

2. TAYLORMADE REAL ESTATE, LLC (AMD), ZONING MAP AMENDMENT AND ETHINGTON & ETHINGTON PROPERTY ZONING DEVELOPMENT PLAN

- a. PLN-MAR-16-00003: TAYLORMADE REAL ESTATE, LLC (AMD) – an amended petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Neighborhood Business (B-1) zone, for 5.79 net (7.88 gross) acres; Agricultural Urban (A-U) zone to a Townhouse Residential (R-1T) zone, for 2.38 net and gross acres; Agricultural Urban (A-U) zone to a Single Family Residential (R-1D) zone, for 6.72 net and gross acres; Townhouse Residential (R-1T) zone to a Single Family Residential (R-1D) zone, for 1.49 net (1.88 gross) acres; Townhouse Residential (R-1T) zone with conditional zoning restrictions to a Townhouse Residential (R-1T) zone without conditional zoning restrictions, for 1.49 net (1.93 gross) acres; and Single Family Residential (R-1D) zone to a Townhouse Residential (R-1T) zone, for 0.26 net and gross acres, for property located at 4145 and 4235 Harrodsburg 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 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 a rezoning to construct a small neighborhood business area, bordered by townhouses and single family residences.

The Zoning Committee Recommended: Referral to the Full Planning Commission.

The Staff Recommends: If construction of Madrone Way is not part of the proposal, Postponement, for the following reasons:

1. According to Article 8-4(a) of the Zoning Ordinance, "In order to avoid premature or improper development, land should remain in this zone until public facilities and services are or will be adequate to serve urban uses."

The Staff Recommends: If construction of Madrone Way is part of the proposal, Approval, for the following reasons:

1. The proposed combination of Neighborhood Business (B-1) zoning, Townhouse Residential (R-1T) zoning and Single Family Residential (R-1D) zoning is in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. The Goals and Objectives of the Plan encourage an expansion of housing choices and housing near employment/commercial areas (Theme A, Goal #1); support infill and redevelopment as a strategic component of growth (Theme A, Goal #2); maintain the urban forest (Theme A, Goal #3.d.); and provide compact, contiguous and/or mixed-use sustainable development to accommodate future growth needs (Theme E, Goal #1.b.).
 - b. The applicant proposes a mixed-use development, with pedestrian connectivity throughout and to the adjoining Palomar neighborhood to the northwest and northeast of the subject site. The development also provides a variety of housing types that are located near existing and proposed employment/commercial areas.
 - c. The applicant is proposing a residential density of 3.92 dwelling unit per acre, which within the range recommended for the site by previous Comprehensive Plans, in addition to neighborhood commercial opportunities.
 - d. The applicant intends to preserve many significant trees on the subject properties in order to maintain the minimum tree canopy requirements for this development.
2. The proposed development generally meets the Complete Streets concept (with the exception of the Almond Way termination), which includes the design and use of the right-of-way for vehicles, bicycles and pedestrians, as recommended by Theme D, Goal #1.a. of the 2013 Comprehensive Plan. The connection of local and collector streets with the subject properties is of vital importance to ensure the proposed development functions as a part of the neighborhood it is proposed to serve. Without these vital connections, the development cannot meet the goals established in "Chapter 6: Improving a Desirable Community" for reduced traffic congestion and connectivity of adjoining land uses for a complete street network.
3. This recommendation is made subject to approval and certification of PLN-MJDP-16-00008: Ethington & Ethington Property, 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-16-00008: ETHINGTON & ETHINGTON PROPERTY (9/26/16)* - located at 4145 and 4235 Harrodsburg Road. (Vision Engineering)

The Subdivision Committee Recommended: Postponement. There were some questions regarding lack of Regional Information per Article 21 and Compliance with Article 8-16.

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

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

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

2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. 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. Addition of all statistical information per Article 21.
9. Addition of all notes per Article 21.
10. Delete symbols and line type legends.
11. Dimension drive aisles, parking spaces and entrances.
12. Revise townhome offsets per Article 8-10 of the Zoning Ordinance.
13. Denote sidewalk access from townhomes to internal street system.
14. Discuss termination of Almond Way or possible waiver to the Subdivision Regulations.
15. Discuss pedestrian connections from commercial area to existing and proposed neighborhood.
16. Discuss proposed access from Harrodsburg Road.
17. Discuss status ownership and maintenance of internal street system.
18. Discuss compliance with Article 8-16 requirements and possible variance.
19. Discuss timing and responsibility for offsite road improvements to Madrone Way.
20. Discuss architectural details for buildings along Harrodsburg Road frontage.
21. Discuss need for sidewalk improvements to Harrodsburg Road (Higbee Mill Road to Palomar Blvd.).
22. Discuss driveway locations to Syringa Drive and other townhouses.
23. Discuss stormwater management concept for the site.
24. Discuss significant trees and development conflicts in the proposed B-1 and townhouse areas.
25. Discuss B-1 area orientation and integration with proposed and existing residential areas.

Staff Zoning Presentation – Mr. Sallee presented the staff report on this zone change. He stated that this is an amended application because the most recent revision added an existing R-1T zoned parcel that has conditional zoning restrictions to it. He said that the staff has received 21 letters of correspondence in opposition to this zone change, and he distributed those to the Planning Commission at this time.

Mr. Sallee said that during a previous zone change some significant trees were recommended for protection via conditional zoning. The applicant is willing to consider some tree preservation, but prefers to do so through the development plan process and not to do so through conditional zoning. He said the staff is in agreement with that and that the tree preservation plan does need to be a component of the development plan.

Mr. Sallee also said that a traffic impact study has also been submitted with this application.

Development Plan Presentation - Mr. Martin presented the updated staff report on this development plan, which was handed out to the Commission. He pointed out on the map the trees that will be preserved. The applicant is proposing a right-in, right-out into the proposed commercial area of Harrodsburg Road. He said that the townhouses will have access though an access in the rear of the buildings.

Mr. Martin stated that South Elkorn Church and the applicant have reached an agreement and they will have control of the property and will be able to build Madrone Way.

Mr. Martin also stated that a waiver request had been distributed to the Planning Commission. This request is for Almond Way to leave it as is with a pedestrian and bikeway into the subject property. He said that staff has recommended disapproval of the waiver request.

Traffic Impact Study – Mr. Emmons presented the Transportation Planning staff's report on the revised Traffic Impact Study, for this development and said that the petitioner is in agreement with this report and the overall development recommendations. He said that there are only two entrances and exits to the Palomar Subdivision and that is why the Madrone Way connection is so important. The original Comprehensive Plan from 1986 was planned as a collector street and has been built to those standards. This will give the subdivision two signalized intersections, providing relief to the two current entrance/exit intersections.

Mr. Emmons said that the transportation staff recommends that Madrone Way be constructed in the first phase of development and that the rest of the development is dependent upon that connectivity.

Petitioner Presentation – Nick Nicholson, Stoll Keenon & Ogden, PLLC, was present representing the petitioner. He said that he believes the applicant is in agreement with the staff's recommendations. He said that agricultural zoning is no longer appropriate at this location.

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Mr. Nicholson said that the petitioner is requesting removal of the conditional restrictions because it was put in place for a separate parcel which is now being combined for this one project. He said that there are significant trees that will need to be preserved and the petitioner will meet with the Tim Queary, Urban Forester to change their development to do so.

Mr. Nicholson submitted letters of support from the neighborhood to the Planning Commission.

Commission Comments – There was a question in regard to the pedestrian access if the connection does not go through. Mr. Nicholson replied that it is to have a trail system.

The following citizens were present in favor of this case:

Yvette Childress, 2125 Mangrove Drive, said that she agrees with the developer and the plan to make the area a pedestrian friendly neighborhood.

Scott Johnson, 2109 Mangrove Drive, said that he would suggest making Madrone Way exit only and would like to preserve the pine trees between Mangrove Drive and the proposed property.

The following citizens were present in opposition to this case:

Joe Clabes, 4033 Palomar Blvd., Vice-Chair of the Palomar Hills Association Board, said that he has concerns about the impact to the neighborhood with the opening of Madrone Way; the increased traffic flow and speed of vehicles.

Commission Comments – There was a question regarding the traffic flow. Mr. Clabes said that the neighbors don't favor the proposed connection to Harrodsburg Road. They are in favor the development, just not the connection to the Palomar Subdivision. They would prefer traffic calming to slow traffic. He said that a crash gate could be a possible solution.

Mr. Clabes also stated that the neighbors agree with the way that Almond Way is presented in the development.

Prescott Hill, Mangrove Drive, said that he doesn't know of anyone in the neighborhood that is in favor of this connection. There is currently a lot of cut-thru traffic and the congestion at Lyon Drive is already heavy. He suggested that the connection not be made to the Palomar subdivision. He also said that he would like preserve the trees between the two neighborhoods.

Petitioner Rebuttal – Mr. Nicholson said that the tree line on Mangrove Drive is in the proposed tree protection area.

Commission Comments – There were concerns regarding the tree protection line on the northwest section of the subject property. There was concern that if the rezoning be granted; the agreement of the church will need to be finalized at either the preliminary subdivision plan or the final development plan. There was also a comment regarding the staff's recommendation of Almond Way to only be extended 140 feet instead of through the entirety of the property.

Zoning Action – A motion was made by Mr. Cravens, seconded by Mr. Berkley, and carried 10-0 (Brewer absent) to approve PLN-MAR-16-00003: TAYLORMADE REAL ESTATE, LLC (AMD), for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Cravens, seconded by Mr. Berkley, carried 9-1 (Brewer absent) to approve PLN-MJDP-16-00008: ETHINGTON & ETHINGTON PROPERTY, for the reasons provided by the staff

Waiver - A motion was made by Mr. Cravens, seconded by Ms. Richardson, carried 10-0 (Brewer absent) to approve PLN-MJDP-16-00008: ETHINGTON & ETHINGTON PROPERTY, for the following reason:

The applicant has demonstrated that the extension of Almond Way presents a special circumstance as it is a dedicated public road, serving only two driveways. The termination of Almond Way cannot be accomplished with a cul-de-sac or dedicated public road in the Palomar Hills subdivision and connectivity will be achieved with pedestrian connection.

