

1. **EASLEY & FAUST PROPERTIES, LLC ZONING MAP AMENDMENT & LEXINGTON ESTATES (THE SILKS CLUB)(AMD) ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-19-00007: EASLEY & FAUST PROPERTIES, LLC (6/30/19)\*- a petition for a zone map amendment from a Single Family Residential (R-1B) zone to a Planned Neighborhood Residential (R-3) zone, for 12.55 net (13.83 gross) acres, for property located at 1500-1561 Winner Circle and 3298-3300 Versailles Road.

**COMPREHENSIVE PLAN AND PROPOSED USE**

The 2018 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. 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.

This petitioner is proposing the Planned Neighborhood Residential (R-3) to construct a single family residential development containing attached single family dwelling units (townhouses). The developer is planning to subdivide the properties as part of a 55 and older community. Additionally, the petitioner will be maintaining the historic residence located at the center of the subject property, and will utilize the space as a clubhouse or community facility, which will be supported and maintained by an HOA.

**CONDITIONAL ZONING RESTRICTIONS**

The Versailles Road corridor has been identified as one of Lexington's historic turnpikes and is a connection point for one of the gateways into the Bluegrass Region by the Rural Land Management Plan (RLMP), an adopted element of the 2018 Comprehensive Plan. As a gateway and historic turnpike, Versailles Road provides "a glimpse of the rural area as it was in the past." One of the primary goals of the RLMP is the preservation of the existing character of the rural roads, which encompasses such physical features as fencing, walls, trees, creeks and streams, shrubs, houses and barns. Based upon the goals and recommendations of the RLMP, and in order to protect the unique character of the corridor, conditional zoning restrictions are recommended for the subject property.

To protect the historic turnpike there shall be a 100-foot buffer area from the right-of-way of Versailles Road. Within the buffer area there shall be no principal or accessory structures. Additionally, a Tree Preservation Area (TPA) shall be established within the buffer area. Only damaged or diseased trees, or those trees necessary for a public or private street may be removed, but shall be replaced in equal number to preserve the existing tree canopy and buffer. Replacement trees may be selected from Group A or B of the Plant List as referenced by Article 18 of the Zoning Ordinance.

**The Zoning Committee Recommended: Approval** to the full Commission.

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

1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
  - a. The proposed rezoning encourages the expansion of housing choices (Theme A, Goal #1), while also supporting infill and redevelopment (Theme A, Goal #2), and providing well-designed neighborhoods (Theme A, Goal #3).
  - b. The proposal seeks to accommodate the demand for housing in Lexington responsibly, by prioritizing a mixture of housing types (Theme A, Goal #1.b).
  - c. By utilizing the historic household and by providing the residents of the community private access to the neighboring Cardinal Run Park North, the applicant is providing amenities to the potential residents and opportunities for healthy activities (Theme D, Goal #2 and 3).
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
  - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site creates a residential development that is pedestrian-friendly, while also providing access to focal points and public green space. Additionally, the proposed rezoning seeks to utilize a vacant parcel of land while also minimizing the impacts on the surrounding environment and communities. Finally, the proposed development retains the historic structure and adaptively reuses it as a clubhouse for the community.
  - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity providing safe facilities for the potential residents of the site. Should LexTran determine a stop at this location, the applicant has indicated a willingness to work to achieve proper facilities.
  - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, limits the impacts on the surrounding environment, maintains the current tree lines and canopy, and provides delineated access to the nearby public park.
3. **Under the provisions of Article 6-7 of the Zoning Ordinance, the following use and buffering restrictions are recommended via conditional zoning:**

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

- a. There shall be a 100-foot buffer area (building setback) from the right-of-way of Versailles Road. The following shall apply within the buffer area:
  1. There shall be no principal or accessory structures; and
  2. A Tree Preservation Area (TPA) shall be established. Only damaged or diseased trees, or those trees necessary for a public or private street may be removed, but shall be replaced in equal number to preserve the existing tree canopy and buffer. Replacement trees may be selected from Group A or B of the Plant List as referenced by Article 18 of the Zoning Ordinance.
4. This recommendation is made subject to approval and certification of PLN-MJDP-19-00019: Lexingtonian Estates (The Silks Club) (AMD), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. PLN-MJDP-19-00019: LEXINGTON ESTATES (THE SILKS CLUB)(AMD) (6/30/19)\* - located at 3298 & 3300 VERSAILLES ROAD AND 1500 THROUGH 1561 WINNERS CIRCLE.  
Project Contact: EA Partners

The Subdivision Committee Recommended: Postponement due to concerns with Placebuilder Criteria.

1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
8. Dimension existing house, pool and garage.
9. Denote height of townhouses in feet on plan.
10. Dimension townhouses and garages.
11. Discuss note #9 relative to existing and proposed easements.
12. Discuss additional screening adjacent to R-1A zone.
13. Discuss revision to access to provide greater tree protection of significant trees for Units 32-36.
14. Discuss location of park access to avoid vehicular and pedestrian conflicts.

Subsequent to the Technical Committee meeting, Planning Staff completed an evaluation of the Placebuilder development criteria.

15. Discuss the following Placebuilder Criteria:
  - I. D-PL7-1: Provide documentation of public outreach to adjacent property owners as indicated in the applicant justification.
  - II. B-SU11-1: Provide written or graphical description of green infrastructure as indicated in the applicant justification.
  - III. C-LI7-1, A-DS5-1, D-CO2-1: Improve the delineation between vehicular and pedestrian infrastructure in areas near the clubhouse, mailbox kiosk, and the future connection to the LFUCG park space.

Commission – Mr. Owens said that he knows some of the individuals present in the audience. He stated that he has had conversations with some of them, only in regards to the process. He said that he has referred particular questions to the staff. He added that he doesn't have any financial interest in any surrounding properties, and plans to act on this request from the information presented today. He asked if any parties feel that this would be inappropriate, and if so that he would disqualify himself before the hearing begins.

Mr. Wilson asked if anyone related to this request have any issues or concerns with Mr. Owens participating with this Commission. There were no comments made by the citizens.

Staff Zoning Presentation – Mr. Baillie presented the staff report and recommendations for the zone change. He said that the subject property is located at 1500-1561 Winner Circle and 3298- 3300 Versailles Road. The proposed development includes 44 attached single family dwelling units and the reuse of the existing historic house as a common space or clubhouse for the residents of the development. The proposed development represents a density of 3.5 dwelling units per acre. He displayed aerial photographs of the general area and photographs of the subject property.

Mr. Baillie gave a brief history of the subject property and said that prior to 1996, the subject property was partially in the Urban Service Area and partially in the Rural Service Area because the boundary line followed the watershed divide, which crosses the subject property. During the 1996 Comprehensive Plan update, an adjustment to the Urban Service Area boundary was adopted by the Planning Commission, which added the remaining 2.9 acres of the property, and simultaneously removed a portion of the Wellesley Heights subdivision from the Urban Service Area. The Urban Service Area boundary currently borders

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the site to the west and south. The 2001 and 2007 Comprehensive Plans recommended Low Density Residential future land use for the subject property, which is defined as 0–5 dwelling units per net acre. In 2006, a zone change application was approved for this location, shifting from the R-1A zone to the R-1B zone to allow for the construction of 17 detached single family residential units on the subject property, for a residential density of 1.35 units per net acre. While the proposed plan and density were both in compliance the 2001 Comprehensive Plan, the development's impact on the scenic Versailles Road corridor led to the use of conditional zoning, which included the limiting of the density of the site, the inclusion of a 75 to 100-foot buffer area from the right-of-way of Versailles Road, and the prohibition of residential dwelling units within 200 feet of the right-of-way of Versailles Road.

Mr. Baillie said that the applicant opines that they are in compliance with the adopted Goals and Objectives of the 2018 Comprehensive Plan. They state that the proposed rezoning encourages the expansion of housing choices, while also supporting infill and redevelopment, and providing well-designed neighborhoods. The applicant is proposing single family residential dwelling units, which is a continuation of the current composition of the area. They are seeking an attached townhouse development, which provides variability in housing type and a modest increase in housing density. He said that by utilizing the historic residence and by providing the residents of the community direct access to the neighboring Cardinal Run Park North, the applicant is providing amenities to the potential residents and opportunities for healthy activities. Staff agrees with these aspects of the proposal and that several goals and objectives are being met.

Mr. Baillie said the staff agrees that the applicant meets the Goals and Objectives of the 2018 Comprehensive Plan; however, the applicant must provide context and refinement to the application by choosing a place-type and development type. The applicant has indicated that the site and its proposed use is within the Enhanced Neighborhood place-type, which is an existing residential area to be enhanced with additional amenities, housing types, and neighborhood-serving retail, services, and employment options. He said that they are seeking to add a variable type of housing into the area, as well as provide an open and common space. The development type should also be context sensitive to the areas surrounding it and must add to a sense of place, while also trying to incorporate some aspects of multimodal design or the ability for connection to LexTran services. He said that for the development type, the applicant chose the low density residential development type, which is comprised primarily with attached and detached single-family homes of varying formats with an efficient multi-modal network and open space designed to fit the needs of the area's residents. He said that the staff agrees with the applicants assessment of the place-type and that low-density residential is appropriate for this location.

Mr. Baillie said that there are also development criteria used to distill the adopted Goals and Objectives, as well as the policies put forth in the 2018 Comprehensive Plan. He said that staff concurs with much of the applicant's assessment, but there were three areas of concern as to how the applicant applied, not applied, or not addressed the criteria. Since the Zoning Committee meeting, which was held on May 2, 2019, the applicant has addressed one of these concerns; safe access to community facilities and greenspaces, by increasing the delineated space for safe pedestrian movement throughout the site. He added that the staff would like a greater description as to how the applicant is utilizing green infrastructure, such as, urban agriculture, green walls, urban woodlands, suburban street trees, green roofs, and sensitive urban design, through their development. He said that that this can be further discussed at the time of the final development plan, and noted as such on the preliminary development plan.

Mr. Baillie said that the staff is also concerned about the stakeholder engagement in the process. The applicant stated that they have met with the Wellesley Heights neighborhood, but the staff would like to know who was involved, when did they meet, and what type of resolutions were discussed. He said that the applicant can discuss this at today's hearing. He said that the subject property is also part of the Versailles Road corridor, which has been identified as one of Lexington's historic turnpikes and is also a connection point for one of the gateways into the Bluegrass Region. As a gateway and historic turnpike, Versailles Road provides "a glimpse of the rural area as it was in the past." One of the primary goals of the Rural Land Management Plan (RLMP) is the preservation of the existing character of the rural roads, which encompasses such physical features as fencing, walls, trees, creeks and streams, shrubs, houses and barns. Based upon the goals and recommendations of the RLMP, and in order to protect the unique character of the corridor, conditional zoning restrictions are recommended for the subject property. He said that to protect the historic turnpike there shall be a 100-foot buffer area from the right-of-way of Versailles Road, and within that buffer area there shall be no principal or accessory structures. Additionally, a Tree Preservation Area (TPA) shall be established within the buffer area, in which, only damaged or diseased trees, or those trees necessary for a public or private street may be removed, but shall be replaced in equal number to preserve the existing tree canopy and buffer.

Mr. Baillie said that the staff and the Zoning Committee recommend approval of this zone change. He said that the staff is in agreement with the Goals and Objectives provided by the applicant, as well as, a majority of the criteria they have submitted at this time. He said that with the provision that there will be a buffer along Versailles Road to protect the historic turnpike.

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 R-3; 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.

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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 permits shall be issued unless and until a final development plan is approved by the Planning Commission.~~
7. Revise plan to meet required 25' setback adjacent to R-1A zone (unit 16).
8. ~~Dimension existing house, pool and garage.~~
9. ~~Denote height of townhouses in feet on plan.~~
10. ~~Dimension townhouses and garages.~~
11. ~~Discuss note #9 relative to existing and proposed easements.~~
8. 12. Discuss additional screening adjacent to R-1A zone.
13. ~~Discuss revision to access to provide greater tree protection of significant trees for Units 32-36.~~
14. ~~Discuss location of park access to avoid vehicular and pedestrian conflicts.~~

Subsequent to the Technical Committee meeting, Planning Staff completed an evaluation of the Placebuilder development criteria.

9. 45. Discuss the following Placebuilder Criteria:
  - I. D-PL7-1: Provide documentation of public outreach to adjacent property owners as indicated in the applicant justification.
  - II. B-SU11-1: Provide written or graphical description of green infrastructure as indicated in the applicant justification.
  - III. C-LI7-1, A-DS5-1, D-CO2-1: Improve the delineation between vehicular and pedestrian infrastructure in areas near the clubhouse, mailbox kiosk, and the future connection to the LFUCG park space.

Mr. Martin pointed out the road frontage for the subject property the existing entrance off of Versailles Road and the internal street system. He said that the applicant is proposing a one-way circulation of vehicular traffic. He pointed out the historic house, which will remain as the clubhouse and the pool area. He said that they are proposing access easements at the rear of the proposed townhouses to serve the parking and garages of them. He said that they will have two-car garages with a total of 123 parking spaces, which includes guest spaces throughout the development. He said that the lot coverage of the property is only 17% and the floor area is 137,000 square feet, which will allow for a large open space and green area.

Mr. Martin said that this revised plan has met many of the staff's conditions. He said that condition #7 is in regards to Unit 16 encroaching into the required setback, which is 25 feet and they are at 20 feet. He said that the staff was also concerned with condition #8 regarding the additional screening adjacent to the R-1A zone. He said that the staff is aware of the neighborhoods concerns about the buffer. He said that from the staff's perspective, the concern is the access easements and driveways in the rear, making that a vehicular use area, which will produce light pollution. He said that this concern is addressed by Article 18 of the Zoning Ordinance. He presented the property perimeter requirements of Article 18-3(a)(1), number 7, which states that the requirement from R-3 zone to R-1A zone is 6 feet adjacent to all common boundaries except street frontage. He added that it also states that they must have a continuous 6-foot high planting, hedge, fence, wall, or earth mound, which the staff believes is adequate to screen the adjoining properties from the vehicular traffic.

Mr. Martin said that in regards to condition #9, the Placebuilder Criteria; the applicant has provided a suitable pedestrian system around the perimeter of the property, serving all of the townhouses, and into the clubhouse. They have also provided a separate pedestrian access into the park. He said that there may need to be changes made to these sidewalks because of the mailbox kiosks that needs to be constructed. He said in regards to the written or graphical description of green infrastructure on the plan; there are existing public improvements along Versailles Road from the previous development. He also pointed out the area of the sinkhole and the pump station for the sanitary sewer services. He said that the staff would like for the applicant to denote on the plan that they will utilize appropriate green infrastructure. He added that Mr. Baillie had already addressed the public outreach concern. He said that the Subdivision Committee had originally recommended postponement because of the Placebuilder Criteria, which has been partially addresses by changes made to this plan and the staff is currently recommending approval of this development plan.

Commission Questions – Mr. Berkley asked for clarification of the green infrastructure, how the applicant receives credit for suburban street trees and the concern of noting it on the development plan. Mr. Martin said that it is a Comprehensive Plan issue and the Stormwater Manual does give a tremendous amount of credit for quality efforts, such as the suburban street trees, gutters, and detention basins. He said that with complying with the Comprehensive Plan is a commitment to green infrastructure, which can be above and beyond pure quality and quantity controls. Mr. Baillie said that one of the elements of the development criteria is that it be noted on the development plan or described in their justification. He added that at this time, the staff doesn't have a clear identification of how the applicant is addressing that element.

Mr. Pohl asked if the reference to green infrastructure limited to stormwater related issues. Mr. Martin replied that it would not be. Mr. Pohl then asked if spray foam insulation would count as green infrastructure effort. Mr. Martin said that he believes that would be something that the staff would accept as a green building.

Mr. Penn said that the sinkhole was discussed in great detail at the Subdivision meeting, and asked if the staff is comfortable with the sinkhole being part of the stormwater drainage. Mr. Martin said that the staff is comfortable with that. He added that the Engineering manuals and the staff address them in the infrastructure plan. Mr. Penn then asked if a geological study had been conducted on the site. Mr. Martin said that it has not, but if it is necessary, they will be required to conduct a study.

Mr. Nicol commended in regards of the Placebuilder criteria, that there are 56 criteria and asked for verification that the applicant satisfied all but two of those criteria. Mr. Baillie agreed. Mr. Nicol then asked if that occurred at the Subdivision Committee. Mr. Baillie said that it was a combination of their document and their written justification. He said that since the Subdivision Committee, the applicant had submitted a revised development plan that addressed one of the staff's concerns. He added that staff would like to hear more about the other two criteria that they are concerned with.

Mr. Owens asked the staff when the revised development was received. Mr. Martin it was submitted to the staff on May 21, 2019.

Applicant Presentation – Mr. Jacob Walbourn, attorney; Robert Easley, Mike Warner, Koller-Warner Construction, and Rory Kahly, EA Partners, were present representing the petitioner. He said they are in agreement with the staff's recommendations and findings. He said that they reviewed the staff's concerns regarding Unit 16 and said that they will either move the entire building over or remove that particular unit. He said that they are in agreement with the staff regarding buffering; that the ordinance requirement is ample to protect the adjacent properties. He also said that they are in agreement with the staff's conditional zoning restrictions. He added that regarding the pedestrian system; they had convened a meeting with the Division of Traffic Engineering regarding a way to implement a pedestrian system that didn't require them to remove the mature street trees. He said that the system being proposed is closer to the buildings is an effort to preserve those trees. He said that there may be some changes needed as they complete the final development plan.

Mr. Easley said that he had three meetings at the clubhouse. The first meeting was held on May 2, 2019, and two more meetings about every week after that. He said that they discussed the neighborhood's concerns, which the main issue was the screening between the properties. He said that at the last meeting, he met with the President of the homeowners association and a homeowner; they drove around the perimeter of the subject property to view the trees. He added that he is continuing to work with them to decide the types of screening trees that they would agree to use in that area. He is also negotiating with them, what types of shrubs they would like along the driveway area to block the light pollution from vehicles. He said that as of now, they have agreed to a 3-foot hedge along the driveways located in the rear of the buildings. They have also agreed to increase the density of trees along the development perimeter from 40 feet apart to 30 feet apart from each other and to provide a 6-foot fence.

Mr. Kahly said that they don't have any statement on the plan regarding the green infrastructure because at this time, they are unaware of what the details of the building will be. He mentioned that insulation in the buildings, and stormwater recirculation through a pond could meet this criteria. He also mentioned that the re-use of the existing infrastructure that is on the site should also be given credit towards this criteria. He said that they agree to note these details, when they are known, on the development plan. He said that the colored rendering of the plan that was displayed, displayed 45 units, not 44, which is the number they are seeking to develop.

Commission Questions – Mr. Owens asked the applicant if they had any renderings of the proposed buildings. Mr. Walbourn presented exemplars, which are close to the style of the buildings. He said that they will be a high-end product. He said that this will be an age restricted, senior living community, which HUD defines as 55 and older.

Mr. Pohl said that at the Zoning Committee it was noted that the plan and the elevation were mutually exclusive and asked if that had been resolved. Mr. Kahly said there have not been any changes since that meeting and that these are only sketches and there isn't an architectural type as of this time. Mr. Pohl then asked if this is an approximation of what will be developed at this site. Mr. Kahly agreed and said that this is preliminary development plan.

Citizens in Opposition:

Paul Natof, 1600 Tropicana Drive, representing Wellesley Heights Neighborhood Association, said they are hoping to work with the Division of Park and Recreation to get Cardinal Run Park North developed into a park that they could all enjoy. He said that they would rather have 13-17 single-family detached homes be constructed on this property. He said that he understands that this proposal agrees with many elements of the 2018 Comprehensive Plan; however, they fear what else could be developed there if any of the conditional zoning restrictions change. He said that their neighborhood has seven homeowners that will border this development and is asking that, on the deed to the property, it be noted that there be a limit of units of 45-50, so that a large

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developer can't over build this property. He asked that the existing house being kept as the clubhouse be deeded to the homeowners association. He said that the applicant responded to that request by stating that placing ownership of the house to the homeowners association on the deed may restrict future repairs and restorations. He said that they also have concerns regarding the buffering, which has already been discussed. He added that he has never seen the development plan and was hoping to be able to work with them with the development of this property. He said that at the meeting that took place on May 16, 2019, they had expressed some of their concerns, which was to have an 8-foot fence or wall, instead of a 6-foot fence and the materials for the fence. He said that the neighborhood was told that a variance would be needed to change the fence height, and the applicant stated that they would not apply for that variance. He said that the neighborhood was not notified of this zone change prior to the pre-application process and is concerned that since this step is part of the new criteria, that it will set a negative precedent. He added that their main concern regarding the buffering is the proximity of the garages and their associated driveways, parking lots, car lights, and noise. He said that he would like the developer to move the garages to the side or fronts of the units. He would also like the proposed development to keep with the design, look and feel of their neighborhood. He is also concerned about lighting and it be at a maximum height of 8 feet, pointed down.

True Baker, 4105 Heraldry Ct., will be a rear neighbor to the proposed development and is concerned with the integrity of their neighborhood. He said that regarding the criteria of the 2018 Comprehensive Plan's Placebuilder; he believes that it fails the citizens by not having any concern for their sense of place. He said that he agrees with Mr. Natof with the same concerns, especially the light pollution.

Debbie Miller, 1500 Wellesley Height Way, is concerned about the buffer and who will maintain the required fence and landscaping, and the height of the proposed structure.

Jim Taylor, 4101 Heraldry Ct., would like to see a valuable development that would raise their property values. Agrees with Mr. Natof that they were not notified and unable to participate in the process prior to the application being filed.

Jessie Fennell, 1524 Wellesley Heights Way, is concerned with Unit 16 encroaching on the setback limit, and doesn't want this to set a precedent. She requested that conditional zoning restrictions be set, so that they can't add more units to this development.

Carrie Trapp, 1565 Wellesley Drive, former vice president of the neighborhood association, expressed concern with the buffer and she believes that a fence should be 8 feet instead of 6 feet, to offer privacy for both developments. She is also concerned with the safety and increased traffic.

Applicant Rebuttal - Mr. Walbourn said in regards to adding the deed restrictions on the property that the Planning Commission does not have that authority. He said that the fear the neighbors have that the project will fail and a more objectionable development will coming in, would require the plan to come back to Planning Commission for approval. He doesn't believe that preservation of the house is appropriate for a conditional zoning restriction and advised the Commission to speak with their Counselor. He said that their intent is to preserve the house. He said that the objection that was voiced was in the event of a property causality, such as a fire, and it becomes more financially beneficial to tear down the building. A note on the development plan that compels preservation of that property, would not be appropriate. He said that in regards to the variance; he can't request one because they are for individual properties not multiple properties. They can't justify a variance and also it won't meet the legal requirements to request one. He apologized for miscommunication in the application and said that he wasn't involved in the process of meeting with the neighbors and will allow those involved with the meetings to address that matter. However, he would dispute that they haven't been engaged in this process. He said that they have met with the neighbors multiple times, driven around the property and allowed to select the location of the trees and the types they prefer. He added that the citizens haven't objected to this zone change, they are more concerned with what may happen to the property if this doesn't work out. He said that they are willing to continue to work with the neighbors. He said that regarding the concerns of the site, the neighbors would be seeing the landscape buffer that the staff has deemed appropriate, which will be three foot shrubs and the trees that they selected. The 123 parking spaces are throughout the entire development and half of the units don't face Wellesley Heights. He said that if Unit 16 doesn't comply with the setback requirements, the building will be shifted over or that unit will be removed from the development plan. He said that in regards to the safety concerns; that he has met with the Division of Traffic Engineering and at this time, they have not expressed any concern at this location.

Citizen Rebuttal - Mr. Natof, said that he now understands that the deed restriction cannot be required by the Commission, but asked in their good faith they do it anyway. He said that he agrees with the preservation of the house, but is concerned with it being deeded to the homeowners association, which could be sold at a later date. He said that they would prefer an 8-foot fence. He said that a 6-foot fence will not be tall enough and the neighbors could see a parking lot from their second story of their homes. He is still concerned about the applicant stating that they met with the neighbors to discuss this development prior to them filing their application, which is part of the Placebuilder criteria.

Staff Rebuttal - Mr. Baillie said that Article 18-3(a)(1) of the Zoning Ordinance states that a 6-foot high fence is required and Article 15-4(b) states that within a rear portion of a yard it allows a fence up to 8 feet. He also clarified what the staff meant of meaningful engagement within the process. He said that it is a recommended aspect of the Placebuilder, however when the

staff stated "meaningful engagement", it's traditionally more expansive, and something that includes a greater amount of the neighborhood, describing priorities of the neighborhood.

Commission Questions - Mr. Penn asked if the house is on the Historic Preservation list. Ms. Wade said that she believes it is. Mr. Walbourn said he believes that it is not. He added that there was a proclamation made by Governor John Y. Brown that this was a historic property, but it is not on the Historic Register. Ms. Wade stated that she had researched it when the application was filed and will verify.

Mr. Owens asked if this development was context sensitive per the 2018 Comprehensive Plan. Mr. Baillie said that from the staff's perspective, it is, since it is continuing a low density single family housing. He said that enhancing the context of the area doesn't mean that it has to be exactly the same. By adding in new types of housing, which compliments the height and density of the area, it isn't much of a change. Mr. Owens said that many of the citizens stated that they are fearful of the unknown if this development doesn't progress. He said that if there are conditional zoning restrictions, the Planning Commission will need to have significant reasons. Ms. Jones agreed that reasons will be needed to add conditional zoning restrictions as related to this proposed development, which are also limited as to what they can be. She said that they will be limited to use, buffering, and architecture (only if it is within an H-1 Overlay, which it is not). Mr. Owens then asked if limiting the residential units would need to be on a voluntary basis from the applicant. Ms. Jones said that density is a proponent of use and is often used in conditional zoning restrictions, but the Planning Commission would need reasons to support it. Mr. Owens also asked if an 8-foot fence would be possible. Mr. Baillie said that within the height and yard restrictions, which covers fences, allows up to 8 feet for a rear yard fence line in all residential zones, however 6 feet is required by Article 18.

Mr. Berkley asked if a variance is necessary to request an 8-foot fence. Mr. Baillie said that one is not, that it is available to them.

Mr. Wilson asked if it has been verified if the house is on the Historical Preservation list. Mr. Walbourn stated that subject to Ms. Wade's confirmation, the house is not on Historical Register.

Mr. Penn asked Mr. Warner if the greenspace, the clubhouse and the pool is turned over to the homeowners association, will it be their right to complete improvement as they deem necessary. Mr. Warner agreed and said that the intent is to deed it to the homeowners association.

Mr. Owens said that staff stated that an 8-foot fence would be possible. He asked the neighbors if they would be willing to agree to that. Mr. Warner said that he believed that a 6-foot fence was the limit without asking for a variance. He agreed that an 8-foot fence will be acceptable and stated that he would construct a fence at that height.

Mr. Berkley said that there is an electrical easement along that boundary. Mr. Warner said that he will comply with the easement requirements as well.

*Note: Ms. Mundy left the meeting at 3:15 p.m.*

Zoning Action – A motion was made by Mr. Owens, seconded by Mr. Forester, to approve PLN-MAR-19-00007: EASLEY & FAUST PROPERTIES, LLC, as recommended by the staff.

Mr. Penn stated for the record that the 45 units will be responsible for the maintenance of the clubhouse, pool and greenspace. He also said that the Placebuilder is new to them as well, and everyone is learning as we go. He is not satisfied with the amount of discussion and stated that in the future, discussions need to begin prior to submitting zone change applications.

Motion – Motion carried 8-0 (Brewer, Mundy and Plumlee absent).

Development Plan Action – A motion was made by Mr. Owens, seconded by Mr. Forester to approve PLN-MJDP-19-00019: LEXINGTON ESTATES (THE SILKS CLUB)(AMD), as presented by staff, with the revised conditions, as follows:

1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. ~~Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.~~
7. Revise plan to meet required 25' setback adjacent to R-1A zone (unit 16).
8. ~~Dimension existing house, pool and garage.~~
9. ~~Denote height of townhouses in feet on plan.~~

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

- ~~10. Dimension townhouses and garages.~~
- ~~11. Discuss note #9 relative to existing and proposed easements.~~
- 8. ~~12. Denote Discuss an 8' fence shall be installed along additional screening adjacent to R-1A zone the Wellesley Heights Subdivision.~~
- ~~13. Discuss revision to access to provide greater tree protection of significant trees for Units 32-36.~~
- ~~14. Discuss location of park access to avoid vehicular and pedestrian conflicts.~~

Subsequent to the Technical Committee meeting, Planning Staff completed an evaluation of the Placebuilder development criteria.

9. ~~15. Denote Discuss the following Placebuilder Criteria:~~

- ~~I. D-PL7-1: Provide documentation of public outreach to adjacent property owners as indicated in the applicant justification.~~
- II. B-SU11-1: Provide written or graphical description of green infrastructure as indicated in the applicant justification at the time of the final development plan.
- ~~III. C-LI7-1, A-DS5-1, D-CO2-1: Improve the delineation between vehicular and pedestrian infrastructure in areas near the clubhouse, mailbox kiosk, and the future connection to the LFUCG park space.~~

Motion - Motion carried 8-0 (Brewer, Mundy and Plumlee absent).

Citizen Comment – Ms. Trapp asked that in the future, if the neighbors could meet with the staff and the applicant at the same time in order to resolve concerns more efficiently.