at the requisite public hearing:

- Kentucky American Water will maintain control of the water's edge for Reservoir #4.
- Kentucky American Water's primary concern is the potential for dumping by unauthorized entities near the water's edge. Therefore, they prefer the rear yard orientation of lots proposed by the applicant and would be opposed to single-loaded streets along the water because they provide higher levels of public access to the water (too risky).
- Kentucky American Water representatives stated that as long as single-family residences bordered the water's edge, no 6-foot tall chain link fence would be installed, and they expect that the homeowners will provide some level of security for the reservoir.
- Fayette County Public Schools originally sought this site for a school in the 1980s and again approached the water company about constructing a school at this location within the past two years.
- Fayette County Public Schools needs a minimum of 400 feet of street frontage, a 20 net acre lot, and three access points (one each for auto, bus and service vehicles).
- A middle school expects to employ about 125 persons, with an expected enrollment of about 900 students.
- Fayette County Public School representatives do not mind an open campus and they only fence a school campus to maintain their property from encroachment accessory structures, gardens, or play structures along the rear yards of single-family and/or multi-family homes.
- Traffic will increase around school start and dismissal times, which is common with any school site. The Division of Traffic Engineering will work with the developer and FCPS to select an appropriate street cross-section along the school's lot frontage and address issues, so that problems do not arise after the fact.

Second, the Division of Environmental Services, and more specifically, the Urban Forester and Environmental Planner, have completed site visits with the applicant's tree specialist, Dr. Tom Kimmerer, to identify and assess the condition of the different tree species in the riparian buffer area. At the conclusion of this visit, the Urban Forester stated to the Division of Planning staff that a 50 to 100-foot riparian buffer currently exists along the water's edge. More specifically, speaking of the buffer, he further stated that:

"The trees and shrubs consist of an understory primarily of bush honeysuckle and an overstory of green ash, silver maple, black cherry, American elm, American sycamore and a few scattered eastern red cedar. The predominant tree species, (i.e. green ash) are being attacked by the exotic emerald ash borer and are in the process of dying. Nonnative invasive tree species including 'callery' pear and Siberian elm are starting to naturalize in this area of the reservoir... the riparian buffer area of The Peninsula will need to be thinned once the property is developed in order to remove any hazardous trees and nonnative invasive species. Native tree and shrub plantings to mitigate the loss of green ash and bush honeysuckle are further recommended."

The subject property does not extend to the water's edge; rather, Kentucky American Water's reservoir parcel continues to include an average of approximately 50-feet of land (ranging from just a few feet to 100 feet). This land does appear to allow for some fluctuation in the water level, but also has both invasive species as well as some trees that should be retained, according to Dr. Kimmerer and the Urban Forester. In addition, the FEMA 100-year floodplain extends onto the subject property in a number of locations, again varying in distance from just a few feet to 300 feet. A majority of the property boundary is impacted by the floodplain, and even those lots that appear to be located outside of the regulatory floodplain are still encumbered by a 25-foot floodplain setback, where structures are not allowed, but fences, play structures/trampolines, etc. would generally be permitted. The staff also met with Dr. Kimmerer, the Urban Forester, and the Environmental Planner this week to assess the need for a buffer along the water's edge.

Ultimately, following all of this review and discussion, the staff believes that the environmentally sensitive nature of the water's edge deserves protection beyond the typical "tree protection plan" associated with a final development plan. As stated previously, a buffer area should be considered to help protect the shoreline, reduce the risk of stormwater impacts to the reservoir, and help maintain a healthy ecosystem around one of Lexington's drinking water reservoirs. For this reason, a conditional zoning restriction for this buffer is recommended by the staff.

Third, the applicant has revised their development plan to include an extension of the Squires Trail (referred to in the Greenway Master Plan and Bicycle and Pedestrian Master Plan as the Easthills Trail) along the collector street extension of Squires Road. This is not proposed to be located adjacent to the lake front, as depicted in the Greenway Master Plan, but the applicant does offer a significant portion of a vital connection between the Squires Trail and Jacobson Park. Given the fact that Kentucky American Water does not want a single-loaded street along the reservoir for security reasons, and that the applicant also wishes to maximize the benefit of the water for their development, the staff does not recommend that a shared-use trail be placed along the water's edge and behind future single-family homes.

A revised development plan received this week by the staff also provides a revised street layout, removing one cul-de-sac and increasing the amount of street frontage for the school by about 650 feet. Throughout the review of this application, the staff believes that it is important to provide the best design around the neighborhood focal point, the school. Provided that the 20 acre site should be developed for a school, the staff would prefer that it be completely surrounded by streets in order to create an open campus, provide open space to the neighborhood, encourage children to walk to school, and eliminate the need for the school to fence their property. This concept is found in the 2013 Comprehensive Plan, which states that connectivity to schools is vital and developments should not "turn their backs" to a neighborhood focal point, such as a neighborhood center, school, park or trail system. This is a similar design as found at Lafayette High School, Morton Middle School, Cassidy Elementary School, and William Wells Brown Elementary (one of the district's newest elementary schools).

However, in its recommendation, the staff must consider balancing all of the concepts and interests exposed in the Comprehensive Plan. The staff is of the opinion that the housing mixture and density proposed are of most importance in meeting the goals and objectives of the Comprehensive Plan. Therefore, the staff makes a recommendation of approval to the Planning Commission on the zone change for this development.

The Staff Recommends: Approval, for the following reasons:

1. The proposed Planned Neighborhood Residential (R-3) zone and High Density Apartment (R-4) zone is in substantial 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 residential dwelling unit types, including single-family, townhouses and multi-family dwelling units to meet the needs of the community at a density of 7.11 units per net acre. The corollary development plan also depicts the connection of collector streets and a shared-use path (Easthills Trail) between the Squires Trail and Jacobson Park.

- b. The 2013 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 has agreed to maintain a 25 foot buffer along the FEMA Special Flood Hazard Area (100-year floodplain) near the water's edge of Reservoir #4. This will protect the shoreline, reduce the risk of stormwater impacts to the reservoir, and help maintain a healthy ecosystem around one of Lexington's drinking water reservoirs.
 - c. The 2013 Plan recommends *Improving a Desirable Community* (Theme D and Chapter 6) by working to achieve an effective and comprehensive transportation system (Goal #1); providing for accessible community facilities and services to meet the health, safety and quality of life needs of residents and visitors (Theme D, Goal #2); and protecting and enhancing natural landscapes that give Lexington its unique identity and image (Theme D, Goal #3). The petitioner has worked to incorporate the planned share-use trail, preserve the aesthetic beauty of the area, and accommodate a Fayette County Public Schools middle school site. The school site will provide open space and serve as a focal point for the neighborhood.
 - d. The 2013 Plan recommends compact and contiguous development within the Urban Service Area (Theme E, Goal #1) and encourages development of vacant and underutilized parcels (Theme E, Goal #3), both of which are being met by the petitioner's proposal within the Urban Service Boundary.
2. This recommendation is made subject to approval and certification of PLN-MJDP-16-00040: The Peninsula, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
 3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following buffering restrictions are recommended for the subject property:
 - a. Along the boundary of the subject property which is shared with Kentucky American Water (Reservoir #4), there shall be a twenty-five (25) foot buffer area established from the 2014 FEMA D-FIRM Special Flood Hazard Area (coincident with the twenty-five (25) foot floodplain setback required by Article 19 of the Zoning Ordinance). Within the buffer area:
 - (1) accessory structures, fences and play structures shall be prohibited;
 - (2) existing trees with a 3" caliper, or greater, shall be preserved, except for dead, diseased, hazardous trees or invasive species. Trees meeting these criteria;
 - (3) may be removed only with the written consent of the Division of Environmental Services, if deemed to be necessary for the overall health of this environmentally sensitive area.

This buffer restriction is appropriate and necessary for the subject property in order to more fully protect the adjacent reservoir and to more fully implement the principles of the 2013 Comprehensive Plan.

1. **BALL HOMES, INC. ZONING MAP AMENDMENT & THE PENINSULA ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-16-00016: BALL HOMES, INC. (1/26/17)* - petition for a zone map amendment from Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 67.58 net and gross acres, and to a High Density Apartment (R-4) zone, for 22.01 net (22.18 gross) acres, for properties located at 478 and 480 Squires Road.

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 Plan encourages infill, redevelopment and adaptive reuse that respects the area's context and design features (Theme A, Goal #2a), providing well-designed neighborhoods (Theme A, Goal #3); protecting the environment (Theme B); working to achieve an effective and comprehensive transportation system (Theme D, Goal #1); providing for accessible community facilities and services to meet the health, safety and quality of life needs of residents and visitors (Theme D, Goal #2); protecting and enhance natural landscapes that give Lexington its unique identity and image (Theme D, Goal #3); compact and contiguous development within the Urban Service Area (Theme E, Goal #1); and encourages development of vacant and underutilized parcels (Theme E, Goal #3). Additional policy statements in the Plan are also relevant to the proposed zone change request.

The petitioner proposes a combination of Planned Neighborhood Residential (R-3) and High Density Apartment (R-4) zoning for the subject property in order to develop a mixture of single-family, townhouse and multi-family residential dwelling units, for a residential density of 7.11 dwelling units per acre. The subject site is also the location of a proposed middle school.

The Zoning Committee Recommended: Approval.

The Staff Recommends: Approval, for the following reasons:

1. The proposed Planned Neighborhood Residential (R-3) zone and High Density Apartment (R-4) zone is in substantial 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 residential dwelling unit types, including single-family, townhouses and multi-family dwelling units to meet the needs of the community at a density of 7.11 units per net acre. The corollary development plan also depicts the connection of collector streets and a shared-use path (Easthills Trail) between the Squires Trail and Jacobson Park.
 - b. The 2013 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 has agreed to maintain a 25 foot buffer along the FEMA Special Flood Hazard Area (100-year floodplain) near the water's edge of Reservoir #4. This will protect the shoreline, reduce the risk of stormwater impacts to the reservoir, and help maintain a healthy ecosystem around one of Lexington's drinking water reservoirs.
 - c. The 2013 Plan recommends *Improving a Desirable Community* (Theme D and Chapter 6) by working to achieve an effective and comprehensive transportation system (Goal #1); providing for accessible community facilities and services to meet the health, safety and quality of life needs of residents and visitors (Theme D, Goal #2); and protecting and enhancing natural landscapes that give Lexington its unique identity and image (Theme D, Goal #3). The petitioner has worked to incorporate the planned share-use trail, preserve the aesthetic beauty of the area, and accommodate a Fayette County Public Schools middle school site. The school site will provide open space and serve as a focal point for the neighborhood.
 - d. The 2013 Plan recommends compact and contiguous development within the Urban Service Area (Theme E, Goal #1) and encourages development of vacant and underutilized parcels (Theme E, Goal #3), both of which are being met by the petitioner's proposal within the Urban Service Boundary.
2. This recommendation is made subject to approval and certification of PLN-MJDP-16-00040: The Peninsula, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following buffering restrictions are recommended for the subject property:
 - a. Along the boundary of the subject property which is shared with Kentucky American Water (Reservoir #4), there shall be a twenty-five (25) foot buffer area established from the 2014 FEMA D-FIRM Special Flood Hazard Area (coincident with the twenty-five (25) foot floodplain setback required by Article 19 of the Zoning Ordinance). Within the buffer area:

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

- (1) accessory structures, fences and play structures shall be prohibited;
- (2) existing trees with a 3" caliper, or greater, shall be preserved, except for dead, diseased, hazardous trees or invasive species. Trees meeting these criteria;
- (3) may be removed only with the written consent of the Division of Environmental Services, if deemed to be necessary for the overall health of this environmentally sensitive area.

b. PLN-MJDP-16-00040: THE PENINSULA (1/26/17)* - located at 478 and 480 Squires Road.
(EA Partners)

The Subdivision Committee Recommended: Postponement. There were some questions regarding the lack of information and the proposed stormwater basins for the single family residential area.

Should this plan be approved, the following requirements should be considered:

- 1. Provided the Urban County Council rezones the property R-3 & R-4; 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 permit shall be issued unless and until a final development plan is approved by the Planning Commission.
- 8. Complete typical Required townhouse development information proposed (group residential or fee simple).
- 9. Denote that phasing of the development shall be determined at the time of the Final Development Plan and/or Preliminary Subdivision Plan.
- 10. Denote significant tree protection areas on plan.
- 11. Revise note #10 relative to the single family area.
- 12. Denote that there shall be a tree protection/conditional zoning buffer area along the reservoir that corresponds with the 25' floodplain setback.
- 13. Denote: The re-alignment of Squires Road and access to the existing residential lots shall be resolved at the time of the Final Development Plan and/or Preliminary Subdivision Plan.

Staff Zoning Presentation – Ms. Wade said the staff has received 692 form letters and 89 individual emails in opposition, in addition to more form letters that were submitted to the staff at the time of the meeting. She presented and summarized the staff report and recommendations for this zone change. She said that the subject property does not include land between the property line/zone line and the edge of the water. She said that Kentucky American Water Company (KAWC) will maintain a small amount of property along the waters' edge.

Ms. Wade displayed aerial photographs of the subject property. She said that the residential dwelling units per acre, excluding the 20 acres that is allocated for the middle school, will be 7.19 dwelling units per acre. She said that there is a significant Bur Oak tree that was discovered thru the required tree inventory, which will be protected.

Ms. Wade said that the applicant believes that their application is in agreement with the 2013 Comprehensive Plan. The applicant contends that the following themes are being met by their application: growing successful neighborhoods, protection of the environment, improving a desirable community, and maintaining a balance between planning for urban uses and safeguarding rural land.

Ms. Wade said that the subject property is encouraged as an infill and redevelopment site and that the school will be the focal point of the neighborhood. She also said that within the Greenway Master Plan, the subject property is depicted with a portion of the Man o' War trail following the lake's edge.

Ms. Wade said that the staff made a recommendation of conditional zoning restrictions to protect the water's edge. She said the staff initially recommended a 25 foot setback from the 2014 FEMA floodplain. Staff amended the setback recommendation to 25 feet from the edge of the zone. The staff's exhibit reflects this change.

Under the provisions of Article 6-7 of the Zoning Ordinance, the following buffering restrictions are recommended for the subject property:

- a. Along the boundary of the subject property which is shared with Kentucky American Water (Reservoir #4), there shall be a twenty-five (25) foot landscape buffer area established from the zone change boundary 2014 FEMA D-FIRM Special Flood Hazard Area (coincident with the twenty-five (25) foot floodplain setback required by Article 19 of the Zoning Ordinance). Within the buffer area:

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

- (1) all structures, including accessory structures, fences and play structures shall be prohibited;
- (2) existing trees with a 3" caliper, or greater, shall be preserved, except for dead, diseased, hazardous trees or invasive species;
- (3) all other trees meeting these criteria;(3) may be removed only with the written consent of the Division of Environmental Services, if deemed to be necessary for the overall health of this environmentally sensitive area.

This buffer restriction is appropriate and necessary for the subject property in order to more fully protect the adjacent reservoir and to more fully implement the principles of the 2013 Comprehensive Plan.

Ms. Wade said that the staff is recommending approval of this zone change because it is in agreement with the 2013 Comprehensive Plan.

Commission Comments – Mr. Owens asked Ms. Wade to clarify the location of the zone line. Ms. Wade displayed the aerial photograph of the property with the zone line shown. She said the zone line was proposed by the owner and applicant which is not the same as the waters' edge or the FEMA floodplain. She said the zone delineates Kentucky American Water is allowing Ball Homes to develop. She said that the staff is recommending the setback be from that line; an additional 25 feet from what KAWC will maintain, which is approximately 50 feet, for a total of a 75-foot setback.

Development Plan Report - Mr. Martin presented the Staff Report on the associated Preliminary Development Plan, presented a rendering of the submitted plan to the Commission, and described the location of the proposed uses. He entered into the record an exhibit that illustrated the proposed conditional zoning restriction, in relation to the development plan. He also entered into the record an exhibit from the Engineering Manuals, regarding "Perennial Stream Floodplain" areas.

In speaking to condition #12, as recommended by the Subdivision Committee, Mr. Martin suggested the following change to its wording: The condition will be from the zone line, also the property line for the development. He pointed on the map to the strip of land that Kentucky American Water is maintaining ownership of. He also pointed to the conditional zone line that the staff is recommending, which exceeds the 25 foot floodplain setback in many places.

Mr. Martin said the staff is more comfortable with a conditional zoning restriction based on a static property line, rather than the "top of bank" that can vary.

Mr. Conyers presented a PowerPoint presentation regarding the Transportation Planning/MPO staff's review of the Traffic Impact Study submitted by the applicant in conjunction with this zone change request. (A copy of their report is attached as an appendix to these minutes.) He stated that the study had been revised since its initial submission. There were a few impacts above Level-of-Service "E" & "F" at intersections along Richmond Road, to the northeast of the subject property. He also spoke about the trail proposed in this general area. He also reviewed the applicant's traffic consultant's recommendations, as well as those of the Transportation Planning/MPO staff.

Questions – Mr. Owens asked about the street capacity in this area. Mr. Conyers replied that collector streets can usually accommodate volumes up to 10,000 trips per day. Mr. Owens asked about the recommended improvements along Squires Circle. Mr. Conyers replied that the staff in the Division of Traffic Engineering would need to be consulted to see if there is sufficient room in the existing right-of-way to accomplish all of these recommendations.

Petitioners' Presentation – Mr. Bill Lear, attorney for the applicant, introduced their application, and provided a PowerPoint presentation that would serve as an outline for their formal presentation.

Phil Stuffert, land planner with HR Green, Denver, Colorado, presented the development concept for the applicant. He said he has worked on projects in Lexington for the past 15 years. He spoke about the Urban Services Boundary, and the horse farms that lie beyond that boundary. He presented the advantages of maximizing the density on the site. The PowerPoint identified the high points on the site, the multi-family development area proposed, the clubhouse area and "open space corridor," the proposed school site as the centerpiece of the development, the single-family detached residential area.

Mr. Nick Nicholson, attorney for the applicant, provided a history of past Comprehensive Plan recommendations for this location. He reviewed the Themes, Goals and Objectives of the 2013 Comprehensive Plan, in relation to the applicant's proposed development. The applicant considers this an "infill site." He said that developers prefer the Planned Neighborhood Residential (R-3) zone, because it permits a more flexible development than lower density residential zones permit.

Mr. Lear entered an aerial photograph exhibit of the subject site into the record, and reviewed the proposed setback of the development from the edge of Reservoir #4. He said that it varies from about 40' to 100'. He said that middle schools have a service radius of 1.5 miles. This proposed school site will "fill a gap" and also pull some students from Edith Hayes Middle School, located further southeast of the subject property.

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

He reviewed the Comprehensive Plan text regarding "single-loaded streets," and said that the parks listed in this section are rather small in size. Other large parks in the community are not completely surrounded by public streets. Their site will be clearly visible to all visitors to the new middle school.

Mr. Lear submitted a letter into the record from KAWC which expressed their desires related to a street near the water's edge.

Dianne Zimmerman, professional with CBM Smith, of Lexington, presented the Traffic Impact Study for the applicant. She said that the subject site has considerable access to the local collector street system. Trip generation was based on 156 detached single family homes, 306 apartments, 31 townhomes and a middle school with 900 students. A separate analysis, in an addendum, was submitted with a residential-only development, should the middle school not choose to locate on the subject site.

Mr. Lear summarized some other TIS information, including that the peak hour generator of the development will be in the AM peak hour. He displayed an exhibit for "Lakeshore Traffic Distribution" around Henry Clay High School. He compared that to an exhibit for "Peninsula Traffic Distribution."

Mr. Nicholson introduced exhibits from the Greenway Master Plan, an adopted element of the 2013 Comprehensive Plan. He said that this plan, was supposed to be updated in 2015, but that has not happened as of yet. However, he asserted that the Trail Components mentioned in the Greenway Master Plan are being complied with by the applicant. He presented a nexus argument for a large dedication for a trail.

Dr. Tom Kimmerer, Venerable Trees, Inc., a conservation group devoted to preservation of significant tree area, was present to speak to the development. He said that this group is especially interested in the preservation of the ancient trees located within the Urban Services Area. He said that the site does have a Bur Oak tree along its northern boundary which is in very good condition. His recommendation is for an 81' protection area surrounding this tree, and the creation of a park-like area surrounding it. He said that the other trees on the property are not significant, and worthy of preservation. He said that the "lake edge woods" has a small number of healthy, non-invasive tree species. Trees are far enough back from the water to where they do not shade the lake at all. He said this area is crowded by the growth of understory honeysuckle. They propose to remove non-invasive species, including tree removal of pear trees and white ash, which are often in poor condition. The "snag trees" along the shoreline will be retained, with KAWC's permission, for habitat preservation.

Mr. Nicholson said that the applicant is in agreement with the Planning Staff's recommendations.

Objectors' Presentation – Mr. Nathan Billings, attorney for the nearby neighbors, stated he was present to represent hundreds of objectors to this zone change.

Dr. Daniel A Potter, Distinguished Research Professor at the University of Kentucky, was present to speak on the hazards of pests and pesticides. He presented a PowerPoint presentation of such environmental hazards, including the labels of some common pesticides. He stated that the primary issue for the use of these common chemicals is an adequate buffer area from a riparian area, including a buffer "of at least 100'." He said that a buffer of 25' or 50' would be inadequate from a city reservoir.

Questions – Ms. Mundy asked about the runoff being dissipated due to the large volume of water in Reservoir #4. Dr. Potter said that there are many variables involved, including slope, weather, etc. This is why there are federal labels on these products. She said that she had spoken with a local engineer that there is enough water in the reservoir that these chemicals would be diluted or dissipated before they cause any harm. Mr. Potter said that is documented that there have been fish kills from the use of pesticides in this reservoir from the Lakeside Golf Course. Mr. Berkeley said that this shoreline has a much gentler slope. Dr. Potter said that if water from treated lawns runs into the lake, then there exist a greater need for an adequate buffer.

Objectors' Presentation (cont.) – Mr. Billings said that he wasn't sure of the engineer Ms. Mundy had spoken with, but this is an important issue. He presented an exhibit rendering of the submitted preliminary development plan. It identified a buffer area needed from the KAWC property. He said that the objectors had submitted a notebook of exhibits, some of which would be highlighted in his presentation. He said that this property provides an opportunity for an excellent development, and there are few properties of this size left in the Urban Services Area. They are not saying "deny this development," but instead they are proposing additional conditional zoning restrictions (density restriction to no more than 328 dwelling units & a 75' buffer area from the reservoir), and two additional development plan conditions.

Mr. Billings said that they provided a chart of whether this application is in agreement with the Comprehensive Plan. He said, that for the most part, the development plan is not, as it currently exists. He provided a history of Comprehensive Plans, back to 1980.

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Mr. Billing's PowerPoint included an Introduction, provided background, history, density traffic information, a proposal for a 100' Conservation Buffer (which was identified as the "crux" of the issue) with 50' inside of the R-3 & R-4 property, and trails. Also included were letters, studies and analysis.

Mr. Billings submitted a letter from the LFUCG Tree Board, and several contemporary articles regarding such issues. One article from a Yale University Study, recommended 100' which was labeled as a minimum distance. One letter and a short video presentation were also submitted from arborist Dave Leonard.

Mr. Billings provided comparisons of the shoreline buffers for other residential developments surrounding Reservoir #4. The ones proposed here are narrower than all of the other developments reviewed by the objectors.

In conclusion, Mr. Billings asked for conditional zoning restrictions, including a 25' multi-use easement, and a 50' conservation easement.

Citizen Comments in Opposition:

Mr. Steve Rice, 1729 Headley Green, Audubon Society of Kentucky. He said that he is concerned for the wildlife and trees on these grounds.

Ms. Bridget Abernathy, Lexington-Fayette County Tree Board. She described potential riparian buffer disturbances and the need for its protection.

Mr. Walt Gaffield, Fayette County Neighborhood Council. He said that the school would be exempt from the EPA Consent Decree requirements, which could affect sewers.

Ms. Heather Barras, 384 Squires Circle. She is concerns about the existing wildlife on the subject site and about the increased traffic if the development is approved for construction. She asked for a "responsible development" at this location.

Mr. Patrick Wesolosky, President of the Bluegrass Bicycling Club. He said that a double sidewalk trail is being proposed; but it would be unsafe for cyclists.

Mr. Brian Olsen, 305 Shoreside Drive, said that he lives in a Ball Home. He said that this project should result in a "win-win" for all parties. This is a special place, due to all of the wildlife. He read the definition for a "nature preserve" out of the Zoning Ordinance, and asked that the school be moved to another location, so that a 24-acre nature preserve could be created.

Dr. David Greenlee, 3205 Fox Chase Court. He said that the street widths would be too narrow for the fire engine companies to navigate. Smuggler's Gulch had similar streets, and those streets were too narrow to accommodate emergency vehicles, and they had to go through front yards to get out of the subdivision.

Dr. Suzanne Bhatt, 1000 Rain Ct. She spoke of the birds and wildlife in the area. She asked what the Comprehensive Plan speaks to, if not properties like this one. She said that the greenways and trails are most important to bring nature into these neighborhoods. She is worried that heavy equipment would be used to remove native species on the subject property. It should be handled, by hand, in a careful way. This place is too special to build an ordinary development here.

Mr. Ken Cooke, 639 Cardinal Lane, member of the Friends of Wolf Run. He addressed the elements of the LFUCG Engineering Manuals. He argued for a 50' buffer area from the water's edge, based on the manuals. He provided a PowerPoint presentation, citing that the elevation of the spillway for Reservoir #4 is at 967' above sea level. He said that only 2' of elevation is the difference from the water's edge, and the 25' buffer proposed by the developer. He cited section 9.3 and 1.5.6 of the Manual, and displayed them on the overhead for review by the Commission.

Mr. Addison Hosea, 3276 Hunters Point Drive. He said he is concerned about drainage of pollutants and solids into the reservoir. He said that the lake is used also by the Fishing Club and as a backup water supply by KAWC. Their 2013 study of the water quality said that these are already issues for this lake. He said that the Comprehensive Plan promotes the conservation of this water source.

Mr. Ramesh Baht, 1000 Rain Court, said that he works at the University of Kentucky. He was worried about the maintenance of the land near the reservoir's shoreline by individual property owners. He said these concerns are why the Comprehensive Plan says that such greenways should be jointly maintained. He asked that a wall be constructed along the edge of the subject property. He said that the lake is currently surrounded by a fence in other areas.

Ms. Danita Hines, a resident near Jesse Clark Middle School, was present and concerned as a consumer of the public water system. She stated that there already is a "school" on this property, if it were made as a nature preserve. She said she the Eastern part of the country has already experienced five substantial floods in less than one years' time and expressed concern about the rising water levels.

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Mr. Bob Kennedy, 3296 Buckhorn Drive, president of the nearby East Lake Neighborhood Association. He provided his experience as a professional urban planner, including his time at the LFUCG from 1976-2001. He agreed with the applicant's proposed trip generation. He said that the USDOT requirement for a collector street is up to 6,000 ADT, and not as high as the 10,000 figure given earlier. He said that the level of service "E" is not desired in a residential area, even on collector streets. He said that this also doesn't include the proposed redevelopment of the townhouses adjacent to this property on Squires Circle. He said the neighborhood currently suffers from "cut through" traffic from Man o' War Boulevard to Richmond Road, and he has witnessed traffic accidents in the area (55 were listed by the Division of Police) and numerous speeding tickets issued.

Mr. Tony Brusate, National Audubon Society, spoke of the 117 bird species on this property. Some 200 of them have been identified in Fayette County. Songbirds, migrants and raptors are provided a wonderful habitat on the subject property. He worried about the degradation of the habitat, and said that the rezoning should be denied if the development is contrary to this goal of maintaining habitat.

Ms. Teresa Sutherland, 3268 Hunters Point Drive. She said that over 75 neighbors did meet with representatives of Ball Homes late last year, when this application was first filed. She said that traffic, "if they put a middle school in," or if they don't, will increase on their neighborhood streets. She would prefer farm trucks on this site rather than the alternative.

Ms. Marilyn Seiler, 3228 Cool Water Drive. She said that four-story apartments next to their two-story homes would be out of character with the existing neighborhood. She said that the quiet enjoyment of their properties will be infringed with this development.

Ms. Beate Popkin, 124 Idle Hour Drive, a professional landscaper and President of Wild Ones Native Plants, Natural Landscape, was present to object to the development. She said that her organization fully supports the concepts offered by Mr. Billings earlier. She also said that her organization has 150 local members, some of whom are at this meeting. She asked that creative thinking be utilized to evaluate this development.

Mr. Ray Salsman, 1004 Fog Court, is a retired fire-fighter, and was a medic. He said that Fire & EMS has only 4-6 minutes to respond in an emergency. He said that many streets, like on Oldham Avenue, can impede them from responding in that time frame. He said that some apartment complexes are very difficult to serve in emergencies.

Mr. Larry Ridenour, 3064 Roundway Down, in Glen Eagles subdivision. He said, as a former planner, he worries that all the trees will be removed from the site. He said the Commission and the staff should review Ian McHarg's book, "Design with Nature", for guidance on how to review a site with so many trees.

Mr. Scott Hiner, 3217 Foxchase Court. He said that he and his wife have a difficult time accessing Squires Road from their street. He said that bald eagles are protected by Federal regulations, and wondered whether if a nest were present in a development area.

Mr. Jeff Herrin, 3205 Buckhorn Drive. He said that he drives his daughter to Edith J. Hayes Middle School. He said that a thrown-together plan with a much needed middle school as a selling point; should still be rejected. He would be happy to accept an R-3 neighborhood, if the modifications proposed by Mr. Billings are adopted. He asked that one not be done without the other.

Mr. Bob Williams, said he doesn't live near the subject property, but that he came here as a cyclist. He thanked the city for making cycling safer than it has been. Still, as a 34-year resident, he is touched that this site is surrounded by water. He said that restoration of Cane Run Creek, and the Town Branch Commons should inspire the treatment of this development along the water's edge. Trails offer greater bicycle safety.

Ms. Nancy Kennedy, 661 Squires Road. She said that getting into the traffic flow from Squires Road will be even more difficult from individual driveways. She said that the intersections should have four-way stops installed, and it would be unreasonable to install four of those in as little as 0.4 miles.

Mr. Tom Kriegle, 433 Lakebow Court. He said that the traffic count is not realistic. He said that development will happen, but the density should be reduced.

Ms. Rebecca Abner, was present representing her son at 636 Squires Road. She said that his mailbox had been knocked over four times since he purchased his property. She worried about parking and emergency response problems with the level of density proposed. She was concerned about another "cookie-cutter" neighborhood being developed in the city. She is also worried about water contamination, and asked to have the developer downsize this proposed development.

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Ms. Helen Born, 1004 Rain Court. She said that she and her husband recently retired from the military and moved to this home, because it was a quiet location. She said she was told that the subject property was a bird sanctuary when they looked at their house. She said that many have to sacrifice, but that parks are worth the sacrifice.

Ms. Libby King, 3199 Dewey Drive. She said that she hoped the Commission would "do the right thing" in their deliberations.

Ms. Nancy Kruger, Della Drive. She travels a lot, and loves Madison, Wisconsin. She asked the Commission to review properties along the water's edge and in greenway areas carefully.

Mr. David Saier, 3194 Dewey Drive. He said that it is reasonable for concerns about the development to be voiced, but there is a need for compromise. He said that traffic backs up on these streets currently, and he asked that the trail and street improvements be installed.

Mr. Dave Leonard, a local tree expert, testified via video. Chairman Wilson asked that the video testimony be excluded because no cross-examination was possible.

Rebuttal – Mr. Lear said that he appreciated the objectors' presentations, passions, and their respectful nature. He said many of the residents here today in opposition live in homes constructed by Ball Homes. He said, in his neighborhood, which is located by another lake in town, there are bird-watchers and ducks. He said that stub streets are usually proposed to be extended, like the ones on the periphery of this neighborhood. He concluded that the staff and the Urban Forrester have approved of their application, and the buffer area.

Mr. Billings discussed Squires Circle, as originally designed, allows and promotes right turns, which are safer than left-hand turns. He said that there is no neighboring R-3 zoning, which doesn't promote context-sensitive design. He said that the sidewalk proposed, instead of a trail, doesn't further the plan. He said that the school should have single-loaded streets. He said that the neighbors have been cognizant of a spirit of compromise in making their recommendations. He added that their proposed buffer doesn't prohibit development, but balances the need for recreation and providing housing, including a small bit of conservation that matches the interface of other neighborhoods around this lake. He asked the Commission to approve the "balance" they've proposed.

Capt. Greg Lengal said that the Division of Fire & EMS is reviewing street widths, and said that they prefer the collector-street widths proposed around the school site.

Mr. Martin said that the Stormwater Manuals would be followed at the time of the actual development of the property. He said the improvements associated for this development would need to meet the Manuals, and the staff's recommended buffer should be in line with the existing Engineering Manual requirements.

Ms. Wade said that the average density within the Urban Services Boundary is about 6 units per acre. She explained that she had just had a conversation with an engineering representative from Kentucky American Water Company this morning regarding that they will continue to negotiate the standards for soil erosion and sedimentation control, with Ball Homes. She also said, with regard to the conditional zoning restrictions that were suggested by the opposition, several would not be appropriate. It would be best if the Planning Commission adopted those as Development Plan notes. She said that the conditional zoning restriction regarding the manual removal of non-native invasive species, with a one-to-one replacement is above and beyond conditional zoning restrictions. She also said that the phased approach is also appropriate as the Development Plan note, not as a conditional zoning restriction.

Note: The Chair declared a recess at 6:04 PM. The meeting resumed at 6:18 PM with the same members in attendance.

Commission Questions and Comments - Ms. Mundy asked about the contract for the school property. Mr. Lear replied that KAWC is negotiating directly with FCPS about the middle school site.

Mr. Owens asked about the KAWC recommendations regarding the buffer and rear yards proposed, compared to the other neighborhoods bordering this lake. Mr. Lear said that these other neighborhoods were not built on property owned by KAWC, and that they decided upon this boundary line before Ball Homes had a purchase contract with them.

Mr. Cravens asked about the letters submitted from the KAWC, and if it had design issues as a part. Mr. Lear said that they established several design criteria for the applicant's subdivision. Mr. Cravens asked if they opposed the location of the trail bordering the lake. Mr. Lear said that they didn't, but that there should not be a bike path constructed along the edge of the lake, in his opinion, because of the terrain of the land.

Commission Discussion – Mr. Berkley thanked the neighbors, because this hearing has gone more smoothly than any he had previously attended. He also said that he agrees with the 75' total buffer that the staff proposed and that a trail will be built as part of this development. He also said that the density being proposed is similar to that of the surrounding areas.

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Ms. Plumlee disagreed with Mr. Berkeley. She agreed with the need for Conditional Zoning restriction #b.1. offered by Mr. Billings on behalf of the neighbors.

Mr. Owens applauded everyone's attempt at compromise on this development, but he would like to see an improved buffer and trail system if possible, as an amenity to the neighborhood.

Mr. Drake said that he and his wife purchased a home on a dead-end street 40 years ago; backing to a golf course, but today, it is a busy street with buses travelling down it. He said "habitat preservation is a very powerful argument, however, and not without costs." He said that the decision of the Planning Commission is sometimes difficult. He also thanked the neighbors for attending.

Ms. Mundy appreciated the attendance and the heart-felt emotion on display at this hearing. She appreciated the opinions shared at this hearing.

Zoning Plan Action – A motion was made by Mr. Berkley, seconded by Mr. Cravens, to approve PLN-MAR-16-00016: BALL HOMES, INC., for the reasons provided by the staff, with a conditional zoning buffer of 25' feet in width.

Discussion – Ms. Plumlee asked if Mr. Berkley would accept to amend the motion to increase the buffer to 50 feet in width.

Mr. Berkley declined to make an amendment to the motion. No motion to amend was made.

Motion carried 8-1 (Plumlee opposed; Brewer and Penn absent).

Development Plan Action – A motion was made by Mr. Berkley, seconded by Ms. Richardson, and carried 8-1 (Plumlee opposed; Brewer, and Penn absent) to approve PLN-MJDP-16-00040: THE PENINSULA, with the conditions provided by staff and with the change to condition #12 as follows:

12. Denote that there shall be a tree protection/conditional zoning buffer area along the reservoir that corresponds with the 25' floodplain zone line boundary setback.