

AN ORDINANCE CHANGING THE ZONE FROM A SINGLE FAMILY RESIDENTIAL (R-1D) ZONE TO A TOWNHOUSE RESIDENTIAL (R-1T) ZONE, FOR 4.937 NET (5.052 GROSS) ACRES AND TO A NEIGHBORHOOD BUSINESS (B-1) ZONE, FOR 1.652 NET (2.002 GROSS) ACRES; AND FROM AN AGRICULTURAL URBAN (A-U) ZONE TO A TOWNHOUSE RESIDENTIAL (R-1T) ZONE FOR 10.668 NET (11.876 GROSS) ACRES AND TO A NEIGHBORHOOD BUSINESS (B-1) ZONE, FOR 1.040 NET AND GROSS ACRES, FOR PROPERTY LOCATED AT 3450 & 3550 TODDS ROAD. (ANDERSON ACQUISITION, LLC; DISTRICT 7).

WHEREAS, at a Public Hearing held on April 25, 2019, a petition for a zoning ordinance map amendment for property located at 3450 and 3550 Todds Road, from a Single Family Residential (R-1D) zone to a Townhouse Residential (R-1T) zone, for 4.937 net (5.052 gross) acres and to a Neighborhood Business (B-1) zone, for 1.652 net (2.002 gross) acres; and from an Agricultural-Urban (A-U) zone to a Townhouse Residential (R-1T) zone for 10.668 net (11.876 gross) acres and to a Neighborhood Business (B-1) zone, for 1.040 net and gross acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 7-0; 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 3450 and 3550 Todds Road, from a Single Family Residential (R-1D) zone to a Townhouse Residential (R-1T) zone, for 4.937 net (5.052 gross) acres and to a Neighborhood Business (B-1) zone, for 1.652 net (2.002 gross) acres; and from an Agricultural-Urban (A-U) zone to a Townhouse Residential (R-1T) zone for 10.668 net (11.876 gross) acres and to a Neighborhood Business (B-1) zone, for 1.040 net and 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

use restrictions as conditions of granting the zone change:

Under the provisions of Article 6-7 of the Zoning Ordinance, the property shall be subject to the following use and buffering restrictions via conditional zoning:

- a. Prohibited Uses
 - 1. Drive-through Facilities.
 - 2. Automobile service stations.
 - 3. Establishments with the principal purpose of the sale of beer, liquor or wine.

These conditional zoning restrictions are appropriate and necessary in order to minimize the impacts of new development on the existing neighborhoods and reducing the potential for high traffic flow in and out of the proposed site.

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: July 8, 2019



MAYOR

ATTEST:



CLERK OF URBAN COUNTY COUNCIL
Published: July 18, 2019-1t

Legal Description of the
Andover Homeowners Association, Inc.
Zone Change From R-1D to R-1T
A portion of 3450 Todds Road
Lexington, Fayette County, Kentucky
(Area 1)

ALL THAT TRACT OR PARCEL OF LAND SITUATED ON THE SOUTH SIDE OF TODDS ROAD APPROXIMATELY 0.5 MILES EAST OF THE INTERSECTION WITH MAN O' WAR BOULEVARD IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a point in the centerline of Todds Road, said point being located on the extended north line of Lot 1 of Lochmere Tract 4B as shown on plat recorded in Plat Cabinet "R", Slide 842 in the Fayette County Clerk's Office; thence leaving Todds Road south 14 degrees 36 minutes 16 seconds west 53.52 feet to a point; thence south 01 degrees 49 minutes 17 seconds east 479.27 feet to a point; thence south 45 degrees 13 minutes 13 seconds west 156.51 feet to a point; thence south 34 degrees 30 minutes 20 seconds east 321.43 feet to a point; thence south 27 degrees 48 minutes 09 seconds west 108.45 feet to a point; thence north 23 degrees 39 minutes 14 seconds west 100.43 feet to a point; thence north 29 degrees 04 minutes 50 seconds west 249.23 feet to a point; thence north 11 degrees 53 minutes 40 seconds west 77.96 feet to a point; thence north 41 degrees 59 minutes 12 seconds west 79.73 feet to a point; thence north 67 degrees 36 minutes 08 seconds west 79.97 feet to a point; thence south 86 degrees 54 minutes 31 seconds west 75.06 feet to a point; thence south 58 degrees 51 minutes 21 seconds west 71.26 feet to a point; thence south 33 degrees 45 minutes 42 seconds west 81.97 feet to a point; thence south 70 degrees 18 minutes 55 seconds west 78.50

feet to a point; thence north 30 degrees 25 minutes 45 seconds west 104.95 feet to a point; thence north 47 degrees 23 minutes 25 seconds west 38.56 feet to a point; thence north 48 degrees 46 minutes 19 seconds east 337.53 feet to a point; thence north 48 degrees 35 minutes 37 seconds east 487.59 feet to the point of beginning and containing 4.904 gross acres and 4.886 net acres.

Legal Description of the
Andover Homeowners Association, Inc.
Zone Change From R-1D to B-1
A portion of 3450 Todds Road
Lexington, Fayette County, Kentucky
(Area 2)

ALL THAT TRACT OR PARCEL OF LAND SITUATED ON THE SOUTH SIDE OF TODDS ROAD APPROXIMATELY 0.5 MILES EAST OF THE INTERSECTION WITH MAN O' WAR BOULEVARD IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a point in the centerline of Todds Road, said point being located on the extended north line of Lot 1 of Lochmere Tract 4B as shown on plat recorded in Plat Cabinet "R", Slide 842 in the Fayette County Clerk's Office; thence along Todds Road south 54 degrees 30 minutes 15 seconds east 80.74 feet to a point; thence south 58 degrees 15 minutes 12 seconds east 95.11 feet to a point; thence south 66 degrees 45 minutes 28 seconds east 100.06 feet to a point; thence south 72 degrees 40 minutes 11 seconds east 21.99 feet to a point; thence leaving Todds Road south 01 degrees 49 minutes 17 seconds east 128.06 feet to a point; thence south 45 degrees 13 minutes 13 seconds west 368.93 feet to a point; thence north 01 degrees 49 minutes 17 seconds west 479.27 feet to a point in the south right of way of Todds Road; thence north 14 degrees 36 minutes 16 seconds east 53.52 feet to the point of beginning and containing 2.002 gross acres and 1.652 net acres.

Legal Description of the
Andover Homeowners Association, Inc.
Zone Change From A-U to B-1
A portion of 3450 Todds Road
Lexington, Fayette County, Kentucky
(Area 3)

ALL THAT TRACT OR PARCEL OF LAND SITUATED ON THE SOUTH SIDE OF TODDS ROAD APPROXIMATELY 0.5 MILES EAST OF THE INTERSECTION WITH MAN O' WAR BOULEVARD IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the common corner of Lot 1, Lot 3, and Lot 4 of Lochmere Tract 4B as shown on plat recorded in Plat Cabinet "R", Slide 842 in the Fayette County Clerk's Office, said point being approximately 315 feet south of the south right of way of Todds Road; thence south 27 degrees 48 minutes 09 seconds west 42.96 feet to a point; thence south 88 degrees 10 minutes 43 seconds west 248.77 feet to a point; thence north 01 degrees 49 minutes 17 seconds west 43.53 feet to a point; thence north 45 degrees 13 minutes 13 seconds east 368.93 feet to a point; thence south 01 degrees 49 minutes 17 seconds east 257.60 feet to the point of beginning and containing 1.040 gross acres and 1.040 net acres.

Legal Description of the
Andover Homeowners Association, Inc.
Zone Change From A-U to R-1T
A portion of 3450 Todds Road
Lexington, Fayette County, Kentucky
(Area 4)

ALL THAT TRACT OR PARCEL OF LAND SITUATED ON THE SOUTH SIDE OF TODDS ROAD APPROXIMATELY 0.5 MILES EAST OF THE INTERSECTION WITH MAN O' WAR BOULEVARD IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a point in the common line of Lot 1 and Lot 3 of Lochmere Tract 4B as shown on plat recorded in Plat Cabinet "R", Slide 842 in the Fayette County Clerk's Office, said point being 42.96 feet southwest of the common corner of Lot 1, Lot 3, and Lot 4; thence south 27 degrees 48 minutes 09 seconds west 383.84 feet to a point; thence north 34 degrees 30 minutes 20 seconds west 321.43 feet to a point; thence north 45 degrees 13 minutes 13 seconds east 156.51 feet to a point; thence south 01 degrees 49 minutes 17 seconds east 43.53 feet to a point; thence north 88 degrees 10 minutes 43 seconds east 248.77 feet to the point of beginning and containing 1.491 gross acres and 1.491 net acres.

Legal Description of the
Andover Homeowners Association, Inc.
Zone Change From A-U to R-1T
A portion of 3450 and 3550 Todds Road
Lexington, Fayette County, Kentucky
(Area 5)

ALL THAT TRACT OR PARCEL OF LAND SITUATED ON THE SOUTH SIDE OF TODDS ROAD APPROXIMATELY 0.5 MILES EAST OF THE INTERSECTION WITH MAN O' WAR BOULEVARD IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a point in the centerline of Todds Road, said point being on the extended common line of Lot 4 and Lot 5 of Lochmere Tract 4B as shown on plat recorded in Plat Cabinet "R", Slide 842 in the Fayette County Clerk's Office; thence leaving Todds Road south 55 degrees 11 minutes 57 seconds west 554.80 feet to a point; thence north 36 degrees 09 minutes 28 seconds west 750.66 feet to a point; thence north 01 degrees 49 minutes 17 seconds west 257.60 feet to a point; thence north 45 degrees 13 minutes 13 seconds east 138.06 feet to a point in the centerline of Todds Road; thence with said centerline south 74 degrees 03 minutes 55 seconds east 94.55 feet to a point; thence south 69 degrees 39 minutes 11 seconds east 93.12 feet to a point; thence south 62 degrees 35 minutes 28 seconds east 21.78 feet to a point; thence south 62 degrees 35 minutes 28 seconds east 74.89 feet to a point; thence south 57 degrees 00 minutes 54 seconds east 95.71 feet to a point; thence south 51 degrees 12 minutes 47 seconds east 79.07 feet to a point; thence south 46 degrees 54 minutes 28 seconds east 73.93 feet to a point; thence south 43 degrees 41 minutes 16 seconds east 89.91 feet to a point; thence south 41 degrees 30 minutes 55 seconds east 223.77 feet to a point; thence

south 41 degrees 17 minutes 58 seconds east 122.88 feet to a point; thence

south 41 degrees 39 minutes 04 seconds east 86.02 feet to the point of beginning and

containing 10.385 gross acres and 9.177 net acres.

Legal Description of the
Andover Homeowners Association, Inc.
Zone Change From R-1D to R-1T
A portion of 3450 Todds Road
Lexington, Fayette County, Kentucky
(Area 6)

ALL THAT TRACT OR PARCEL OF LAND SITUATED ON THE SOUTH SIDE OF TODDS ROAD APPROXIMATELY 0.5 MILES EAST OF THE INTERSECTION WITH MAN O' WAR BOULEVARD IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a point in the centerline of Todds Road, said point being located approximately 350 feet northwest of the intersection of Todds Road and Kavanaugh Lane; thence along the centerline of Todds Road south 72 degrees 40 minutes 11 seconds east 63.20 feet to a point; thence south 74 degrees 03 minutes 55 seconds east 43.41 feet to a point; thence leaving Todds Road south 45 degrees 13 minutes 13 seconds west 138.06 feet to a point; thence north 01 degrees 49 minutes 17 seconds west 128.06 feet to the point of beginning and containing 0.148 gross acres and 0.051 net acres.

Rec'd by _____

Date: _____

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

IN RE: **PLN-MAR-19-00004: ANDERSON ACQUISITION, LLC** - petition for a zone map amendment from a Single Family Residential (R-1D) zone to a Townhouse Residential (R-1T) zone, for 4.937 net (5.052 gross) acres and to a Neighborhood Business (B-1) zone, for 1.652 net (2.002 gross) acres; and from an Agricultural Urban (A-U) zone to a Townhouse Residential (R-1T) zone, for 10.668 net (11.876 gross) acres and to a Neighborhood Business (B-1) zone, for 1.040 net and gross acres, for property located at 3450 & 3550 Todds Road. (Council District 7)

Having considered the above matter on **April 25, 2019**, at a Public Hearing, and having voted **7-0** 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 Townhouse Residential (R-1T) and Neighborhood Business (B-1) zoning are in agreement with the 2013 Comprehensive Plan, and the adopted Goals and Objectives of the 2018 Comprehensive Plan for the following reasons:
 - a. The petitioner indicates that the rezoning of the site supports infill and redevelopment throughout the Urban Service Area (Theme A, Goal #1.b. and #2). The existing clubhouse has been vacant for several years, and the driving range is no longer necessary given that the site will not operate as a golf course in the future. The 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; Theme E, Goal #3). The applicant proposes a density of 5.64 dwelling units per acre.
 - b. The proposed development respects the context and design features of the surrounding areas and is compatible with the existing urban form (Theme A, Goal #2.b). This is particularly true for the continuation of the pinwheel type townhomes that are proposed to extend from Country Club Way.
 - c. The surrounding open space and the continued use and expansion of the pedestrian and golf cart system within the proposed development provides added amenities that reduce dependency on vehicular modes of transportation and allows for multi-modal connectivity (Theme A, Goal #2.c, Theme B, Goal #2.d, and Theme D, Goal #1.b).
 - d. The reuse of the clubhouse as a restaurant can act as a neighborhood focal point (Theme A, Goal #2.d), while also adding quality of life opportunities that attract young and culturally diverse professionals to Lexington (Theme C, Goal #2.d).
2. The existing Agricultural Urban (A-U) zone is inappropriate, and the proposed R-1T and B-1 zones are appropriate at this location because the intent for the Agricultural Urban (A-U) zone is to manage the growth of the community so to avoid premature or improper development until public facilities and services are adequate to serve urban uses. The availability of these services at this time in this area indicate the inappropriateness of the current zoning.
3. This recommendation is made subject to approval and certification of the applicable portion of **PLN-MJDP-19-00012: Lochmere, Tract 4-B (Stonecase Valley)(Andover Club)(AMD)**, prior to being forwarded to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
4. **Under the provisions of Article 6-7 of the Zoning Ordinance, the property shall be subject to the following use and buffering restrictions via conditional zoning:**
 - a. Prohibited Uses:
 1. Drive-through Facilities.

2. Automobile service stations.
3. Establishments with the principal purpose of the sale of beer, liquor or wine.

These conditional zoning restrictions are appropriate and necessary to minimizing the impacts of new development on the existing neighborhoods and reducing the potential for high traffic flow in and out of the proposed site.

ATTEST: This 23rd day of May, 2019.



 Secretary, Jim Duncan

WILLIAM WILSON
 CHAIR

Note: The corollary development plan, PLN- MJDP-19-00012; LOCHMERE TRACT 4-8 (STONECASE VALLEY) (ANDOVER CLUB) (AMD) was approved by the Planning Commission on April 25, 2019 and certified on May 9, 2019.

K.R.S. 100.211(7) requires that the Council take action on this request by July 24, 2019.

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

OBJECTORS

- Nathan Billings, attorney representing Andover Common Property NFP
- Mr. Clyde Honaker, 3505 Doral Place
- Rick Towner, 3529 Doral Place
- Miriam Sekhon, 620 Andover Village Place
- Ron Blair, 628 Andover Village Place
- Jas Sekhon, 620 Andover Village Place

OBJECTIONS

- Believes that conditional zoning restrictions prohibiting the live outdoor entertainment should be removed.
- Concerned with stormwater runoff.
- Concerned about increased traffic and asked that the conditional zoning restriction of live entertainment remain.
- Concerned about the units backing up to their homes and the setback requirements, the drainage and flooding in the area, and the consistency of the neighborhood.
- Concerned about the flooding and the increased stormwater runoff.
- Believes that the development sets a precedent by proposing it in the middle of a single-family residential neighborhood and that that the conditional zoning restriction prohibiting live entertainment should remain.

VOTES WERE AS FOLLOWS:

AYES: (7) Bell, Berkley, Mundy, Nicol, Owens, Penn, and Plumlee

NAYS: (0)

ABSENT: (4) Brewer, Forester, Pohl, and Wilson

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for APPROVAL of PLN-MAR-19-00004 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:

ANDERSON AQUISITIONS, LLC, 1720 SHARKEY WAY, STE. 100, LEXINGTON, KY 40511

Owner(s):

ANDOVER COMMON PROPERTY NFP INC., 141 PROSPEROUS PLACE, STE. 21B, LEXINGTON, KY 40509

Attorney:

RICHARD MURPHY, 250 W MAIN STREET, STE. 2510, LEXINGTON, KY 40507

2. ADDRESS OF APPLICANT'S PROPERTY

3450 & 3550 TODDS ROAD, LEXINGTON, KY 40509

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

Zoning	Existing Use	Zoning	Requested Use	Acreage	
				Net	Gross
R-1D	Former Golf Course	R-1T	Townhouses	4.937	5.052
R-1D	Former Clubhouse	B-1	Restaurant, Commercial	1.652	2.002
A-U	Former Golf Course	R-1T	Townhouses	10.661	11.876
A-U	Former Clubhouse	B-1	Restaurant, Commercial	1.040	1.040

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:	LFUCG
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



Legal Description of the
Andover Homeowners Association, Inc.
Zone Change From R-1D to R-1T
A portion of 3450 Todds Road
Lexington, Fayette County, Kentucky
(Area 1)

ALL THAT TRACT OR PARCEL OF LAND SITUATED ON THE SOUTH SIDE OF TODDS ROAD APPROXIMATELY 0.5 MILES EAST OF THE INTERSECTION WITH MAN O' WAR BOULEVARD IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a point in the centerline of Todds Road, said point being located on the extended north line of Lot 1 of Lochmere Tract 4B as shown on plat recorded in Plat Cabinet "R", Slide 842 in the Fayette County Clerk's Office; thence leaving Todds Road south 14 degrees 36 minutes 16 seconds west 53.52 feet to a point; thence south 01 degrees 49 minutes 17 seconds east 479.27 feet to a point; thence south 45 degrees 13 minutes 13 seconds west 156.51 feet to a point; thence south 34 degrees 30 minutes 20 seconds east 321.43 feet to a point; thence south 27 degrees 48 minutes 09 seconds west 108.45 feet to a point; thence north 23 degrees 39 minutes 14 seconds west 100.43 feet to a point; thence north 29 degrees 04 minutes 50 seconds west 249.23 feet to a point; thence north 11 degrees 53 minutes 40 seconds west 77.96 feet to a point; thence north 41 degrees 59 minutes 12 seconds west 79.73 feet to a point; thence north 67 degrees 36 minutes 08 seconds west 79.97 feet to a point; thence south 86 degrees 54 minutes 31 seconds west 75.06 feet to a point; thence south 58 degrees 51 minutes 21 seconds west 71.26 feet to a point; thence south 33 degrees 45 minutes 42 seconds west 81.97 feet to a point; thence south 70 degrees 18 minutes 55 seconds west 78.50

feet to a point; thence north 30 degrees 25 minutes 45 seconds west 104.95 feet to a point; thence north 47 degrees 23 minutes 25 seconds west 38.56 feet to a point; thence north 48 degrees 46 minutes 19 seconds east 337.53 feet to a point; thence north 48 degrees 35 minutes 37 seconds east 487.59 feet to the point of beginning and containing 4.904 gross acres and 4.886 net acres.

**Legal Description of the
Andover Homeowners Association, Inc.
Zone Change From R-1D to B-1
A portion of 3450 Todds Road
Lexington, Fayette County, Kentucky
(Area 2)**

ALL THAT TRACT OR PARCEL OF LAND SITUATED ON THE SOUTH SIDE OF TODDS ROAD APPROXIMATELY 0.5 MILES EAST OF THE INTERSECTION WITH MAN O' WAR BOULEVARD IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a point in the centerline of Todds Road, said point being located on the extended north line of Lot 1 of Lochmere Tract 4B as shown on plat recorded in Plat Cabinet "R", Slide 842 in the Fayette County Clerk's Office; thence along Todds Road south 54 degrees 30 minutes 15 seconds east 80.74 feet to a point; thence south 58 degrees 15 minutes 12 seconds east 95.11 feet to a point; thence south 66 degrees 45 minutes 28 seconds east 100.06 feet to a point; thence south 72 degrees 40 minutes 11 seconds east 21.99 feet to a point; thence leaving Todds Road south 01 degrees 49 minutes 17 seconds east 128.06 feet to a point; thence south 45 degrees 13 minutes 13 seconds west 368.93 feet to a point; thence north 01 degrees 49 minutes 17 seconds west 479.27 feet to a point in the south right of way of Todds Road; thence north 14 degrees 36 minutes 16 seconds east 53.52 feet to the point of beginning and containing 2.002 gross acres and 1.652 net acres.

Legal Description of the
Andover Homeowners Association, Inc.
Zone Change From A-U to B-1
A portion of 3450 Todds Road
Lexington, Fayette County, Kentucky
(Area 3)

ALL THAT TRACT OR PARCEL OF LAND SITUATED ON THE SOUTH SIDE OF TODDS ROAD APPROXIMATELY 0.5 MILES EAST OF THE INTERSECTION WITH MAN O' WAR BOULEVARD IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the common corner of Lot 1, Lot 3, and Lot 4 of Lochmere Tract 4B as shown on plat recorded in Plat Cabinet "R", Slide 842 in the Fayette County Clerk's Office, said point being approximately 315 feet south of the south right of way of Todds Road; thence south 27 degrees 48 minutes 09 seconds west 42.96 feet to a point; thence south 88 degrees 10 minutes 43 seconds west 248.77 feet to a point; thence north 01 degrees 49 minutes 17 seconds west 43.53 feet to a point; thence north 45 degrees 13 minutes 13 seconds east 368.93 feet to a point; thence south 01 degrees 49 minutes 17 seconds east 257.60 feet to the point of beginning and containing 1.040 gross acres and 1.040 net acres.

Legal Description of the
Andover Homeowners Association, Inc.
Zone Change From A-U to R-1T
A portion of 3450 Todds Road
Lexington, Fayette County, Kentucky
(Area 4)

ALL THAT TRACT OR PARCEL OF LAND SITUATED ON THE SOUTH SIDE OF TODDS ROAD APPROXIMATELY 0.5 MILES EAST OF THE INTERSECTION WITH MAN O' WAR BOULEVARD IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a point in the common line of Lot 1 and Lot 3 of Lochmere Tract 4B as shown on plat recorded in Plat Cabinet "R", Slide 842 in the Fayette County Clerk's Office, said point being 42.96 feet southwest of the common corner of Lot 1, Lot 3, and Lot 4; thence south 27 degrees 48 minutes 09 seconds west 383.84 feet to a point; thence north 34 degrees 30 minutes 20 seconds west 321.43 feet to a point; thence north 45 degrees 13 minutes 13 seconds east 156.51 feet to a point; thence south 01 degrees 49 minutes 17 seconds east 43.53 feet to a point; thence north 88 degrees 10 minutes 43 seconds east 248.77 feet to the point of beginning and containing 1.491 gross acres and 1.491 net acres.

**Legal Description of the
Andover Homeowners Association, Inc.
Zone Change From A-U to R-1T
A portion of 3450 and 3550 Todds Road
Lexington, Fayette County, Kentucky
(Area 5)**

ALL THAT TRACT OR PARCEL OF LAND SITUATED ON THE SOUTH SIDE OF TODDS ROAD APPROXIMATELY 0.5 MILES EAST OF THE INTERSECTION WITH MAN O' WAR BOULEVARD IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a point in the centerline of Todds Road, said point being on the extended common line of Lot 4 and Lot 5 of Lochmere Tract 4B as shown on plat recorded in Plat Cabinet "R", Slide 842 in the Fayette County Clerk's Office; thence leaving Todds Road south 55 degrees 11 minutes 57 seconds west 554.80 feet to a point; thence north 36 degrees 09 minutes 28 seconds west 750.66 feet to a point; thence north 01 degrees 49 minutes 17 seconds west 257.60 feet to a point; thence north 45 degrees 13 minutes 13 seconds east 138.06 feet to a point in the centerline of Todds Road; thence with said centerline south 74 degrees 03 minutes 55 seconds east 94.55 feet to a point; thence south 69 degrees 39 minutes 11 seconds east 93.12 feet to a point; thence south 62 degrees 35 minutes 28 seconds east 21.78 feet to a point; thence south 62 degrees 35 minutes 28 seconds east 74.89 feet to a point; thence south 57 degrees 00 minutes 54 seconds east 95.71 feet to a point; thence south 51 degrees 12 minutes 47 seconds east 79.07 feet to a point; thence south 46 degrees 54 minutes 28 seconds east 73.93 feet to a point; thence south 43 degrees 41 minutes 16 seconds east 89.91 feet to a point; thence south 41 degrees 30 minutes 55 seconds east 223.77 feet to a point; thence

south 41 degrees 17 minutes 58 seconds east 122.88 feet to a point; thence
south 41 degrees 39 minutes 04 seconds east 86.02 feet to the point of beginning and
containing 10.385 gross acres and 9.177 net acres.

Legal Description of the
Andover Homeowners Association, Inc.
Zone Change From R-1D to R-1T
A portion of 3450 Todds Road
Lexington, Fayette County, Kentucky
(Area 6)

ALL THAT TRACT OR PARCEL OF LAND SITUATED ON THE SOUTH SIDE OF TODDS ROAD APPROXIMATELY 0.5 MILES EAST OF THE INTERSECTION WITH MAN O' WAR BOULEVARD IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a point in the centerline of Todds Road, said point being located approximately 350 feet northwest of the intersection of Todds Road and Kavanaugh Lane; thence along the centerline of Todds Road south 72 degrees 40 minutes 11 seconds east 63.20 feet to a point; thence south 74 degrees 03 minutes 55 seconds east 43.41 feet to a point; thence leaving Todds Road south 45 degrees 13 minutes 13 seconds west 138.06 feet to a point; thence north 01 degrees 49 minutes 17 seconds west 128.06 feet to the point of beginning and containing 0.148 gross acres and 0.051 net acres.

STATEMENT OF JUSTIFICATION FOR PROPOSED ZONE CHANGE

Anderson Acquisitions, LLC, an affiliate of Anderson Communities, is pleased to present its proposal for re-opening the Andover Club building as a community focal point and constructing additional single-family attached housing which is compatible with the existing development in the area.

We are proposing Neighborhood Business (B-1) zoning for the currently vacant Andover Club building, and Townhouse Residential (R-1T) zoning for property on either side.

The current owner of the property is Andover Common Property NFP, Inc., which is a non-profit corporation, composed of six homeowner associations in the Andover area. In August, 2018, this group of homeowner associations purchased the property from a bank-affiliated company which had taken over after the Andover Club went out of business. For the past several months, the group of homeowner associations has been negotiating with the applicant and has reached an agreement under which the Andover Club building can function as a restaurant and related uses and be open to the public, not just club members, which is a more viable economic model to sustain this well-known neighborhood focal point. Also, the parties reached an agreement on construction of additional townhouse units on the existing parking lot area between the Andover Club building and one-story townhouses to the northwest, and on the existing driving range between the clubhouse property and existing townhouses to the southeast. It is the applicant's understanding that the group of homeowner associations will continue to own the golf course and maintain it as greenspace with walking trails and similar features. Thus, a new neighborhood focal point can be created in the clubhouse building, additional compatible residential units can be constructed on the underutilized portions, and the greenspace can be preserved for the neighborhood.

This proposal is a result of the cooperative process between the applicant and the group of homeowner associations.

Our development plan shows two types of townhomes which will be compatible with the surrounding neighborhoods. On the area to the northwest, 1 ½ story townhouses will be constructed in groupings of up to four attached units. These will be compatible with similar townhouse units which have been constructed immediately adjacent. We feel it will appeal to a similar demographic group.

To the southeast, additional townhouse units will be constructed on the driving range property. These townhomes will be 2 ½ story townhomes and will be similar to the townhomes that are on the adjacent property. Up to twelve units will be attached in this section.

The former clubhouse building will be open to the public and will be a more viable economic model than a private club. Uses which may be proposed for the old clubhouse building include restaurants, bars, recreational facilities, community centers, offices and similar facilities. All these uses are compatible with the Neighborhood Business (B-1) zone.

This proposal is fully compatible with both the 2018 Goals and Objectives and the 2013 Comprehensive Plan. It will allow re-establishment of a neighborhood focal point, and will make excellent use of underdeveloped property including a large parking lot and a driving range.

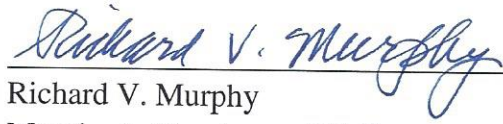
Theme A of the 2018 Goals and Objectives is growing successful neighborhoods. This proposal is in full agreement with Theme A. Goal A.2. calls for support of infill and redevelopment throughout the Urban Service Area as a strategic component of growth. This proposal agrees with all the objectives under that goal. It is an opportunity for infill and redevelopment (Objective (a)). Because we are developing residential units which are similar to those on adjacent properties, we are respecting the context and design features of the areas surrounding the development project and we are compatible with the existing urban form (Objective (b)). The former golf course, which is adjacent, provides greenspace and open space (Objective (c)). It implements innovative programs of commercial and economic activity to revitalize the neighborhood focal point, which has been closed and vacant (Objective (d)).

In addition, this proposal agrees with Goal A.3., which is to provide well-designed neighborhoods and communities. The Andover neighborhood is well-designed, and our proposal is compatible. It will result in preservation of the character of the existing neighborhood (Objective 3.a). Having the neighborhood business use in the existing clubhouse building will provide positive and safe social interaction space in the neighborhood. (Goal A.3.b.). The B-1 area and R-1T area will have access to the walking trails throughout the old golf course area, so that residents in the existing neighborhoods can walk to the restaurant and other uses in the clubhouse, and can walk to the new residential development, to further the goals in Objective B.2.d. to de-emphasize single-occupancy vehicle dependence. This proposal will provide entertainment and other quality of life opportunities that attract young and culturally diverse professionals to Lexington (Objective C.2.d.). The walkways in the area further Objective D.1.b., by assisting in the provision of accessible transportation alternatives for residents.

This proposal also assists in maintaining the Urban Service Area concept. Objective E.1.d. calls for redevelopment of underutilized land in a manner that enhances existing urban form. As mentioned above, this development will be consistent with the established form of this neighborhood. In addition, it complies with Objective E.1.e., to activate large, undeveloped land holdings within the Urban Service Area. The proposal provides additional density within the Urban Service Area boundary, to help maintain the current boundary. (Goal E.3.).

The text of the 2013 Comprehensive Plan calls for establishment or reinforcement of neighborhood focal points. A focal point can be a gathering point such as a park, a shopping center, a community center or public square. New developments should have easy access to the neighborhood focal point. This proposal will re-activate the old club building to be utilized as a place of social interaction. Both our new development and the existing neighborhood will have good access to the B-1 area.

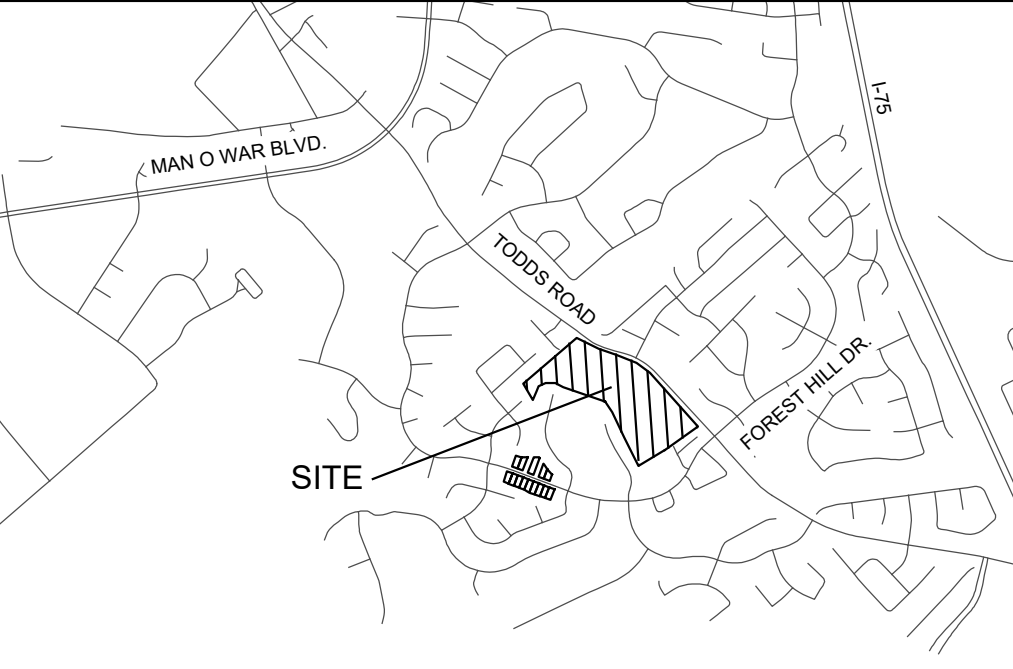
Thank you for your consideration of this zone change request.

A handwritten signature in blue ink that reads "Richard V. Murphy". The signature is written in a cursive style and is positioned above a horizontal line.

Richard V. Murphy

Murphy & Clendenen, PLLC

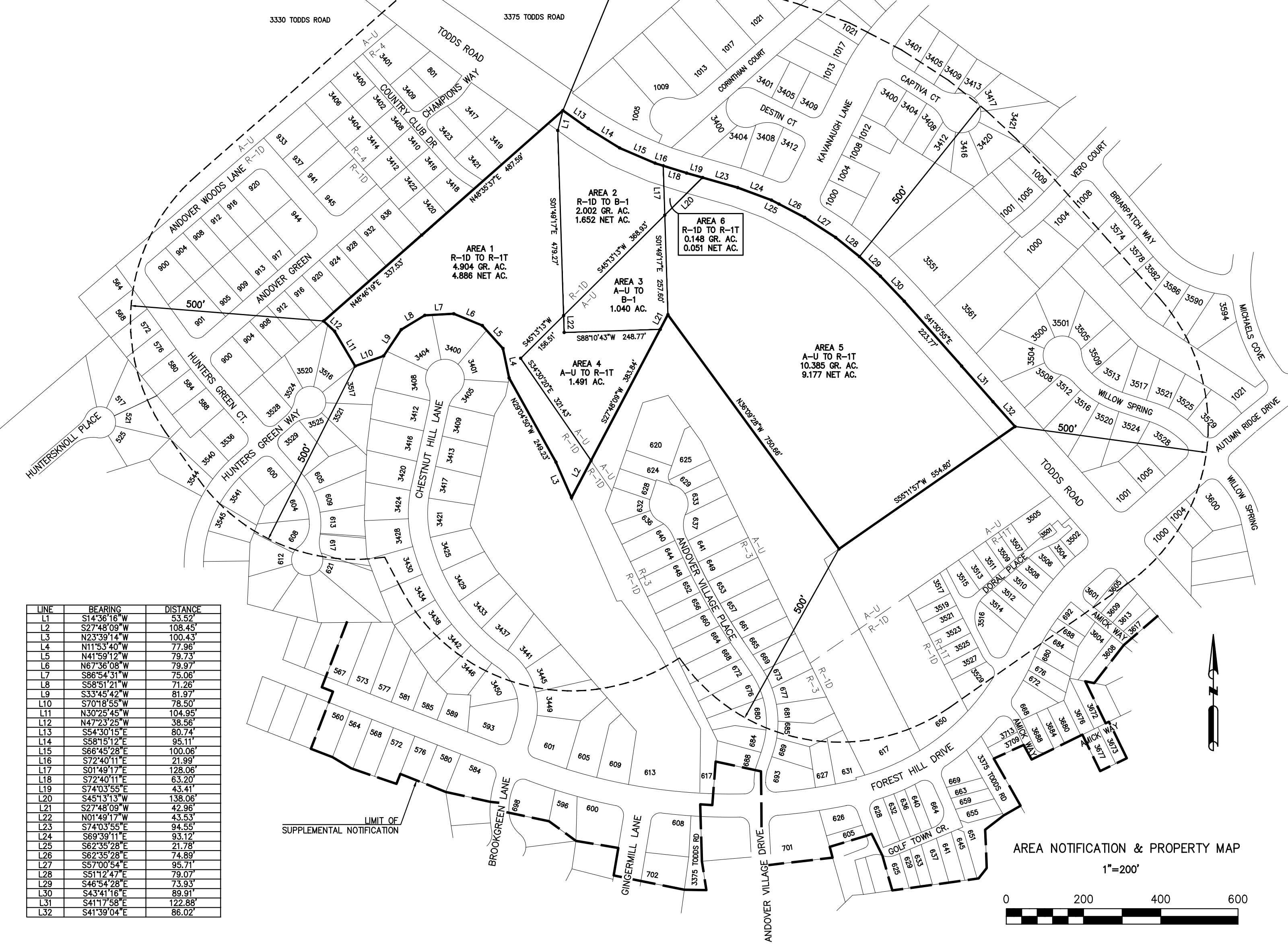
Attorney for Anderson Acquisitions, LLC, Applicant



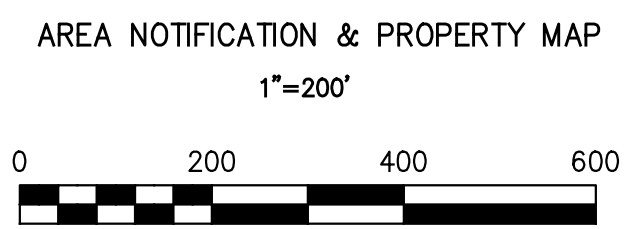
STATE OF KENTUCKY
 WESLEY B. WITT
 2187
 LICENSED PROFESSIONAL LAND SURVEYOR
Wesley B. Witt

ZOMAR: FROM A-U & R-1D TO B-1 & R-1T			
PROPERTY ADDRESS: 3450 & 3550 TODDS ROAD	A-U TO R-1T	NET AC	GROSS AC
APPLICANT: ANDERSON ACQUISITIONS, LLC 1720 SHARKEY WAY, SUITE 100 LEXINGTON, KENTUCKY 40511	R-1D TO R-1T	4.937	5.052
OWNER: ANDOVER COMMON PROPERTY NFP, INC. C/O ALL POINTS COMMUNITY MANAGEMENT LLC 141 PROSPEROUS PLACE, SUITE 21B LEXINGTON, KENTUCKY 40509	TOTAL R-1T	15.605	16.928
PREPARED BY: WESLEY B WITT, INC.	A-U TO B-1	1.04	1.04
DATE PREPARED: FEBRUARY 27, 2019	R-1D TO B-1	1.652	2.002
	TOTAL B-1	2.692	3.042
	TOTAL AREA	18.297	19.970

Vicinity Map



LINE	BEARING	DISTANCE
L1	S14°36'16"W	53.52'
L2	S27°48'09"W	108.45'
L3	N23°39'14"W	100.43'
L4	N11°53'40"W	77.96'
L5	N41°59'12"W	79.73'
L6	N67°36'08"W	79.97'
L7	S86°54'31"W	75.06'
L8	S58°51'21"W	71.26'
L9	S33°45'42"W	81.97'
L10	S70°18'55"W	78.50'
L11	N30°25'45"W	104.95'
L12	N47°23'25"W	38.56'
L13	S54°30'15"E	80.74'
L14	S58°15'12"E	95.11'
L15	S66°45'28"E	100.06'
L16	S72°40'11"E	21.99'
L17	S01°49'17"E	128.06'
L18	S72°40'11"E	63.20'
L19	S74°03'55"E	43.41'
L20	S45°13'13"W	138.06'
L21	S27°48'09"W	42.96'
L22	N01°49'17"W	43.53'
L23	S74°03'55"E	94.55'
L24	S69°39'11"E	93.12'
L25	S62°35'28"E	21.78'
L26	S62°35'28"E	74.89'
L27	S57°00'54"E	95.71'
L28	S51°12'47"E	79.07'
L29	S46°54'28"E	73.93'
L30	S43°41'16"E	89.91'
L31	S41°17'58"E	122.88'
L32	S41°39'04"E	86.02'



AREA NOTIFICATION & PROPERTY MAP
 1"=200'

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-19-00004: ANDERSON ACQUISITIONS, LLC

DESCRIPTION

Zone Change:	REQUEST		ACREAGE	
	<u>FROM</u>	<u>TO</u>	<u>NET</u>	<u>GROSS</u>
	A-U	R-1T	10.668	11.876
	A-U	B-1	1.040	1.040
	R-1D	R-1T	4.937	5.052
	R-1D	B-1	<u>1.652</u>	<u>2.002</u>
	<u>Total</u>		18.297	19.970

Location: 3450 & 3550 Todds Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	A-U & R-1D	Former Andover Clubhouse & Driving Range
To North	R-1D, R-1E, & R-3	Greenspace, Single-Family Residential
To East	A-U & R-1D	Greenspace, Single-Family Residential
To South	A-U & R-1D	Greenspace, Single-Family Residential
To West	R-1D & R-4	Single-Family Residential

URBAN SERVICES REPORT

Roads – The subject property is located on the south side of Todds Road (KY 1927), which was recently widened to a three-lane cross-section with bike lanes, along the property’s frontage by the Kentucky Transportation Cabinet (KYTC).

Curb/Gutter/Sidewalks – Sidewalks, curbs and gutters exist along Todds Road, which were constructed by the KYTC during the road widening project in 2015. Curbs, gutter and sidewalks are required on all public and private streets, and will be provided by the applicant.

Storm Sewers – The subject property is located in the East Hickman watershed. Storm sewers are available along the frontage of the subject property; however, due to the location of the proposed development relative to the topography of the site, the developer will be required to provide these facilities and upgrade existing facilities that are impacted at the time this property is developed. The site is not located within a FEMA Special Flood Hazard Area, although drainage from the golf course has been an ongoing concern of the neighborhood.

Sanitary Sewers – The subject property is located in the East Hickman sewershed and is served by the West Hickman Wastewater Treatment facility in northern Jessamine County. The developer will need to provide an extension of the sanitary sewers as part of the proposed residential development of the property. There is sanitary sewer capacity in this sewershed that will allow for both residential and commercial use, however there are also a number of “grandfathered” sites across Todds Road within this sewer bank according to the Capacity Assurance Program.

Refuse – The Urban County Government serves this portion of the Urban Service Area with refuse collection to residences on Fridays.

Police – The nearest police station is located near the Eastland Shopping Center at the Central Sector Roll Call Center, approximately 4 miles northwest of the subject property, just off Winchester Road.

Fire/Ambulance – The nearest fire station (#21) is located less than ¼ mile west of the subject property at the intersection of Mapleleaf Drive and Dabney Drive, south of Man O’ War Boulevard.

Utilities – All utilities including natural gas, electric, water, cable television, internet, telephone, and streetlights should be able to be extended to serve the subject property, as they have been provided to the surrounding residential developments in this area.

LAND USE 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; providing safe, affordable and accessible housing to meet the needs of older and/or disadvantaged residents; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce. (Note: the application was filed prior to the adoption of the Complete 2018 Comprehensive Plan.)

The petitioner is seeking to rezone the subject property in order to develop a mixed residential and business development comprised of 88 townhomes and a publically accessible restaurant. The proposed residential development represents a density of 5.64 dwelling units per net acre.

CASE REVIEW

The petitioner has requested a zone change from a Single Family Resident (R-1D) zone and Agricultural Urban (A-U) zone to a Townhouse Residential (R-1T) and Neighborhood Business (B-1) zone for approximately 18.297 acres of property, located at 3450 and 3550 Todds Road.

The subject property is comprised of two parcels, which are located on the south side of Todds Road, where the former Andover Country Club clubhouse and driving range were located. The subject property is situated between the Andover Club Villas, located to the northwest of the subject properties, and a large green space buffer owned by the Golf Townhomes of Andover Estate, located to the southeast of the subject properties. The majority of the southern portion of the site is comprised of a large greenway that was established following the purchase of the former golf course by six neighborhood associations located in the area. A portion of the Andover Hills subdivision borders the site along its southwestern edge. Across Todds Road, north and east of the subject properties, is the Andover Forest Neighborhood, which is comprised of single family detached houses.

There are numerous established developments surrounding the subject property including the Andover Woods, Brighton East, Autumn Ridge, Andover Hills, and Andover Forest subdivisions. While there are various types of zoning surrounding the property, including the Agricultural-Urban (A-U), High Density Apartments (R-4), Planned Neighborhood Residential (R-3), Single Family Residential (R-1D), and Townhouse Residential (R-1T) zones, all areas are comprised of single family residential development. The application proposes to introduce business zoning and include a potential neighborhood amenity: a restaurant.

The surrounding neighborhoods are mostly low density residential (0-5 dwelling units per acre), and were developed in the late 1980s and early 1990s. The Andover Green subdivision, formerly part of the Williams Property, was developed and built in 1999 and 2000. The most recent development, the Andover Club Villas, which was also a portion of the Williams Property, was rezoned to a High Density Apartment (R-4) zone in 2014 and constructed at a density of 5.46 dwelling units per net acre. While the R-4 zone allows for a greater density of housing, the developer sought the zone to allow for a higher floor area ratio (FAR) in an effort to build a townhouse development with greater lot coverage.

There is a single access point into the site from the Todds Road. The southeast bound portion of Todds Road has a dedicated right turn lane to allow for safe ingress into the site. The northwest bound portion of Todds Road also has a dedicated left turn lane, to allow for safe ingress into the site. Despite the safe ingress into the site via Todds Road, the widening and straightening of the roadway by KYTC has resulted in increased speeds and traffic flow. As future development continues along Todds Road, a greater focus on connectivity between local and collector streets should be sought, and new access points to arterials, like Todds Road should be limited to future collector streets that are appropriately spaced.

Along Todds Road, there are adequate pedestrian facilities and a delineated bicycle lane on the roadway. There is currently a shared pedestrian and golf cart pathway that connects the subject property with the surrounding neighborhoods. Additionally, there is a tunnel extending from the northwest corner of the subject property, underneath Todds Road, that connects to the pedestrian and golf cart system throughout the green space. These amenities are helpful in creating a health landscape that deemphasizes the use of single occupancy vehicles and promotes healthy and alternative modes of mobility.

The petitioner is proposing to rezone the properties in order to construct a mixed development of 88 townhomes, and a publically accessible restaurant. The proposed residential development represents a density of 5.64 dwelling units per net acre. The corollary development plan filed in conjunction with this zone change depicts the development of the townhomes in two sections divided by the proposed restaurant. The townhouse development along the northwest portion of the site will connect to and mimic the architectural styles and construction methods of the Andover Club Villas. The 18 townhomes will be situated along an extension of Country Club Way and will loop to the south. The 70 townhomes proposed for the southeastern portion of the site will access the proposed

development from the current access point along Todds Road and feed into a private road system. The applicant has indicated that they will maintain the current pedestrian and golf cart pathways and add to them where available. The proposed restaurant will reuse and occupy the former clubhouse, with associated parking primarily located in the front of the building, with a smaller quantity located in the rear. The reuse of the structure represents a non-conformity with the Zoning Ordinance in terms of a front yard setback. If or when an expansion of the existing structure is sought, a variance may be necessary to establish a front yard setback that aligns with the structure.

The petitioner opines that the zone changes to the Townhouse Residential (R-1T) and Neighborhood Business (B-1) zones are 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 supports infill and redevelopment throughout the Urban Service Area (Theme A, Goal #1.b. and #2). Additionally, the applicant opines that this proposal 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; Theme E, Goal #3). The petitioner states that the proposed development respects the context and design features of the surrounding areas and is compatible with the existing urban form (Theme A, Goal #2.b). This is particularly true for the continuation of the pinwheel type townhomes that are proposed to extend from Country Club Way. The surrounding open space and the continued use and expansion of the pedestrian and golf cart system within the proposed development also provides added amenities that reduce dependency on vehicular modes of transportation and allows for multi-modal connectivity (Theme A, Goal #2.c, Theme B, Goal #2.d, and Theme D, Goal #1.b). The petitioner also opines that the reuse of the clubhouse as a restaurant can act as a neighborhood focal point (Theme A, Goal #2.d), while adding quality of life opportunities that attract young and culturally diverse professionals to Lexington (Theme C, Goal #2.d). Such an amenity can also reduce vehicle trips or reduce the length of some trips.

Staff is in agreement with the applicant's justification. Furthermore, while not discussed by the applicant, since the availability of services, including water, sanitary sewer and electric are available to the properties, the portions of the properties zoned A-U are currently inappropriate. The intent of the A-U zone is to manage the growth of the community to avoid premature or improper development until public facilities and services are adequate to serve urban uses. In this case, the infrastructure available to this property results in the Agricultural Urban (A-U) zoning being inappropriate. The proposed rezoning of the properties to the R-1T and B-1 zones is appropriate at this time due to the established and suitable ingress and egress points available to the properties, and the compatibility with the surrounding land uses.

With the introduction of a new business zone into the area and the need to avoid those uses that can adversely impact the health, safety, and welfare of the community, staff recommends the use of conditional zoning restrictions. The B-1 zone allows for a large amount of amenities and services for neighborhoods. However, some land uses permitted in the B-1 can be high traffic generators and could result in potentially dangerous interactions at the access point on Todds Road. As such, staff recommends prohibiting drive-through facilities and automobile service stations. Additionally, the location of the proposed rezoning is located in an area surrounded by established residential development. To best protect these established neighborhoods, staff also recommends prohibiting those uses that typically result in the greatest amount of nuisance claims, including establishments with the principal purpose of the sale of beer, liquor or wine, and outdoor live entertainment.

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

1. The requested Townhouse Residential (R-1T) and Neighborhood Business (B-1) zoning are in agreement with the 2013 Comprehensive Plan, and the adopted Goals and Objectives of the 2018 Comprehensive Plan for the following reasons:
 - a. The petitioner indicates that the rezoning of the site supports infill and redevelopment throughout the Urban Service Area (Theme A, Goal #1.b. and #2). The existing clubhouse has been vacant for several years, and the driving range is no longer necessary given that the site will not operate as a golf course in the future. The 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; Theme E, Goal #3). The applicant proposes a density of 5.64 dwelling units per acre.
 - b. The proposed development respects the context and design features of the surrounding areas and is compatible with the existing urban form (Theme A, Goal #2.b). This is particularly true for the continuation of the pinwheel type townhomes that are proposed to extend from Country Club Way.
 - c. The surrounding open space and the continued use and expansion of the pedestrian and golf cart system within the proposed development provides added amenities that reduce dependency on vehicular modes of transportation and allows for multi-modal connectivity (Theme A, Goal #2.c, Theme B, Goal #2.d, and Theme D, Goal #1.b).

- d. The reuse of the clubhouse as a restaurant can act as a neighborhood focal point (Theme A, Goal #2.d), while also adding quality of life opportunities that attract young and culturally diverse professionals to Lexington (Theme C, Goal #2.d).
2. The existing Agricultural Urban (A-U) zone is inappropriate, and the proposed R-1T and B-1 zones are appropriate at this location because the intent for the Agricultural Urban (A-U) zone is to manage the growth of the community so to avoid premature or improper development until public facilities and services are adequate to serve urban uses. The availability of these services at this time in this area indicate the inappropriateness of the current zoning
3. This recommendation is made subject to approval and certification of the applicable portion of PLN-MJDP-19-00012: Lochmere, Tract 4-B (Stonecase Valley)(Andover Club)(AMD), prior to being forwarded to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the property shall be subject to the following use and buffering restrictions via conditional zoning:
 - a. Prohibited Uses:
 1. Drive-through Facilities.
 2. Automobile service stations.
 3. Establishments with the principal purpose of the sale of beer, liquor or wine.
 4. Outdoor live entertainment.

These conditional zoning restrictions are appropriate and necessary to minimizing the impacts of new development on the existing neighborhoods and reducing the potential for high traffic flow in and out of the proposed site.

TLW/HBB/DW

4/2/2019

Staff Reports/MAR/2019/PLN-MAR-19-00004: Anderson Acquisitions, LLC.doc

3. ANDERSON ACQUISITION, LLC ZONING MAP AMENDMENT & LOCHMERE TRACT 4-8 (STONECASE VALLEY) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-19-00004: ANDERSON ACQUISITION, LLC (6/2/19)*- a petition for a zone map amendment from a Single Family Residential (R-1D) zone to a Townhouse Residential (R-1T) zone, for 4.937 net (5.052 gross) acres and to a Neighborhood Business (B-1) zone, for 1.652 net (2.002 gross) acres; and from an Agricultural Urban (A-U) zone to a Townhouse Residential (R-1T) zone, for 10.668 net (11.876 gross) acres and to a Neighborhood Business (B-1) zone, for 1.040 net and gross acres, for property located at 3450 & 3550 Todds 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; providing safe, affordable and accessible housing to meet the needs of older and/or disadvantaged residents; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce. (Note: the application was filed prior to the adoption of the Complete 2018 Comprehensive Plan.)

The petitioner is seeking to rezone the subject property in order to develop a mixed residential and business development comprised of 88 townhomes and a publically accessible restaurant. The proposed residential development represents a density of 5.64 dwelling units per net acre.

The Zoning Committee Recommended: Approval to the full Commission.

The Staff Recommends: Approval, for the following reasons:

1. The requested Townhouse Residential (R-1T) and Neighborhood Business (B-1) zoning are in agreement with the 2013 Comprehensive Plan, and the adopted Goals and Objectives of the 2018 Comprehensive Plan for the following reasons:
 - a. The petitioner indicates that the rezoning of the site supports infill and redevelopment throughout the Urban Service Area (Theme A, Goal #1.b. and #2). The existing clubhouse has been vacant for several years, and the driving range is no longer necessary given that the site will not operate as a golf course in the future. The 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; Theme E, Goal #3). The applicant proposes a density of 5.64 dwelling units per acre.
 - b. The proposed development respects the context and design features of the surrounding areas and is compatible with the existing urban form (Theme A, Goal #2.b). This is particularly true for the continuation of the pinwheel type townhomes that are proposed to extend from Country Club Way.
 - c. The surrounding open space and the continued use and expansion of the pedestrian and golf cart system within the proposed development provides added amenities that reduce dependency on vehicular modes of transportation and allows for multi-modal connectivity (Theme A, Goal #2.c, Theme B, Goal #2.d, and Theme D, Goal #1.b).
 - d. The reuse of the clubhouse as a restaurant can act as a neighborhood focal point (Theme A, Goal #2.d), while also adding quality of life opportunities that attract young and culturally diverse professionals to Lexington (Theme C, Goal #2.d).
2. The existing Agricultural Urban (A-U) zone is inappropriate, and the proposed R-1T and B-1 zones are appropriate at this location because the intent for the Agricultural Urban (A-U) zone is to manage the growth of the community so to avoid premature or improper development until public facilities and services are adequate to serve urban uses. The availability of these services at this time in this area indicate the inappropriateness of the current zoning.
3. This recommendation is made subject to approval and certification of the applicable portion of PLN-MJDP-19-00012: Lochmere, Tract 4-B (Stonecase Valley)(Andover Club)(AMD), prior to being forwarded to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the property shall be subject to the following use and buffering restrictions via conditional zoning:
 - a. Prohibited Uses:
 1. Drive-through Facilities.
 2. Automobile service stations.
 3. Establishments with the principal purpose of the sale of beer, liquor or wine.
 4. Outdoor live entertainment.

These conditional zoning restrictions are appropriate and necessary to minimizing the impacts of new development on the existing neighborhoods and reducing the potential for high traffic flow in and out of the proposed site.

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

- B. PLN-MJDP-19-00012: LOCHMERE TRACT 4-8 (STONECASE VALLEY) (ANDOVER CLUB) (AMD) (6/2/19)* - located at 3375 AND 3450 TODDS ROAD.
Project Contact: Barrett Partners

Note: The purpose of this amendment is to propose a rezoning of the property.

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

1. Provided the Urban County Council rezones the property B-1 and R-1T; 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. Discuss proposed duplexes in the R-1T zone.
8. Discuss vehicular cross access.

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 subject property is comprised of two parcels, which are located on the south side of Todds Road, where the former Andover Country Club clubhouse and driving range were previously located. The subject property is situated between the Andover Club Villas, located to the north-west of the subject properties, and a large green space buffer owned by the Golf Townhomes of Andover Estate, located to the southeast of the subject properties. The majority of the southern portion of the site is comprised of a large greenway that was established following the purchase of the former golf course by six neighborhood associations located in the area. A portion of the Andover Hills subdivision borders the site along its southwestern edge. Across Todds Road, north and east of the subject properties, is the Andover Forest Neighborhood, which is comprised of single family detached housing.

Mr. Baillie said there are numerous established developments surrounding the subject property including the Andover Woods, Brighton East, Autumn Ridge, Andover Hills, and Andover Forest subdivisions. While there are various types of zoning surrounding the property, including the Agricultural Urban (A-U), High Density Apartment (R-4), Planned Neighborhood Residential (R-3), Single Family Residential (R-1D), and Townhouse Residential (R-1T) zones, all areas are comprised of single family residential development. The application proposes to introduce business zoning and include a potential neighborhood amenity, which will be a restaurant. The surrounding neighborhoods are mostly low density residential (0-5 dwelling units per acre), and were developed in the late 1980s and early 1990s.

Mr. Baillie said that there is a single access point into the site from Todds Road. The southeast bound portion of Todds Road has a dedicated right turn lane to allow for safe ingress into the site. The northwest bound portion of Todds Road also has a dedicated left turn lane, to allow for safe ingress into the site. Despite the safe ingress into the site via Todds Road, the widening and straightening of the roadway by KYTC has resulted in increased speeds and traffic flow. As future development continues along Todds Road, a greater focus on connectivity between local and collector streets should be sought, and new access points to arterials, like Todds Road, should be limited. Future connections should be made to collector streets that are appropriately spaced. Along Todds Road there are adequate pedestrian facilities and delineated bicycle lanes on the roadway. There is currently a shared pedestrian and golf cart pathway that connects the subject property with the surrounding neighborhoods. Additionally, there is a tunnel extending from the northwest corner of the subject property, underneath Todds Road, that connects to the pedestrian and golf cart system throughout the green space. He displayed photographs of the subject property and aerial photographs of the general area, depicting the access points and proposed location of the building.

Mr. Baillie said that the petitioner proposes to develop a mixed residential and business development comprised of 88 townhomes and a publicly accessible restaurant. He said that the proposed residential development represents a density of 5.64 dwelling per net acre. The corollary development plan filed in conjunction with this zone change depicts the development of the townhomes in two sections divided by the proposed restaurant. The townhouse development along the northwest portion of the site will connect to and mimic the architectural styles and construction methods of the Andover Club Villas. The current proposal is that they access the site off of Champions Way through Country Club Drive. There will be several structures located on this portion of the site. The 18 townhomes will be situated along an extension of Country Club Way and will loop to the south. The 70 townhomes proposed for the southeastern portion of the site will access the proposed development from the current access point along Todds Road and feed into a private road system. The applicant has indicated that they will maintain the current pedestrian and golf cart pathways and add to them, where available. The proposed restaurant will reuse and occupy the former clubhouse, with associated parking primarily located in the front of the building, with a smaller quantity of parking located in the rear. The reuse of the structure represents a non-conformity with the Zoning Ordinance in terms of a front yard setback. If, or when, an expansion of the existing structure is sought, a variance may be necessary to establish a front yard setback that aligns with the structure.

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

The petitioner opines that the zone changes to the Townhouse Residential (R-1T) and Neighborhood Business (B-1) zones are 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 supports infill and redevelopment throughout the Urban Service Area. Additionally, the applicant opines that this proposal maximizes development on vacant land within the Urban Service Area and promotes use of underutilized land in a way that enhances existing urban form. The petitioner states that the proposed development respects the context and design features of the surrounding areas and is compatible with the existing urban form. This is particularly important for the connection with the existing construction and adding a little more density, as well as amenities that will be available to the entire neighborhood. The surrounding open space and the continued use and expansion of the pedestrian and golf cart system within the proposed development also provides the added amenities that reduce dependency on vehicular modes of transportation and allows for multi-modal connectivity, which will reduce the need for vehicles. The petitioner also opines that the reuse of the clubhouse as a restaurant can act as a neighborhood focal point, while adding quality of life opportunities that attract young and culturally diverse professionals to Lexington.

Staff is in agreement with the applicant's justification. Furthermore, while not discussed by the applicant, since the availability of services, including water, sanitary sewer and electric are available to the properties, the portions of the properties zoned A-U are currently inappropriate. The intent of the A-U zone is to manage the growth of the community to avoid premature or improper development until public facilities and services are adequate to serve urban uses. In this case, the infrastructure available to this property results in the Agricultural Urban (A-U) zoning being inappropriate at this time. The proposed rezoning of the properties to the R-1T and B-1 zones is appropriate at this time due to the established and suitable ingress and egress points available to the properties, and the compatibility with the surrounding land uses.

With the introduction of a new business zone into the area and the need to avoid those uses that can adversely impact the health, safety, and welfare of the community, staff recommends the use of conditional zoning restrictions. The B-1 zone allows for a large amount of amenities and services for neighborhoods. However, some land uses permitted in the B-1 can be high traffic generators and could result in potentially dangerous interactions at the access point on Todds Road. As such, staff recommends prohibiting drive-through facilities and automobile service stations. Additionally, the location of the proposed rezoning is located in an area surrounded by established residential development. To best protect these established neighborhoods, staff also recommends prohibiting those uses that typically result in the greatest amount of nuisance claims, including establishments with the principal purpose of the sale of beer, liquor or wine, and outdoor live entertainment.

Mr. Baillie said that the staff is recommending approval, as did the Zoning Committee for this zone change.

Commission Question – Mr. Berkley asked for verification of the establishments for principal purposes of sale of beer, liquor or wine and primarily outdoor live entertainment. Mr. Baillie said that it would just be the principal purpose of the sale of beer, liquor or wine, and outdoor live entertainment. Mr. Berkley asked if a restaurant with live entertainment on their patio will be prohibited. Mr. Baillie said that it will be, because it will be located on the back side of the zone facing neighborhoods. He added that it becomes a noise nuisance.

Development Plan Presentation – Mr. Martin presented a revised rendering of the preliminary development plan associated with this zone change. He indicated that revised conditions were distributed to the Planning Commission, as follows:

1. Provided the Urban County Council rezones the property B-1 and R-1T: 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 greenway and greenspace.
6. Department of environmental Quality's approval of environmentally sensitive areas.
7. Discuss proposed duplexes in the R-1T zone. Replace duplexes with townhouse units prior to certification.
8. Discuss Resolve vehicular cross access at time of final development plan.
9. Revise plan to meet required 25' setback adjacent to A-U zone.
10. Provided the Planning Commission approves the waiver to Article 6-4© and 6-8(m) of the Land Subdivision Regulations.

Mr. Martin depicted on the map that the proposed dwelling units will front on Todds Road. He also pointed to the existing access to the clubhouse, which will be repurposed for this development. He said that the applicant is proposing 70 townhouses and to construct an easement access, which will mimic a street system. He also said that there is centralized greenspace. There will be an additional 18 townhomes, which will have their own separate access. He said that the golf course will be repurposed for recreational activities, and that the applicant will be utilizing the existing golf course trails for pedestrian trails.

Mr. Martin said that the applicant has submitted a waiver request for the requirement for frontage along a public street, and that the Planning Commission make a finding to approve access easements, which is common with townhouse developments. He added that by proposing a private access circulation system to access the homes, it requires a finding that it is acceptable that an access easement is being adequate in lieu of a public or private street. As part of the waiver review, the staff recommended the cul-de-sac be public, which the applicant has agreed to. The 18 townhouses that front onto Todds Road are not subject to the waiver; however, they will only have pedestrian access on the right-of-way. He said that their principal vehicular service access will be in the rear of the dwelling units.

Mr. Martin said that the staff is recommending approval of this development plan subject to the conditions listed on the report. He said that the access easements shall be constructed to the appropriate public standards. He said that the staff, the Division of Traffic Engineering and the Division of Engineering were all concerned that the depth of the pavement needs to be constructed to handle the traffic over time. He said that curb and gutter are not necessary, but will be decided in the improvement plan process, since streets are also part of the stormwater control system. He said that the staff is aware of flooding in the area and at the time that the final development plan and preliminary subdivision plan are submitted for review, the applicant will then prepare detailed infrastructure plans that will address those concerns.

Mr. Martin said that the applicant submitted a color plan, they didn't submit a revised plan to the staff on time, and therefore the revised report has some additional conditions. He said that regarding condition #7, four townhouses are actually duplexes, which are not permitted in the R-1T zone. He said that the applicant is changing those to be townhouses. He said that condition #9 requires the plan to be revised to meet the setback requirements in the A-U zone. He said that with condition #8, the staff is concerned with the vehicular movement between the two sets of townhouses, which will be resolved at the time of the final development plan.

Mr. Baillie said that Mr. Martin referenced some documentation of potential flooding, he circulated that letter and photos to the Planning Commission members.

Applicant Presentation – Mr. Dick Murphy, attorney representing the petitioner, gave a brief history of the property and said that the owner is Andover Common Property NFP, which is a not for profit comprised of six neighborhood associations. He said that Mr. Anderson and the property owner have been negotiating for the last six months, which has concluded with this plan. The Andover Common Property NFP purchased the golf course, the clubhouse, the driving range, and the swimming pool. The applicant is only purchasing the clubhouse, driving range, the swimming pool and the parking area from the property owner. He said that Andover Common Property NFP is keeping the golf course, which will become shared green-space and the paths will become pedestrian trails.

Mr. Murphy displayed a presentation to the Planning Commission and said that they are proposing 88 townhouses on the property. He displayed a color plan that has been revised, which no longer depicts the duplexes, they are now 4 units connected together. They have also made modifications to the setbacks. He said that the clubhouse will remain as it is, and is requesting to be rezoned to the B-1 zone to allow for a commercial restaurant. He said that they will utilize the entrance off of Todds Road, but reconfigure the entrance. He said that the townhouses are in a layout with the front of townhomes facing out towards Todds Road. He displayed photographs of the existing clubhouse, the entrance to the development, and the parking area. He also displayed renderings of the units, and stated that Jimmy Nash will be the builder.

Mr. Murphy said that they have received some questions of the distance between the existing Andover development and the proposed development. Mr. Barrett measured 171 feet from house to house at the closet point. He displayed a photograph of the clubhouse patio, and described it as a very attractive, brick patio with a canopy. He asked the Planning Commission to remove conditional zoning restriction #4, which prohibits outdoor live entertainment. He added that they would need to ask the BOA for approval because it's a conditional use in the B-1 zone. He said that they are in agreement with the staff recommendations, with the exception of the conditional zoning restrictions. He also asked for approval of the waiver request for the requirements of lot frontage and access easements.

Commission Questions – Mr. Owens asked how close the nearest resident will be to the restaurant. Mr. Murphy said that he doesn't have that measurement at this time. He said that the Board of Adjustment would have to review the spacing requirement in the Zoning Ordinance.

Citizen Comments – Nathan Billings, representing Andover Common Property NFP, the owner of this parcel. He said that the Andover Common Property NFP is an association of associations, with six board members that represent approximately 1,400 homeowners. The board and Mr. Anderson have met many times to agree on this plan. They are in agreement with this zone change and development plan. He said that the city has a live music ordinance for noise that crosses a residential boundary line, and therefore does not believe live music should be prohibited.

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

Mr. Clyde Honaker, 3505 Doral Place, played some short video of a previous meeting with the different homeowner associations and said that as a result of these presentation, the majority of members voted to purchase this property. He said that when they voted to purchase this property they were advised that they would have 36 townhomes constructed on this property. He said that they were deceived by the Andover Common Property NFP. He also played a video of rainfall and water ponding along the rear of property and said that he is concerned with stormwater runoff. He recommended that the Planning Commission should require an environmental impact study for this area.

Rick Towner, 3529 Doral Place, said that he is not opposed to the zone change, but also has concerns with runoff stormwater. He is concerned that he can't receive a copy of the sales agreement and believes that something is being kept from them. He stated that he is not the public, he is one of the owners of this property. He said that he would like a traffic study completed in this area. He said that Crossroads Church is asking to subdivide their property and that he is concerned about the traffic increase from that development, as well. Traffic is currently high during the peak hours. He is also concerned with the reciprocal agreement to allow these new residents to use their property. He said that it's not a park, it's their private properties. He is also concerned with the building material being proposed. He distributed photographs of their houses made of brick to the Planning Commission. He asked the Planning Commission to keep the conditional zoning restriction of live entertainment. He also questioned how the cost of this property diminished over the last five years. He is also concerned of the cost of these new townhomes and that they will end up being rental units. He also requested the Planning Commission to postpone this zone change until more concerns can be resolved.

Miriam Sekhon, 620 Andover Village Place and developer of Andover Village Place, owner of Amick Homes, LLC. She is not opposed to this zone change, but is concerned with two particular units backing up to their homes. She requested that if any variances for setbacks are filed, that they be given notice. She is also concerned with the drainage and flooding in the area. She also said that their association has an 80% brick requirement for their development and stated that the proposed townhomes do not meet that standard.

Ms. Sekhon also read a letter on behalf of her neighbor, Ron Blair, 628 Andover Village Place, who was unable to attend this hearing. She read that he is also concerned about flooding on Todds Road and the increased stormwater runoff. She read that the number of units being proposed was different than promised in the past and the zone change could result in a litigation in the future. She read that the neighborhood, which is intended to be a community of a majority of single family homes with low density.

Jas Sekhon, 620 Andover Village Place, said that he is not opposed to this zone change, but is concerned with the Commission setting bad precedent by proposing B-1 in the middle of a single family residential neighborhood, which is a classic case of "spot zoning." He believes that the clubhouse should only be approved to be used as a restaurant with the conditional zoning restrictions to restrict live entertainment.

Applicant Rebuttal – Mr. Murphy emphasized that Mr. Anderson has worked with six neighborhood associations and had sent out over 300 letters of notification to the citizens, which indicates a wide agreement with and acceptance of the plan that has been presented to them. He depicted on the development plan the 200-foot buffer from the southeastern side of the property line, between the two townhome lots. That buffer area is being kept by the owners association. He also said that the existing golf course will be the greenspace for the proposed development. He said that stormwater runoff will be reviewed as it is a requirement and will be seen on the final development plan as well as on the construction plans. In regards to the traffic, he said that they were below the threshold to conduct a traffic impact study. He said that Todds Road was recently improved in this area. He said that this is the same density as the surrounding uses and the cost will be comparable, if not higher. He asked that this zone change request be approved for the staff reasons with the exception of the one conditional zoning restriction.

Citizen Rebuttal - Mr. Billings said that the Andover Common Property NFP (ACP) was represented by the six homeowners associations, and each of them had a representative on the board. Each of those representatives went back to the individual homeowners associations and received their approvals as well.

Citizen Rebuttal – Mr. Honaker said Mr. Anderson said that he wanted to work with neighborhood, and if that was the case he should be thinking about what they had voted for originally, which was 36 townhomes not 70.

Mr. Towner said that the proposed townhouses don't resemble the surrounding area. He said that restaurants come and go and his concern is what will happen in the future if it goes out of business. If it were a community center, then it could be considered a neighborhood focal point. He also believes that removing the live music restriction will be a mistake.

Note: Planning Commission took a recess to relocate to the 7th floor conference room in the Phoenix Building at 4:57 p.m. until 5:17 p.m.

*Note Mr. Wilson and Mr. Forester left the meeting at 5:00 p.m.
Mr. Penn resumed as meeting Chair.*

Staff Rebuttal – Mr. Baillie clarified the measurement from the restaurant patio to the nearest residential property is approximately 320 feet.

Commission Questions – Mr. Berkley asked if the applicant will lose any units if they are required to meet the 25-foot setback. Mr. Baillie replied negatively. Ms. Wade clarified that this setback is a zoning requirement.

Ms. Plumlee said that she believes that the conditional zoning restriction for outdoor live entertainment should remain.

Mr. Nicol said that he believes that the zoning restriction for outdoor live entertainment should be removed because Mr. Murphy articulated that the Planning Commission is giving them the opportunity to ask the Board of Adjustment for a conditional use, it would not be a principal use.

Mr. Owens asked the staff for the minimal requirement for outdoor live entertainment. Mr. Baillie said that it is typically 100-foot distance from the nearest structure.

Mr. Bell asked if they have ever tested the decibel levels of the noise from outdoor live entertainment. Ms. Wade said that may be a concern of the Board of Adjustment. Mr. Murphy replied that the BOA will discuss the hours and days of the week that they are allowed, as well as the number of musicians.

Zoning Action – A motion was made by Mr. Berkley, seconded by Ms. Mundy, and carried 7-0 (Brewer, Forester, Pohl, and Wilson absent) to approve PLN-MAR-19-00004: ANDERSON ACQUISITION, LLC, for the reasons provided by the staff, removing conditional zoning restriction #4, as follows:

- a. Prohibited Uses:
 1. Drive-through Facilities.
 2. Automobile service stations.
 3. Establishments with the principal purpose of the sale of beer, liquor or wine.
 4. ~~Outdoor live entertainment.~~

Development Plan Action and Waiver Request – A motion was made by Mr. Berkley, seconded by Ms. Mundy, and carried 7-0 (Brewer, Forester, Pohl, and Wilson absent) to approve PLN- MJDP-19-00012: LOCHMERE TRACT 4-8 (STONECASE VALLEY) (ANDOVER CLUB) (AMD) AND PETITION FOR WAIVER OF LAND SUBDIVISION REGULATIONS, with the revised conditions presented by staff.