

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

IN RE: **PLN-MAR-17-00006: TAYLORMADE REAL ESTATE, LLC** – a petition for a zone map amendment from a Townhouse Residential (R-1T) zone to a Planned Neighborhood Residential (R-3) zone, for 3.77 net (4.80 gross) acres, for property located at 1580 Higbee Mill Road (a portion of). A conditional use permit is also requested. (Council District 9)

Having considered the above matter on **April 13, 2017**, at a Public Hearing, and having voted **9-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL** of this matter for the following reasons:

1. A restricted Planned Neighborhood Residential (R-3) zone at this location would be in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. The Goals and Objectives of the Plan identifying opportunities for infill, redevelopment and adaptive reuse that respect the area's context and design features (Theme A, Goal #2a.); providing accessible community facilities (Theme D, Goal #2); and encouraging the development of underutilized and vacant land in a compact, contiguous and/or a mixed-use sustainable manner within the Urban Service Area (Theme E, Goals #1a., #1b. and #3). In addition, the staff would note that the Goals and Objectives of the Plan also encourage providing for well-designed neighborhoods (Theme A, Goal #3); minimizing disruption of natural features when building new communities (Theme A, Goal #3d.); and identifying and protecting natural resources and landscapes before development occurs (Theme B, Goal #3a.).
 - b. Although not explicitly considered a "community facility" by the 2013 Comprehensive Plan, childcare centers and after-school care for children are a necessary service in support of the community's public school system, which is a designated community facility. Locating such uses near residential neighborhoods is appropriate to provide services to the immediate area in a convenient manner.
 - c. The proposed development will utilize vacant property along Man o' War Boulevard, and such higher intensity of use is appropriate along minor arterial corridors, where the direct impact on established neighborhoods can be minimized.
 - d. By improving and utilizing the existing crossing for the South Elkhorn Creek and its floodplain, rather than modifying the FEMA floodplain, the natural features of the property can be protected in a more thorough and comprehensive manner. The proposed child care center is located outside of the FEMA 100-year floodplain, and its associated setback and riparian buffer.
2. This recommendation is made subject to the approval and certification of **PLN-MJDP-17-00011: Wynndale Subdivision, Lot 2B**, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. **Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restriction is recommended via conditional zoning for the subject property:**
 - a. Multi-family residential dwelling units shall be prohibited.

This restriction is appropriate because it has been offered by the applicant in order to protect the adjacent residential properties to the north of the subject property.

Note: The conditional use permit for a child care center was approved by the Planning Commission on April 13, 2017.

ATTEST: This 4th day of May, 2017.


Secretary, Jim Duncan

WILLIAM WILSON
CHAIR

Note: The corollary development plan, PLN-MJDP-17-00011: WYNNDALE SUBDIVISION, LOT 2B was approved by the Planning Commission on April 13, 2017 and certified on April 27, 2017.

K.R.S. 100.211(7) requires that the Council take action on this request by July 12, 2017.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Nick Nickolson, Attorney.**

OBJECTORS

- Janet Cabiness, residing at 704 Cumberland Road
- Damon Snyder, residing at 704 Cumberland Road
- Frank Pruitt, residing at 3533 Cornwall Drive
- Douglas Starnes, residing 720 Longwood Road
- Mark Fox, residing at 668 Longwood Road

- Kevin Kidd, residing at 3569 Cornwall Drive
- Caryl Pfeiffer, residing at 903 Witthuhn Way

- Tracy Starnes, residing at 720 Longwood Road
- David Marler, residing at 724 Longwood Road

OBJECTIONS

- Traffic impacts and pedestrian safety
- Traffic and public and pedestrian safety
- Traffic and public and pedestrian safety
- Traffic and public and pedestrian safety
- Flooding of Clays Mill Road and Higbee Mill Road
- Traffic and public and pedestrian safety
- Traffic and public and pedestrian safety; Flooding of Clays Mill Road and Higbee Mill Road
- Higbee Mill Road needs improvements
- Increase of commercial use at the intersection of Clays Mill Road and Higbee Mill Road

VOTES WERE AS FOLLOWS:

AYES: (9) Cravens, Drake, Mundy, Owens, Penn, Plumlee, Richardson, Smith, and Wilson

NAYS: (0)

ABSENT: (2) Brewer, and Drake

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **CONDITIONAL APPROVAL** of **PLN-MAR-17-00006** carried.

Enclosures: Application
Plat
Staff Report
Conditional Use Staff Report
Applicable excerpts of minutes of above meeting