

Rec'd by \_\_\_\_\_

Date: \_\_\_\_\_

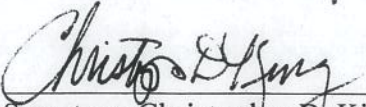
**RECOMMENDATION OF THE**  
**URBAN COUNTY PLANNING COMMISSION**  
**OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY**

**IN RE: MAR 2015-11: LEX PROPERTIES, LLC (AMD.)** – an amended petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 10.14 net and gross acres, for property located at 3455 Saybrook Road. (Council District 9)

Having considered the above matter on **August 27, 2015**, at a Public Hearing, and having voted **8-1** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **DISAPPROVAL** of this matter for the following reasons:

1. The requested R-3 zone is not in agreement with the 2013 Comprehensive Plan for the following reasons:
  - a. The Comprehensive Plan recommends infill and redevelopment that is compatible with and context-sensitive to its environment, and, in this case, with two established single-family neighborhoods.
  - b. The Plan also states that infill development can have a positive impact on neighborhoods, but only if it respects the scale, massing and size of surrounding buildings.
  - c. The site is still an environmentally sensitive area that should be protected to the greatest extent possible; but the petitioner seems intent on subdividing the floodplain and creek portion of the property, rather than leaving it in the ownership of an HOA, which can better maintain such an area.
  - d. Although the petitioner is proposing a residential land use, generally compatible with the surrounding neighborhood, some of the smaller proposed lot sizes (allowable in R-3) are not compatible.
2. The existing Agricultural Urban (A-U) zone remains appropriate for the subject property because the intent of the A-U zone is to be a holding zone until appropriate urban development is proposed.
3. The proposed Planned Neighborhood Residential (R-3) zone is not appropriate for the subject property, for the following reasons:
  - a. An R-1D zone would be more appropriate in that it would provide lots that are more in character and similar in size to the adjoining neighborhood.
  - b. The site is located interior to two established low density residential neighborhoods, and there is no R-3 zoning in either surrounding neighborhood.

ATTEST: This 10<sup>th</sup> of September, 2015.

  
Secretary, Christopher D. King

MIKE OWENS  
CHAIR

Note: The corollary development plan, ZDP 2015-53: Winding Creek at Monticello, was indefinitely postponed on August 27, 2015, pending the Council's decision on this rezoning request.

K.R.S. 100.211(7) requires that the Council take action on this request by November 25, 2015.

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

**OBJECTORS**

- Otto Piechowski, 3451 Saybrook Road
- Janet Piechowski, 3451 Saybrook Road
- Bob Seelbach, 3386 Tisdale Drive
- Molly Franklin, 556 Merrimac Drive
- Mark Tucker, 545 Cromwell Way
- Robin Young, Robinwood Neighborhood Association
- Evan Belt, 3439 Saybrook Road
- Kathy Acres, 3436 Saybrook Road

**OBJECTIONS**

- Concerned about the possibility of environmental hazards on the subject property due to the former sewage treatment plant.
- Concerned that the petitioner could increase the density on the subject property if it is rezoned to R-3.
- Believes that more environmental testing needs to be done on the subject property, since the area where the sewage tanks were located has not been tested.
- Concerned about the possible overcrowding of Wellington Elementary School.
- Concerned that the proposed development could exacerbate existing sanitary sewer issues in the vicinity of the subject property.
- Does not believe that new development should be permitted if it is to the detriment of existing residents.
- Concerned that the petitioner could develop additional units over the number proposed if the property is rezoned to R-3.
- Concerned about the maintenance of the land on the opposite side of the creek from the proposed homes.

**VOTES WERE AS FOLLOWS:**

AYES: (7) Brewer, Mundy, Owens, Penn, Plumlee, Richardson, Smith

NAYS: (1) Cravens

ABSENT: (2) Berkley, Wilson

ABSTAINED: (1) Drake

DISQUALIFIED: (0)

Motion for **DISAPPROVAL** of **MAR 2015-11** carried.

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