

AN ORDINANCE CHANGING THE ZONE FROM A RESTRICTED PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE TO AN UNRESTRICTED PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE, FOR 28.44 NET (29.74 GROSS) ACRES, AND FROM A RESTRICTED PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE TO A HIGH DENSITY APARTMENT (R-4) ZONE, FOR 9.3 NET (12.81 GROSS) ACRES, FOR PROPERTY LOCATED AT 2811 SPURR ROAD. (ANDERSON COMMUNITIES; COUNCIL DISTRICT 12).

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WHEREAS, at a Public Hearing held on December 13, 2018, a petition for a zoning ordinance map amendment for property located at 2811 Spurr Road from a restricted Planned Neighborhood Residential (R-3) zone to and unrestricted Planned Neighborhood Residential (R-3) zone, for 28.44 net (29.74 gross) acres, and from a restricted Planned Neighborhood Residential (R-3) zone to a High Density Apartment (R-4) zone, for 9.3 net (12.81 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change by a vote of 11-0; 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 2811 Spurr Road from a restricted Planned Neighborhood Residential (R-3) zone to and unrestricted Planned Neighborhood Residential (R-3) zone, for 28.44 net (29.74 gross) acres, and from a restricted Planned Neighborhood Residential (R-3) zone to a High Density Apartment (R-4) zone, for 9.3 net (12.81 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: February 7, 2019

*Linda Gorton*

MAYOR

ATTEST:

*Alla*

CLERK OF URBAN COUNTY COUNCIL

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Published: February 14, 2019-1t

LEGAL DESCRIPTION  
Pappert Property  
Zone Change Remaining R-3 But Removing Conditional Zoning Restrictions  
2811 Spurr Road (a portion of)  
Lexington, Fayette County, Kentucky

A TRACT OR PARCEL OF LAND SITUATED ADJACENT TO AND NORTH OF SPURR ROAD APPROXIMATELY 800 FEET WEST OF THE INTERSECTION OF GREENDALE ROAD AND SPURR ROAD IN NORTHWEST LEXINGTON, FAYETTE COUNTY, KENTUCKY AND BEING MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

**BEGINNING AT A POINT** in the centerline Spurr Road, said point lying in the common line of 2965 and 2811 Spurr Road; thence with said common line North 22 degrees 47 minutes 04 seconds East a distance of 693.95 feet to a point in the eastern line of Woodward-Lander property; thence with said eastern line North 22 degrees 48 minutes 38 seconds East a distance of 723.58 feet to a point in the southern line of the Commonwealth of Kentucky (Blackburn Correctional Center); thence with said southern line for the following two (2) calls: South 69 degrees 20 minutes 19 seconds East a distance of 399.01 feet to a point; thence North 21 degrees 36 minutes 14 seconds East a distance of 271.41 feet to a point; thence leaving said southern line North 76 degrees 47 minutes 10 seconds East a distance of 100.00 feet to a point in the centerline of the Norfolk Southern Railroad; thence with said centerline South 13 degrees 11 minutes 41 seconds East a distance of 470.02 feet to a point; thence leaving said centerline South 76 degrees 47 minutes 10 seconds West a distance of 100.00 feet to a point; thence South 20 degrees 14 minutes 13 seconds West a distance of 196.39 feet to a point; thence South 01 degrees 10 minutes 15 seconds West a distance of 1223.45 feet to a point; thence South 20 degrees 59 minutes 43 seconds West a distance of 28.68 to a point in the centerline of Spurr Road; thence with said centerline for the following four (4) calls: North 68 degrees 08 Minutes 59 Seconds West a distance of 164.00 feet to a point; thence North 62 Degrees 19 Minutes 52 Seconds West a distance of 62.74 feet to a point; thence North 56 degrees 51 Minutes 36 Seconds West a distance of 265.33 feet to a point; North 68 Degrees 12 Minutes 22 Seconds West a distance of 643.38 feet to the **POINT OF BEGINNING** and containing 29.74 acres gross and 28.44 acres net.

LEGAL DESCRIPTION  
Pappert Property  
Zone Change From R-3 to R-4  
2811 Spurr Road (a portion of)  
Lexington, Fayette County, Kentucky

A TRACT OR PARCEL OF LAND SITUATED ADJACENT TO AND NORTH OF SPURR ROAD APPROXIMATELY 800 FEET WEST OF THE INTERSECTION OF GREENDALE ROAD AND SPURR ROAD IN NORTHWEST LEXINGTON, FAYETTE COUNTY, KENTUCKY AND BEING MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

**BEGINNING AT A POINT** in the centerline intersection of the Norfolk Southern Railroad and Spurr Road; thence with the centerline of Spurr Road for the following three (3) calls: North 70 degrees 18 Minutes 30 Seconds West a distance of 289.12 feet to a point; thence North 69 Degrees 17 Minutes 45 Seconds West a distance of 192.45 feet to a point; thence North 69 degrees 00 Minutes 17 Seconds West a distance of 151.52 feet to a point; thence leaving the centerline of Spurr Road North 20 degrees 59 Minutes 43 Seconds East a distance of 28.68 feet to a point; North 01 Degrees 10 Minutes 15 Seconds East a distance of 1223.45 feet to a point; thence North 20 Degrees 14 Minutes 13 Seconds East a distance of 196.39 feet to a point; thence North 76 Degrees 47 Minutes 10 Seconds East a distance of 100.00 feet to a point in the centerline of the Norfolk Southern Railroad; thence with the centerline of the Norfolk Southern Railroad South 13 Degrees 11 Minutes 41 Seconds East a distance of 1722.50 feet to the **POINT OF BEGINNING** and containing 12.81 acres gross and 9.31 acres net.

Rec'd by KD  
Date: 1/18/19

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

IN RE: **PLN- MAR-18-00024: ANDERSON COMMUNITIES** - petition for a zone map amendment from a restricted Planned Neighborhood Residential (R-3) zone to an unrestricted Planned Neighborhood Residential (R-3) zone, for 28.44 net (29.74 gross) acres, and from a restricted Planned Neighborhood Residential (R-3) zone to a High Density Apartment (R-4) zone, for 9.3 net (12.81 gross) acres, for property located at 2811 Spurr Road. (Council District 12)

Having considered the above matter on **December 13, 2018**, at a Public Hearing, and having voted **11-0** 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 High Density Apartment (R-4) and Planned Neighborhood Residential (R-3) zones are in agreement with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
  - a. Both the R-3 and R-4 zones allow for a mix of housing types and densities within the broader neighborhood (Theme A, Goal #1). The petitioner proposes a higher density development with direct access to open space.
  - b. The Comprehensive Plan allows for the supporting infill and redevelopment (Theme A, Goal #1.b. and Goal #2), while increasing the density of the development, which will help to uphold the Urban Service Area concept (Theme E, Goal #1). The overall residential density is increasing to 9.64 dwelling units per acre.
  - c. The proposal also maximizes development on vacant land within the Urban Service Area and promotes the use of underutilized or vacant land in a way that enhances the existing urban form (Theme E, Goal #1.a and 1.b). The subject property has remained vacant, yet rezoned to an urban zone, for more than a decade.
2. The removal of the conditional zoning restrictions on the property is appropriate, for the following reasons:
  - a. There have been significant changes of an economic, physical and social nature within the area surrounding the subject property that have substantially altered the character of the area, resulting in the restrictions becoming inappropriate.
  - b. New development has occurred in this area, and Spurr Road has become more urbanized; thus, making removal of the 50-foot setback appropriate. In addition, the petitioner plans to front dwelling units to Spurr Road, creating an improved street orientation and aesthetic.
  - c. Per Article 19-7(g)(4)(c) – Vegetative Buffer, the applicant must locate their development in areas outside of the creek and alluvial areas.
  - d. The additional density proposed on the site is located along the collector street system and with direct access to available open spaces in the immediate vicinity.
3. This recommendation is made subject to the approval and certification of **PLN-MJDP-18-00083: Pappert Property (AMD)**, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

ATTEST: This 18<sup>th</sup> day of January, 2019.

  
Secretary, Jim Duncan

WILLIAM WILSON  
CHAIR

Note: The corollary development plan, PLN-MJDP-18-00083: PAPPERT PROPERTY (AMD) was approved by the Planning Commission on December 13, 2018 and certified on December 27, 2018.

K.R.S. 100.211(7) requires that the Council take action on this request by March 13, 2019.

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

**OBJECTORS**

- Karen Winn, 2965 Spurr Road
- Angel Reed, 3009 Laguna Court
- Tiffany Roland, 3108 Movado Court

**OBJECTIONS**

- Concerned about fencing along the agricultural boundary on the west side of this development and improvements being made to Spurr Road.
- Concerned about the increased traffic on Sandersville Road, the potential cut through traffic in their neighborhood, and the increase of students in the schools.
- Also concerned with increased student population in schools, the safety of children, roadway improvements.

**VOTES WERE AS FOLLOWS:**

AYES: (11) Bell, Berkley, Brewer, Forester, Mundy, Nichol, Owens, Penn, Plumlee, Pohl, and Wilson

NAYS: (0)

ABSENT: (0)

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-18-00024** 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.)**

<b>Applicant:</b> Anderson Communities, 1720 Sharkey Way, Suite 100, Lexington, KY 40511
<b>Owner(s):</b> COMMUNITY TRUST BANK, PO BOX 2947, PIKEVILLE, KY 41502
<b>Attorney:</b> Richard Murphy, Murphy & Clendenen, 250 W. Main Street, Suite 2510, Lexington, KY 40507

**2. ADDRESS OF APPLICANT'S PROPERTY**

2811 SPURR RD, LEXINGTON, KY (a portion of)
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**3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY**

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
R-3	Vacant	R-4	Elderly housing development	9.3	12.81

**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:	LFUCG
Storm Sewers:	To Be Constructed
Sanity Sewers:	LFUCG
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



## **Statement of Justification for proposed zone change**

Anderson Communities is pleased to present its proposal for 9.3 acres at 2811 Spurr Road.

Our current plan is to construct senior housing. Due to the demographics of the baby boom generation, there is a continuing and increasing need for senior housing, both locally and nationwide. There is an even greater need for reasonably priced senior housing. (Under Lexington's Zoning Ordinance, senior housing is in the category of "elderly housing." Elderly housing is defined as multiple family structures with at least 24 units, devoted to single persons, age 62 years of age or older, or family units of which the head of household, or spouse, is 62 years of age or older; or for persons with a disability.)

We are proposing 112 one-bedroom units in 2 four-story buildings. The tract contains 9.31 net acres.

This property, along with adjacent property, was rezoned to the R-3 zone, with conditional zoning restrictions, in about 2004. It has stood vacant and unused since that time. In 2011, it was transferred to the lending bank, and has remained in bank hands since that time, without a user. The property has railroad tracts on the east, and also has a stream. This zone change will allow us to group the dwelling units in two buildings on the developable area, while allowing much of the property to remain as open space. The size of the buildings is well below the allowed floor area ratio and lot coverage. Six acres will remain as open space. Parking areas will be between the buildings and the railroad track, which will allow the buildings to be set back approximately 220-250 feet from the track. Sanitary sewers and other utilities are available to the site.

We will have efficiently designed units in order to achieve reasonable rental rates.

This proposal is in agreement with the 2013 Comprehensive Plan and the Adopted Goals & Objectives for the 2018 Comprehensive Plan. The most relevant Goals & Objectives relate to Theme A, Growing Successful Neighborhoods, Goal 1: Expand Housing Choices. Our proposed development, which includes higher density, senior housing units, designed to be safe and reasonably priced, agrees with Objective (a), Encouraging Creativity and Sustainability in Housing Development; Objective (b), which is to accommodate the demands for housing in Lexington responsibly, prioritizing higher-density and mixture of housing types; Objective (c), which calls for safe, affordable and accessible housing to meet the needs of older and/or disadvantaged residents, and Objective (d), which calls for implementation of housing incentives that strengthen the opportunities for higher-density and housing affordability. Our zone change also meet the objectives of Goal A.2., which is to support infill and redevelopment throughout the Urban Service Area as a strategic component of growth. This land, which has been zoned but unused for over 10 years, is an opportunity for infill or redevelopment (Objective (a)). As mentioned above, it will incorporate open space into the project, as called for in Objective (c). This proposal meets Goal A.3., which is to provide well-designed neighborhoods and communities. It provides an option for housing for the senior segment of the community, in agreement with Objective (a). By allowing us to build multi-family buildings, it will allow us to minimize disruption of the natural features, including streams and tree preservation areas (Objective (c)). The tree preservation areas will maintain the urban forest throughout Lexington (Objective (d)).

By supplying residential choice to the senior segment of the community, we comply with Theme D, Improving a Desirable Community, Goal 2, focusing on people-first to provide



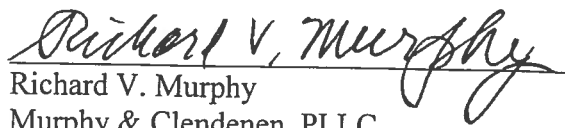
accessible community facilities and services to meet the health, safety and quality of life needs of Lexington-Fayette's residents and visitors. Development of this underutilized, vacant parcel will maintain the balance between urban and rural land uses (Theme E), by upholding the Urban Service Area concept (Goal E.1.). This development will help to accommodate future growth needs in an environmentally, economically and socially sustainable manner (Objective E.1.b). It will maximize development on this vacant land in a manner that enhances existing urban form (Objective E.1.d.). It will maintain the current boundaries of the Urban Service Area (Goal E.3.).

These Goals and Objectives are echoed in the 2013 Comprehensive Plan, especially growing successful neighborhoods (Theme E, Expand Housing Choices, Goal 1, and the objectives thereunder). The 2018 Goals and Objectives also reaffirm the Goals and Objectives under Theme A, Goals 2 and 3, and Theme D, Improving a Desirable Community. Theme E calls for maintaining the balance between planning for urban uses and safeguarding rural land. We will not repeat the specifics under each theme, as they are reflected in the discussion of the 2018 Goals and Objectives, above. This proposal also agrees with the other elements of the 2013 Plan. By providing housing for the elderly and disabled, it complies with the accessibility discussion on Page 15 of the 2013 Plan. The 2013 Plan shows that there are more than 32,000 people in Fayette County with a disability. The 2013 Plan shows a 14% increase in the population 65 years of age and older. There will be an increase of 27,115 people aged 65-84, from the years 2010 to 2035. (Page 18). At Page 28 of the 2013 Plan, it is noted that Lexington is the regional healthcare provider. The access to healthcare and the cultural amenities of Lexington will continue to make Lexington attractive to seniors and retirees.

Chapter 3 of the 2013 Comprehensive Plan discusses "growing successful neighborhoods." Our senior housing proposal helps to provide a variety of housing types in this area (Page 38-39)), with abundant private open space (Page 39). Our proposal also conforms with the recommendations of the 2013 Comprehensive Plan in maintaining a balance between planning for urban uses and safeguarding rural land (Chapter 7). The 2013 Plan calls for consideration of infill opportunities throughout the Urban Service Area, not just downtown. (Page 97). This proposal will also stimulate economic investment in established communities, allow flexibility in housing types, encourage reasonably priced housing, and provide housing that allows for diversity of citizens and enhances community vitality (Pages 98-99).

In summary, our proposed zone change is in agreement with the Comprehensive Plan, provides a needed housing option for seniors in northern Fayette County, and utilizes the developable area of this tract in a creative way.

Thank you for your consideration of this zone change request.

  
Richard V. Murphy  
Murphy & Clendenen, PLLC  
Attorneys for Anderson Communities

### **Addition to Justification for proposed zone change.**

As a result of discussions with the staff, the applicant has added a request to amend conditional zoning restrictions on the remainder of the property at 2811 Spurr Road. The concern was that even though the areas impacted by the conditional zoning restrictions were predominately on the portion of the property which was subject to the R-4 zoning change, there may be some impact on the remainder of the property.

Also, there was a desire to see how the road system would coordinate with the rest of the property.

Thus, we have filed a new development plan, showing the entire property that will be developed as a planned community. The main access into the R-4 area will be through the R-3 area, providing a connection and continuity to the property.

We will have a mix of housing types and densities including single-family detached and townhouses as well as the multi-family buildings on the R-4 portion of the property. The R-3 portion will be developed in a manner similar to Townley Center, McConnell's Trace in Lexington, and the Wooldridge development in Woodford County, all of which have been successful mixed residential developments.

Three conditional zoning restrictions were imposed by the Planning Commission in January, 2006. These were imposed because of statements in the 2001 Comprehensive Plan relating to the subject property. (These statements were not carried forward into the 2007 or 2013 Comprehensive Plans). The conditional zoning restrictions limited total average density to less than five units per net acre, imposed a 50-foot building setback along Spurr Road and had restrictions on 16.4 acres of wooded land due to the possible presence of alluvial soils near the creek and along the railroad tracks.

There have been major changes of an economic, physical and social nature on the subject property or within the area which were not anticipated twelve years ago when the conditions were imposed. These changes have substantially altered the character of the area, making the restrictions inappropriate or improper.

As to density, lifestyle choices among all age groups, particularly millennials and baby boomers, have trended away from ownership of single-family detached residences to communities in which maintenance, lawn care, snow removal and other matters are handled by management, thus allowing residents to pursue leisure or work-related activities. This trend has accentuated since the Great Recession which started in 2007, the year after the initial zoning was approved on this property. Planning efforts in Lexington have further emphasized increasing density and infill development. There are plenty of opportunities for single family detached home ownership in the immediate area of this property for those who choose to own, have a mortgage, and assume all maintenance and upkeep responsibilities. Our proposal will allow single-family attached and detached living, along with independent living, which attracts an increasing segment of the community.

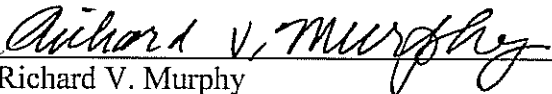
Increasing density is also in agreement with the 2018 Adopted Goals and Objectives. Goal A.1. is to expand housing choices. Objective (b) is to accommodate the demand for housing in Lexington responsibly, prioritizing higher-density and mixture of housing types, exactly as proposed in this development. It meets Goal A.2. by supporting infill and redevelopment throughout the Urban Service Area as a strategic component of growth. Objective A calls for identification of opportunities for infill, redevelopment, adaptive reuse and mixed-use development. It upholds the Urban Service Area concept, as called for in Goal E.1. Objective (d) calls for maximizing development on vacant land within the Urban Service Area and promoting redevelopment of underutilized land. This will activate this undeveloped land holding as called for in Objective (e). It will help maintain the Urban Service Area as called for in Goal E.3.

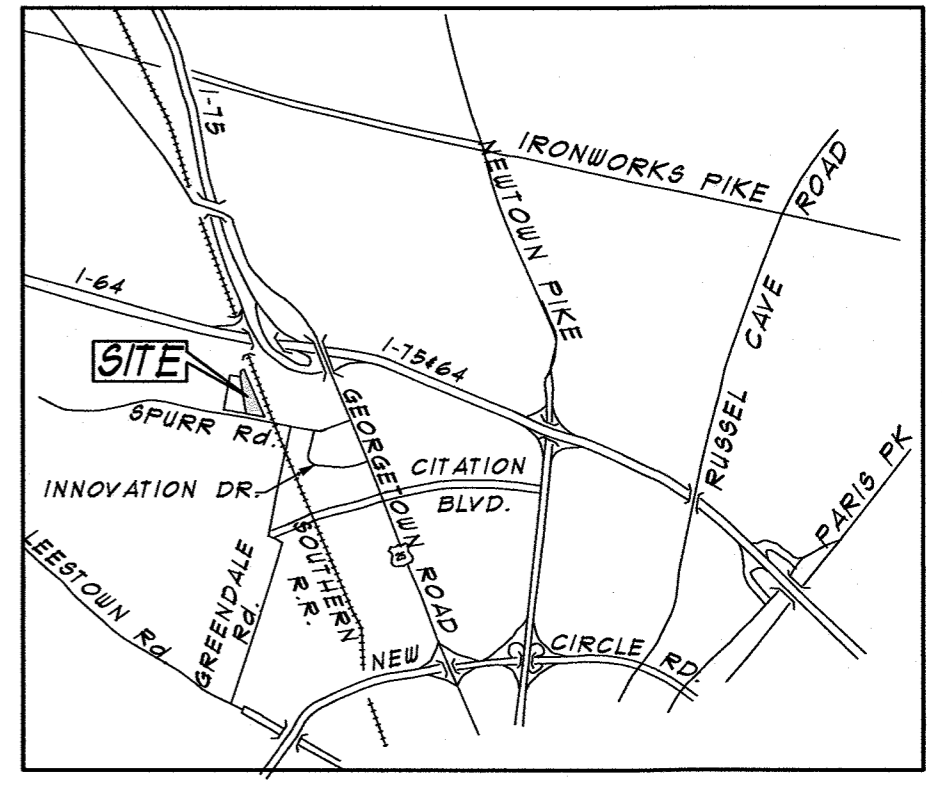
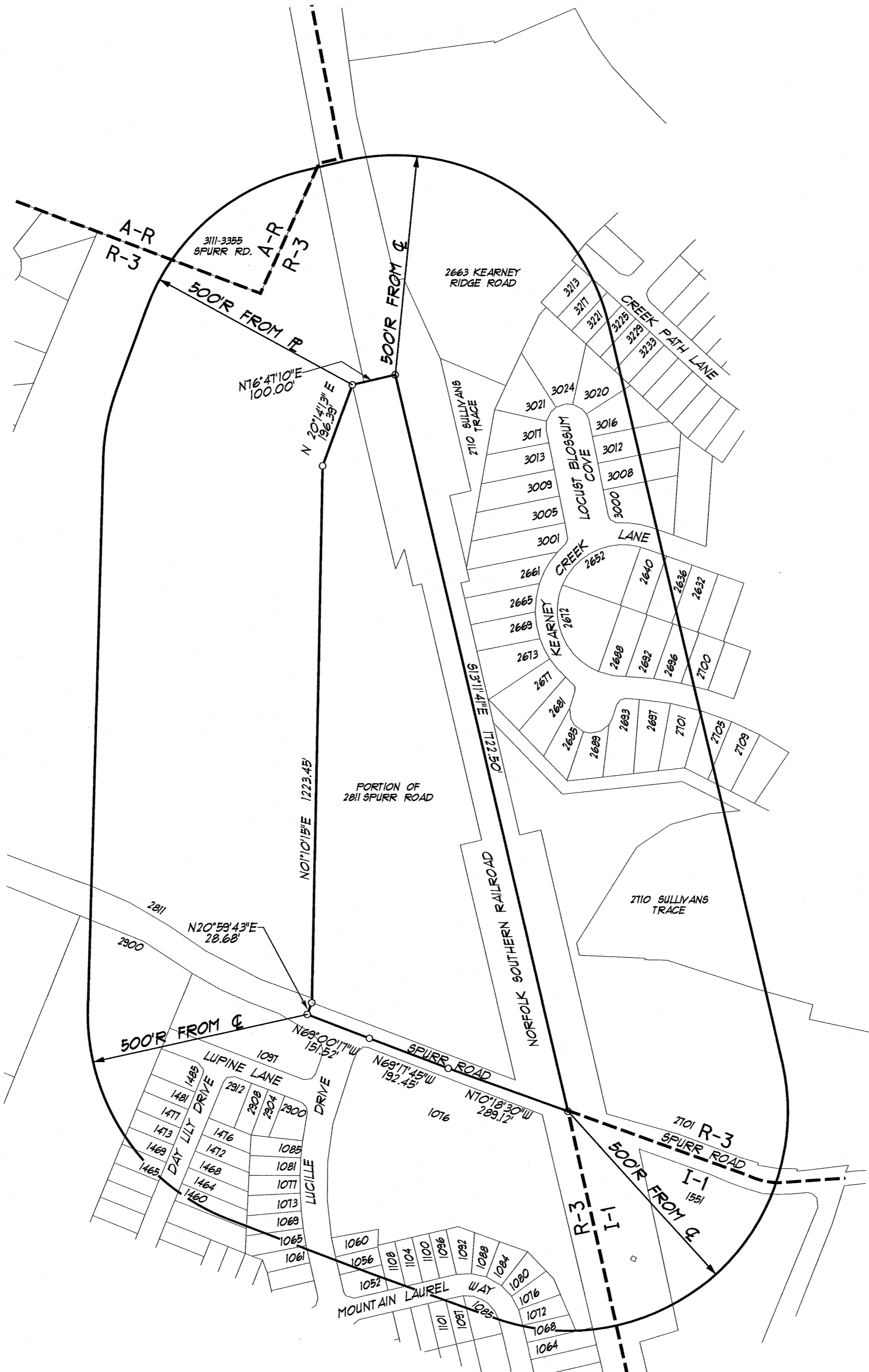
The 50-foot building setback was to preserve the rural character of Spurr Road. However, as is evident if one visits this section of Spurr Road, this is no longer in the rural area. Neighboring subdivisions have been built without observing a 50-foot setback. The rear of Masterson Station Subdivision, which is closest to the rural area of Spurr road, is developed with houses directly backing up to Spurr Road.

The condition relating to the wooded land has been more precisely studied in the last twelve years. We have located our development in areas which are not within the creek areas or wet areas. As mentioned in the original justification, the siting of the multi-family buildings allows much of the property to remain as open space.

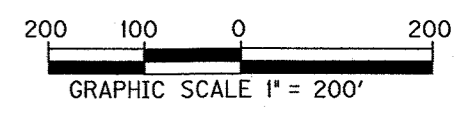
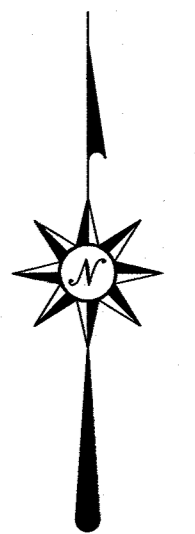
Overall, the majority of the acreage will be developed as single-family residential. It will allow continuation of the streets in a creative design which will calm traffic and promote pedestrian and bicycle usage. The independent living will be connected to the community. Open space will be provided. It will provide a variety of housing choices to present and future residents of Lexington.

Thank you for your consideration of this request.

  
Richard V. Murphy  
Murphy & Clendenen, PLLC, Attorneys for  
Applicant



VICINITY MAP  
(NOT TO SCALE)



ZOMAR: PAPPERT PROPERTY	
ADDRESSES:	2811 SPURR ROAD
APPLICANT:	ANDERSON COMMUNITIES 1120 SHARKEY WAY LEXINGTON, KY. 40511
OWNER:	COMMUNITY TRUST BANK P.O. BOX 2947 LEXINGTON, KY. 40511
PREPARED BY:	EA PARTNERS, PLC
DATE FILED:	OCTOBER 1, 2018
EXISTING ZONE:	PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE
PROPOSED CHANGE:	HIGH DENSITY APARTMENT (R-4) ZONE
ACREAGE:	9.31 ACRES NET & 12.81 ACRES GROSS



NOTIFICATION MAP

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As a result of discussions with the staff, the applicant has added a request to amend conditional zoning restrictions on the remainder of the property at 2811 Spurr Road. The concern was that even though the areas impacted by the conditional zoning restrictions were predominately on the portion of the property which was subject to the R-4 zoning change, there may be some impact on the remainder of the property.

Also, there was a desire to see how the road system would coordinate with the rest of the property.

Thus, we have filed a new development plan, showing the entire property that will be developed as a planned community. The main access into the R-4 area will be through the R-3 area, providing a connection and continuity to the property.

We will have a mix of housing types and densities including single-family detached and townhouses as well as the multi-family buildings on the R-4 portion of the property. The R-3 portion will be developed in a manner similar to Townley Center, McConnell's Trace in Lexington, and the Wooldridge development in Woodford County, all of which have been successful mixed residential developments.

Three conditional zoning restrictions were imposed by the Planning Commission in January, 2006. These were imposed because of statements in the 2001 Comprehensive Plan relating to the subject property. (These statements were not carried forward into the 2007 or 2013 Comprehensive Plans). The conditional zoning restrictions limited total average density to less than five units per net acre, imposed a 50-foot building setback along Spurr Road and had restrictions on 16.4 acres of wooded land due to the possible presence of alluvial soils near the creek and along the railroad tracks.

There have been major changes of an economic, physical and social nature on the subject property or within the area which were not anticipated twelve years ago when the conditions were imposed. These changes have substantially altered the character of the area, making the restrictions inappropriate or improper.

As to density, lifestyle choices among all age groups, particularly millennials and baby boomers, have trended away from ownership of single-family detached residences to communities in which maintenance, lawn care, snow removal and other matters are handled by management, thus allowing residents to pursue leisure or work-related activities. This trend has accentuated since the Great Recession which started in 2007, the year after the initial zoning was approved on this property. Planning efforts in Lexington have further emphasized increasing density and infill development. There are plenty of opportunities for single family detached home ownership in the immediate area of this property for those who choose to own, have a mortgage, and assume all maintenance and upkeep responsibilities. Our proposal will allow single-family attached and detached living, along with independent living, which attracts an increasing segment of the community.

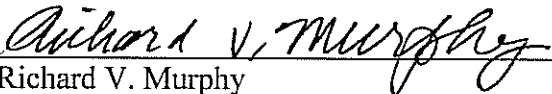
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The 50-foot building setback was to preserve the rural character of Spurr Road. However, as is evident if one visits this section of Spurr Road, this is no longer in the rural area. Neighboring subdivisions have been built without observing a 50-foot setback. The rear of Masterson Station Subdivision, which is closest to the rural area of Spurr road, is developed with houses directly backing up to Spurr Road.

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Overall, the majority of the acreage will be developed as single-family residential. It will allow continuation of the streets in a creative design which will calm traffic and promote pedestrian and bicycle usage. The independent living will be connected to the community. Open space will be provided. It will provide a variety of housing choices to present and future residents of Lexington.

Thank you for your consideration of this request.

  
Richard V. Murphy  
Murphy & Clendenen, PLLC, Attorneys for  
Applicant

**STAFF REPORT ON AN AMENDED PETITION FOR ZONE MAP AMENDMENT**

**PLN-MAR-18-00024: ANDERSON COMMUNITIES (AMD)**

**DESCRIPTION**

<b>Zone Change:</b>	<b><u>REQUEST</u></b>		<b><u>ACREAGE</u></b>	
	<b><u>FROM</u></b>	<b><u>TO</u></b>	<b><u>NET</u></b>	<b><u>GROSS</u></b>
	R-3 CZ	R-4	9.3	12.81
	R-3 CZ	R-3	<u>28.44</u>	<u>29.74</u>
	<b>TOTAL</b>		37.74	42.55

**Location:** 2811 Spurr Road, Lexington KY, 40511

**EXISTING ZONING & LAND USE**

<b><u>Properties</u></b>	<b><u>Zoning</u></b>	<b><u>Existing Land Use</u></b>
Subject Property	R-3 with CZ	Vacant
To North	A-R	Agricultural
To East	R-3	Residential
To South	R-3	Residential
To West	A-R / R-3	Residential / Agricultural

**URBAN SERVICES REPORT**

**Roads** – The subject property has frontage along Spurr Road (KY-1977), a two-lane collector roadway that connects Yarnallton Pike and Georgetown Road in the northern portion of the Lexington-Fayette Urban County. Sandersville Road stubs into the subject property from the west and is planned to extend into the property connecting with a proposed roadway system. Associated with the proposed roadway system will be two connections with Spurr Road. The first will be a public neighborhood entrance along the western portion of the property and the second is a gated, emergency only access connection across from Lucille Drive. The Norfolk Southern Railroad borders the site to the east. The site is situated across Spurr Road from Lucille Drive, which is a collector street that serves the Masterson Station neighborhood.

**Curb/Gutter/Sidewalks** – Spurr Road, historically a rural roadway, was constructed without gutter, curbing and sidewalks. The Kentucky Transportation Cabinet disallowed these improvements over a decade ago. As development has occurred on the southern side of Spurr Road, sidewalk connections have been added, allowing for proper pedestrian accessibility. New interior local and collector streets will be required to have curb, gutter, and sidewalks constructed as part of those facilities, and improvements along Spurr Road will be required.

**Storm Sewers** – The subject property is located within the Cane Run watershed and the Royal Spring Wellhead Protection Area. A tributary stream of Cane Run Creek flows along the eastern side of the property north toward the interstate. FEMA Flood Insurance Rate Maps do not indicate that a 100-year floodplain exists; however, an alluvial soils floodplain does exist on the subject property. A flood study will be required to determine the post-development floodplain. Storm sewers and basins will be constructed by the developer, as necessary, in accordance with LFUCG Engineering Manuals to protect water quality.

**Sanitary Sewers** – The subject property is located in the Cane Run sewershed. The property is served by the Town Branch Wastewater Treatment Facility, located on Old Frankfort Pike, east of New Circle Road, approximately four miles from the subject property.

**Refuse** – The Urban County Government provides refuse collection to residences within this portion of the Urban Service Area on Thursdays.

**Police** – The property is located within Police Sector 1. The nearest police Roll Call Center is located on Old Frankfort Pike near New Circle Road, approximately five miles to the south of the property

Fire/Ambulance – Fire Station #10 is currently the nearest station and is located on Finney Drive near the Georgetown Road/New Circle Road interchange, approximately three miles to the southeast of the subject property. Fire Station #24 is currently being finalized along Magnolia Springs Drive, approximately one mile south of the subject property and will serve the property in the future.

Utilities – All utilities, including electric, gas, water, telephone, and cable service are available in the immediate area and could be extended to serve the subject property at the time of its development.

### **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 Plan's mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

The petitioner proposes rezoning a portion of the subject property to a High Density Apartment (R-4) zone to allow for the construction of three elderly apartment buildings. Additionally, the applicant proposes to remove the conditional zoning on the remaining portion of the subject property to allow for the construction of the apartment buildings, while also allowing for a higher density and mixture of housing options. The proposed zone change would include the development of 364 total units at a density of 9.64 units per acre.

### **CASE REVIEW**

The petitioner has requested a zone change from a restricted Planned Residential Neighborhood (R-3) zone to a High Density Apartment (R-4) zone for approximately 9 acres of property, located along Spurr Road, across from the intersection of Spurr Road and Lucille Drive. Additionally, the petitioner has requested the removal of conditional zoning restrictions on the remaining portion of the property to allow for the construction of the apartment buildings, while also allowing for a higher density and mixture of housing options.

The subject property is located on the north side of Spurr Road, just west of the Norfolk Southern Railroad. The Blackburn Correctional Facility is located to northwest between the subject property and Interstate 64. Residential neighborhoods of a low density have developed around the property, including the Woodward-Lander Property to the west, the Masterson Station and Spicewood subdivisions to the south of Spurr Road, and the Ramsey-Sullivan property east of the subject property. Over the course of the last two years a greater amount of mixed type housing has developed in the nearby area to better utilize the urban landscape without adversely impacting the Urban Service Area boundary.

The zoning surrounding the property is primarily comprised of the Planned Residential Neighborhood (R-3) zone, with smaller portions of Agricultural Rural (A-R) zoning to the north and west, and some Light Industrial (I-1) zoning southeast of the property along the Norfolk Southern Railroad. There is High Density Apartment (R-4) zoning located approximately 1/3 of a mile northwest of the subject property, along Georgetown Road.

The subject property was initially rezoned from an Agricultural Rural (A-R) zone to a restricted Planned Residential Neighborhood (R-3) zone in 2006. During the initial rezoning the petitioner proposed the development of 128 single-family residential dwelling units on the subject property. The applicant's proposed development was concentrated on the western portion of the property, furthest from the railroad, creek and associated alluvial soils. The overall density of this development was to be 3.53 dwelling units per net acre.



The subject property was added to the Urban Service Area in 2001 with the Comprehensive Plan update. The future land use element of the 2001 Comprehensive Plan recommended Low Density Residential (LD) and Restricted Low Density Residential for the property. Low Density Residential was defined as 0 – 5 dwelling units per net acre. Approximately 18 acres of the subject property near the creek and along the Spurr Road frontage were limited to a future land use of restricted low density, defined as a maximum of 1.5 dwelling units per acre. This was due to the perceived environmental constraints and the desire to maintain the rural character of Spurr Road. The Comprehensive Plan also recommended a varied setback of 50' to 100' along Spurr Road at this location.

Consistent with the specific recommendations of the 2001 Plan, the Planning Commission approved the rezoning of the subject property to R-3 with conditional zoning restrictions regarding density, setbacks, and environmental conservation. These restrictions state that:

- a. Total average density shall be equal to or less than 5 units per net acre;
- b. A 50-foot building setback shall be provided along Spurr Road; and
- c. The 16.4 acres of wooded land depicted on the development plan shall act as a buffer area to protect the environmentally sensitive area of alluvial soils near the existing creek and frontage along the railroad tracks.

The restrictions were deemed appropriate as they resulted in greater agreement with the recommended land use restrictions in the 2001 Comprehensive Plan, and protected the environmentally sensitive area of alluvial soils in the area near the existing creek and the Spurr Road frontage along the railroad tracks.

The applicant indicates that the previously applied conditional zoning is currently inappropriate for this site. They opine that there have been significant changes of an economic, physical and social nature within the area, not anticipated when the conditional zoning was imposed, and that these changes have substantially altered the character of the area, resulting in the restrictions becoming inappropriate or improper. The applicant suggests that the 50-foot building setback was to preserve the rural character of Spurr Road. However, as new development has occurred in this area, Spurr Road has become more urbanized and the roadway is now proposed to be improved to urban standards. Subsequent neighboring subdivisions have been constructed and proposed without observing a 50-foot setback. The applicant references the rear of Masterson Station Subdivision, which is closest to the rural area of Spurr Road, and was developed with houses directly backing to Spurr Road.

Regarding the 16.4 acres of wooded land determined to be environmentally sensitive, the applicant suggests that the area has been more precisely studied since its designation. The applicant will seek to locate their proposed development in areas outside of the vegetative buffer associated with the creek and alluvial areas. Furthermore the applicant suggests the development will allow for the majority of protected land to remain as open space. While not discussed by the applicant, there have also been changes to the LFUCG Zoning Ordinance, as well as the Stormwater Manual since the establishment of the conditional zoning. The changes in both of these documents better protects environmentally sensitive areas. Per Article 19-7(g)(4)(c) – Vegetative Buffer Zone states that:

In order to protect the stream from inappropriate activities, there shall be a vegetative buffer zone of 50 feet, measured horizontally from the edge of the bank, on each side of perennial streams. The 50-foot criterion for the width of the vegetative buffer zone may be established on an average width basis as a project, as long as the minimum width of vegetative buffer zone is 25 feet or more at any measured location. The vegetative buffer zone may coincide with greenways or the setback required above. Within the vegetative buffer zone, there shall be no grading, filling, trenching, soil compaction, removal of vegetation, or other disturbance of the soil or ground cover, or construction of principal or accessory building.

This buffer allows for the protection of the environmentally sensitive areas that were the concern of the Planning Commission when the conditional zoning restriction was put into place. Furthermore, the regulation of the areas allows for targeted infill of the Urban Service Area on properties that may contain environmentally sensitive areas, but that do not cover then entirety of a property.

Additionally, the petitioner opines that both the zone change to R-4 and the removal of conditional zoning is consistent with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan by maintaining the Urban Service Boundary, while increasing the density of housing. The petitioner indicates that the rezoning of the site will accommodate the demand for housing in Lexington responsibly, prioritizing higher-density and a mixture of housing types (Theme A, Goal #1) and supports infill and redevelopment throughout the Urban Service Area (Theme A, Goal #1.b. and #2). The applicant also suggests the zone change will allow for the production of safe, affordable, and accessible housing to meet the needs of older and/or disadvantaged residents (Theme A, Goal #1.c). Additionally, the applicant opines that this proposal also maximizes development on vacant land within the Urban Service Area and promote use of underutilized land in a way that enhances existing urban form (Theme E, Goal #1.a and 1.b). The staff concurs with these elements of the applicant's justification and supports the requested rezoning for the subject site.

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

1. The requested High Density Apartment (R-4) and Planned Neighborhood Residential (R-3) zones are in agreement with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
  - a. Both the R-3 and R-4 zones allows for a mix of housing types and densities within the broader neighborhood (Theme A, Goal #1). The petitioner proposes a higher density development with direct access to open space.
  - b. The Comprehensive Plan allows for the supporting infill and redevelopment (Theme A, Goal #1.b. and Goal #2), while increasing the density of the development, which will help to uphold the Urban Service Area concept (Theme E, Goal #1). The overall residential density is increasing to 9.64 dwelling units per acre.
  - c. The proposal also maximizes development on vacant land within the Urban Service Area and promotes the use of underutilized or vacant land in a way that enhances the existing urban form (Theme E, Goal #1.a and 1.b). The subject property has remained vacant, yet rezoned to an urban zone, for more than a decade.
2. The removal of the conditional zoning restrictions on the property is appropriate, for the following reasons:
  - a. There have been significant changes of an economic, physical and social nature within the area surrounding the subject property that have substantially altered the character of the area, resulting in the restrictions becoming inappropriate.
  - b. New development has occurred in this area, and Spurr Road has become more urbanized; thus, making removal of the 50-foot setback appropriate. In addition, the petitioner plans to front dwelling units to Spurr Road, creating an improved street orientation and aesthetic.
  - c. Per Article 19-7(g)(4)(c) – Vegetative Buffer, the applicant must locate their development in areas outside of the creek and alluvial areas.
  - d. The additional density proposed on the site is located along the collector street system and with direct access to available open spaces in the immediate vicinity.
3. This recommendation is made subject to the approval and certification of PLN-MJDP-18-00083: Pappert Property (AMD), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

**2. ANDERSON COMMUNITIES ZONING MAP AMENDMENT & PAPPERT PROPERTY (AMD) ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-18-00024: ANDERSON COMMUNITIES (12/30/18)\*- an amended petition for a zone map amendment from a restricted Planned Neighborhood Residential (R-3) zone to an unrestricted Planned Neighborhood Residential (R-3) zone, for 28.44 net (29.74 gross) acres, and from a restricted Planned Neighborhood Residential (R-3) zone to a High Density Apartment (R-4) zone, for 9.3 net (12.81 gross) acres, for property located at 2811 Spurr Road.

**COMPREHENSIVE PLAN AND PROPOSED USE**

The 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 Plan's mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

The petitioner proposes rezoning a portion of the subject property to a High Density Apartment (R-4) zone to allow for the construction of three elderly apartment buildings. Additionally, the applicant proposes to remove the conditional zoning on the remaining portion of the subject property to allow for the construction of the apartment buildings, while also allowing for a higher density and mixture of housing options. The proposed zone change would include the development of 364 total units at a density of 9.64 units per acre.

The Zoning Committee Recommended: Approval to the full Commission.

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

1. The requested High Density Apartment (R-4) and Planned Neighborhood Residential (R-3) zones are in agreement with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
    - a. Both the R-3 and R-4 zones allows for a mix of housing types and densities within the broader neighborhood (Theme A, Goal #1). The petitioner proposes a higher density development with direct access to open space.
    - b. The Comprehensive Plan allows for the supporting infill and redevelopment (Theme A, Goal #1.b. and Goal #2), while increasing the density of the development, which will help to uphold the Urban Service Area concept (Theme E, Goal #1). The overall residential density is increasing to 9.64 dwelling units per acre.
    - c. The proposal also maximizes development on vacant land within the Urban Service Area and promotes the use of underutilized or vacant land in a way that enhances the existing urban form (Theme E, Goal #1.a and 1.b). The subject property has remained vacant, yet rezoned to an urban zone, for more than a decade.
  2. The removal of the conditional zoning restrictions on the property is appropriate, for the following reasons:
    - a. There have been significant changes of an economic, physical and social nature within the area surrounding the subject property that have substantially altered the character of the area, resulting in the restrictions becoming inappropriate.
    - b. New development has occurred in this area, and Spurr Road has become more urbanized; thus, making removal of the 50-foot setback appropriate. In addition, the petitioner plans to front dwelling units to Spurr Road, creating an improved street orientation and aesthetic.
    - c. Per Article 19-7(g)(4)(c) – Vegetative Buffer, the applicant must locate their development in areas outside of the creek and alluvial areas.
    - d. The additional density proposed on the site is located along the collector street system and with direct access to available open spaces in the immediate vicinity.
  3. This recommendation is made subject to the approval and certification of PLN-MJDP-18-00083: Pappert Property (AMD), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. PLN-MJDP-18-00083: PAPPERT PROPERTY (AMD) (12/30/18)\* - located at 2811 SPURR ROAD (A PORTION OF), LEXINGTON, KY.  
Project Contact: EA Partners

**Note:** The purpose of this amendment is to rezone a portion of the property.

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

1. Provided the Urban County Council rezones the property to R-4 and remove conditional zoning; 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.

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

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 existing and/or proposed easements.
8. Provided the Planning Commission grants a waiver to Articles 6-8(b) & 6-8(f).
9. Provided the Planning Commission grants a waiver to Article 6-8 and Exhibit 6-1.
10. Discuss single family lot orientation to the greenspace area.
11. Discuss proposed street intersection at townhouses.
12. Discuss access to the townhouse area.

Staff Zoning Presentation – Mr. Baillie presented the staff report and recommendations for the zone change. He displayed photographs of the subject properties and aerial photographs of the general area. He said the applicant is seeking to change the zone of a portion and to remove the conditional zoning restrictions on the remaining portion of the subject property. He said that the applicant is proposing three elderly apartment buildings to be constructed, and to construct a mixture of townhomes and single family residences, which would be a total of 564 units and at a density of 9.64 units per acre. He said that the subject property was rezoned in 2006 for 128 single family residential dwelling units, which were concentrated on the west side of the property, away from the railroad and the creek. This rezoning included conditional zoning restrictions regarding density, setbacks, and environmental conservation.

Mr. Baillie said that the applicant indicated in their justification that the previously applied conditional zoning is now inappropriate for this site and that there have been significant changes of an economic, physical and social nature within the area, not anticipated when the conditional zoning was imposed, and that these changes have substantially altered the character of the area, resulting in the restrictions becoming inappropriate or improper. He said that the 50-foot building setback was to preserve the rural character of Spurr Road and as new development has occurred in this area, Spurr Road has become more urbanized and the roadway is now proposed to be improved to urban standards. He added that subsequent neighboring subdivisions have been constructed and proposed without observing a 50-foot setback.

Mr. Baillie said that in terms of the 16.4 acres of wooded land determined to be environmentally sensitive, the applicant suggests that the area has been more precisely studied since its designation. He said that the applicant will seek to locate their proposed development in areas outside of the vegetative buffer associated with the creek and alluvial areas, which will allow for the majority of protected land to remain as open space. He said that there have also been changes to the LFUCG Zoning Ordinance, as well as the Stormwater Manual, that further protects environmentally sensitive areas, and the vegetative buffer zone. He added that this buffer allows for the protection of the environmentally sensitive areas that were the concern of the Planning Commission when the conditional zoning restriction was put into place.

Mr. Baillie said that the petitioner opines that both the zone change to R-4 and the removal of conditional zoning is consistent with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan by maintaining the Urban Service Boundary, while increasing the density of housing. The petitioner indicates that the rezoning of the site will accommodate the demand for housing in Lexington by prioritizing higher-density, adding a mixture of housing types, and supports infill and redevelopment throughout the Urban Service Area. Additionally, the applicant opines that this proposal also maximizes development on vacant land within the Urban Service Area and promotes use of underutilized land. The staff concurs with these elements of the applicant's justification and supports the requested rezoning for the subject site.

Development Plan Presentation – Mr. Martin presented a rendering of the revised preliminary development plan associated with the zone change and he distributed an updated staff report to the Commission with revised conditions, as follows:

1. Provided the Urban County Council rezones the property to R-4 and remove conditional zoning; 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 existing and/or proposed easements.
8. Provided the Planning Commission grants a waiver to Articles 6-8(b) & 6-8(f).
9. Provided the Planning Commission grants a waiver to Article 6-8 and Exhibit 6-1.
- ~~10. Discuss single family lot orientation to the greenspace area.~~
- ~~11. Discuss proposed street intersection at townhouses.~~
- ~~12. Discuss access to the townhouse area.~~

Mr. Martin said that this is combination plan, a preliminary development plan and a preliminary subdivision plan. He said that there are three, five-story buildings, with a total of 210 units, and 163 parking spaces, which will be the elderly apartment buildings. He said that there is proposed an emergency access off of Spurr Road. He added that there are 130 single family lots and

25 townhouses also being proposed. He said that there was concern with the street pattern being proposed. He pointed out the access off of Sandersville Road, which will be a collector street. He said that this revised plan added medians that prevent conflicts and direct traffic near the entrance at to Spurr Road. He said the applicant is proposing that all of the single family lots be rear loaded, with all vehicular access at the rear of the units. He also pointed out the greenway and environmentally sensitive area, as well as the temporary pump station that will go offline as the sanitary sewers in this area are improved.

Mr. Martin said that there are two waivers associated with this proposal, which are connected to the design of the development. He said that one of the waivers is asking to waive the geometric requirements of the streets, which will affect the right-of-way. He said that the applicant is proposing to maintain the required pavement width. He said that a portion of the right-of-way will be in the easement, allowing the homes to be closer to the street, because the setback will be off of the right-of-way. He said that the second waiver request is for the right-of-way of the collector street. He added that the Division of Traffic of Engineering was concerned with the first waiver, because of the operational issues of the easement. He said that there is another waiver for terminating a public street into a private access easement. He said that it will not be gated and will allow public safety vehicles full access. He said that the staff is recommending approval of this plan and the associated waivers, along with a condition, which states the easement language shall be developed with the approval of the Division of Law.

Commission Question – Mr. Penn asked Mr. Martin if the streets are 31 feet wide. Mr. Martin said that the streets are 31 feet from curb to curb, as required.

Applicant Presentation – Mr. Dick Murphy, attorney representing the petitioner, said that the applicant is in agreement with the staff's recommendations and conditions. He said that they agree with the 2013 Comprehensive Plan and the 2018 Comprehensive Plan's Goals and Objectives by increasing density, utilizing overlooked parcels, encouraging pedestrian friendly communities, and preserving the Urban Service Boundary. He displayed the development plan that was presented at the Subdivision Committee meeting on December 6, which depicted the intersection at Spurr Road. He then displayed the revised development plan with the new median, the new location of the parking area, the open space, and the pedestrian access.

Mr. Murphy then displayed an aerial of Townley Center, which is similar to this development, with the exception of wider streets in this subdivision; they will be an additional five feet wide. He said that the waiver request will allow the houses to be closer to the sidewalk. He added that the streets will be dominated by houses and porches, which he believes is what the 2018 Comprehensive Plan recommends. The driveways will be located in the rear with an access street so that pedestrians can walk safely along the street. He said that there will be a combined utility and street tree easement. He added that they have agreed to work out the language for the easement, as required by the government.

Mr. Murphy said that they had met with the neighbors and he was informed that there was a graveyard located on the subject property. He said that they were unaware of that and that the two previous plans, from 2006 and 2017, also didn't depict a graveyard. He said that the property will be checked for such and if there is, there are Zoning Ordinance provisions that will need to be followed. He said that they were concerned with traffic running through the development and the narrow streets and medians are traffic calming features. He added that locating houses closer to the streets is also a traffic calming feature.

Commission Questions – Mr. Owens said that most of the single family lots are similar in size with the exception of a few. He asked how much variation will there be with these units. Mr. Dennis Anderson said that the lot sizes are 26-36 feet. He added that there are three different floor plans and three different elevations, which is the same model that was built in Townley Center. The units will be approximately 1,350 square feet.

Ms. Plumlee asked where the utilities will be located. Mr. Murphy said that they will be underground, between the curb and sidewalk.

Citizen Comment – Karen Winn, 2965 Spurr Road, is concerned about fencing along the agricultural boundary on the west side of this development. She said that there is a historical cemetery on this property, which is comprised of six stones dating back to 1814. She is also concerned about improvements being made to Spurr Road, which is currently very narrow.

Angel Reed, 3009 Laguna Court, is concerned about the increased traffic on Sandersville Road and the cut through traffic in their neighborhood. She also said that Spurr Road will need to be improved. Lastly, she stated she is also concerned about the increase of students in the schools.

Tiffany Roland, 3108 Movado Court, said that she is also concerned with the school size and the safety of children. She also said that she believes the infrastructure of the street will need to be increased.

Applicant Rebuttal – Mr. Murphy addressed Ms. Winn's concern regarding the fencing along the agricultural zones. He stated they will meet the requirements of the Subdivision Regulations and that fencing will be addressed on the final development plan or the subdivision plat. He said that there is a provision that will need to be addressed with Ms. Winn regarding the types of fence. He said that the cemetery will be researched since it was not on any of the previous plans and there are ordinances that

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

will need to be complied with and this will also be on the final development plan. He said that there was some discussion regarding Spurr Road at the Subdivision Committee meeting. He added that they will construct a 1/2 urban section on their portion, which includes curb, gutter, and sidewalks along Spurr Road. He said that the connection onto Sandersville Road is also a requirement and they will be in compliance, including traffic calming. He said that in regards to the increase of students in the school system, that impact should be minimum, because the majority of these units are elderly housing.

Citizen Rebuttal – There was no rebuttal at this time.

Staff Rebuttal - There was no rebuttal at this time.

Zoning Action – A motion was made by Mr. Berkley, seconded by Mr. Forester, and carried 11-0 to approve PLN-MAR-18-00024: ANDERSON COMMUNITIES, for the reasons provided by the staff.

Development Plan Action – A motion was made Mr. Berkley, seconded by Mr. Forester, and carried 11-0 to approve PLN-MJDP-18-00083: PAPPERT PROPERTY (AMD), with the revised conditions provided by the staff.

Waivers Action – A motion was made Mr. Berkley, seconded by Mr. Forester, and carried 11-0 to approve the waivers associated with the development plan, for the reasons provided by the staff with the addition of the recommendation made with the easement language being sufficient to provide the government full ability to meet all operational and maintenance requirement on the public streets.