

ORDINANCE NO. 003 - 2024

AN ORDINANCE CHANGING THE ZONE FROM AN AGRICULTURAL URBAN (A-U) ZONE TO PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE, FOR 13.075 NET (15.479 GROSS) ACRES, FOR PROPERTY LOCATED AT 5447 TATES CREEK ROAD (TURNER MANAGEMENT, LLC; COUNCIL DISTRICT 12).

WHEREAS, at a Public Hearing held on December 14, 2023, a petition for a zoning ordinance map amendment for property located at 5447 Tates Creek Road from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 13.075 net (15.479 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change by a vote of 9-0; and

WHEREAS, the Urban County 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 5447 Tates Creek Road from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 13.075 net (15.479 gross) acres, being more fully described in Exhibit “A” which is attached hereto and incorporated herein by reference.

Section 2 – 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 3 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: January 23, 2024



MAYOR

ATTEST:


CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: January 30, 2024- 1t

0031-24:TWJ:4876-3434-4347, v. 1

Rec'd by _____

Date: _____

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

IN RE: PLN-MAR-23-00021: TURNER MANAGEMENT, LLC - a petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, 13.075 net (15.479 gross) acres for property located at 5447 Tates Creek Road. (Council District 12)

Having considered the above matter on **December 14, 2023**, 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. The proposed Planned Neighborhood Residential (R-3) zone is in agreement with the Imagine Lexington 2045 Comprehensive Plan's Goals and Objectives, for the following reasons
 - a. The proposed rezoning encourages the expansion of housing choices by providing for townhome development in an area predominantly characterized by single-family detached development (Theme A, Goal #1.b).
 - b. By developing an underutilized parcel of land within the Urban Service Area, the proposal supports goals relating to redevelopment and strategic growth (Theme A, Goal #2.a; Theme E Goal #1.e).
 - c. The request is oriented towards large areas of preserved open space that will act as a focal point for the development (Theme A, Goal #2.c).
 - d. The proposal provides for safe social interactions between neighborhoods by providing unobstructed sidewalk and vehicular connections to the adjoining residential neighborhood (Theme A, Goal #3.b).
 - e. The revised proposal creates an appropriate continuation of a public stub street (Theme A, Goal #3.e).
2. The proposal is in agreement with the Policies of the 2018 Comprehensive Plan for the following reasons:
 - a. The continuation of the stub street at Tykes Pass will increase connectivity in the area (Theme A, Design Policy #2).
 - b. The request provides for development that is sensitive to the existing single-family residential context of the surrounding area (Theme A, Design Policy #4).
 - c. By introducing attached townhome units into the area, the request increases the diversity in housing types (Theme A, Design Policy #8).
 - d. The plan will preserve the natural features present on the site, and prioritize the central open space (Theme B, Protection Policy #2).
 - e. Thee street system and pedestrian connections are appropriate for the context of the surrounding area (Theme D, Connectivity Policies #1 & 2).
3. The justification and corollary development plan are in agreement with the Development Criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location, as the proposal increases the density of development on an underutilized lot, avoids over parking, avoids environmentally sensitive areas, and orients the development around a central open space.

- b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity, as the proposal provides for direct connections to the adjoining neighborhood, provides safe and delineated pedestrian circulation within the site, and provides an appropriate extension of a stub street.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as the rezoning works with the current landscape, preserves the existing spring and environmentally sensitive areas, will maintain existing mature trees, and will also work to increase the tree canopy.
4. This recommendation is made subject to approval and certification of PLN-MJDP-23-00074: GDK Farm, LLC (Turner Property) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

ATTEST: This 5th day of January, 2024.



 Secretary, Jim Duncan

LARRY FORESTER
 CHAIR

K.R.S. 100.211(7) requires that the Council take action on this request by March 13, 2024

Note: The corollary development plan, PLN-MJDP-23-00074: GDK FARM, LLC PROPERTY (TURNER PROPERTY) was approved by the Planning Commission on December 14th, 2023 and certified on December 28th, 2023.

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

OBJECTORS

- None.

OBJECTIONS

- None.

VOTES WERE AS FOLLOWS:

AYES:	(9)	Forester, Wilson, Barksdale, Michler, Meyer, Pohl, Worth, Owens and Nicol
NAYS:	(0)	
ABSENT:	(1)	Davis
ABSTAINED:	(0)	
DISQUALIFIED:	(0)	

Motion for **APPROVAL** of **PLN-MAR-23-00021** carried.

Enclosures: Application
 Justification
 Legal Description
 Plat
 Development Snapshot
 Staff Reports
 Applicable excerpts of minutes of above meeting

MAP AMENDMENT REQUEST (MAR) APPLICATION

1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)

Applicant: TURNER MANAGEMENT, LLC, 1002 FIVE ARROWS LN, NICHOLASVILLE, KY 40515
Owner(s): SAME
Attorney: NATHAN BILLINGS, BILLINGS LAW FIRM

2. ADDRESS OF APPLICANT'S PROPERTY

5447 TATES CREEK ROAD

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

Zoning	Existing Use	Zoning	Requested Use	Net Acreage	Gross Acreage
A-U	AGRICULTURAL	R-3	SINGLE- FAMILY RESIDENTIAL	13.075	15.479

4. COMPREHENSIVE PLAN

a. Utilizing Placebuilder, what Place-Type is proposed for the subject site?	ENHANCED NEIGHBORHOOD
b. Utilizing Placebuilder, what Development Type is proposed for the subject site? If residential, provide the proposed density	LOW-DENSITY RESIDENTIAL

5. 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

6. URBAN SERVICES STATUS (Indicate whether existing, or how to be provided)

Roads:	Private
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



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nbillings@blfky.com

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Lexington, Kentucky 40507
(o) (859) 225-5240
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November 6, 2023

Mr. Larry Forester, Chairman
Lexington-Fayette Urban Co. Planning Commission
200 E. Main St.
Lexington, KY 40507

Re: Zone Map Amendment at 5447 Tates Creek Road

Dear Commissioners:

It is my pleasure to represent Turner Management LLC (“Applicant”) as owner of 5447 Tates Creek Road, Lexington, KY 40515 (the “Property”). Applicant desires to amend the zoning of the Property from its current A-U zone to the R-3 (Planned Neighborhood Residential) zone.

Property Information

The Property is situated astride the border of Fayette and Jessamine Counties on Tates Creek Road. The Jessamine County-City of Wilmore Planning Department is aware of the project and will receive a notification letter. Except as otherwise indicated below, this letter addresses the Fayette County portion of the Property only.

Design

The proposed design features twenty (20) townhomes and nine (9) single family detached lots, with the remainder being open space. The entrance on Tates Creek Road is a spacious boulevard designed for additional landscaping and tree canopy to create a sense of place. The plan will connect the existing Tykes Pass stub.

Placebuilder

The application is best classified as an Enhanced Neighborhood place-type: “an existing residential area to be enhanced with additional amenities, housing types, and neighborhood-serving retail, services, and employment options.” While the Property is presently zoned agricultural, it is in the immediate vicinity of residential homes on both sides of the county line.

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Given the primarily residential nature of the area, the Applicant believes retail and service uses would not be context-sensitive at this time.

Low density residential (LR) best fits this area and the Applicant's vision: "Primarily attached and detached single-family homes of varying formats." 2018 Comprehensive Plan p. 271. It is appropriately scaled to adjacent current uses and will still maintain the quasi-rural nature of the Property while adding residential units in southern Fayette County. Although the Comprehensive Plan and newly adopted Goals and Objectives focus on density, the "low density" designation here may be misleading because much of the Property is impacted by natural grade and features that are not to be developed but used instead as common/green space for residents.

The proposed R-3 zone is recommended for Enhanced Neighborhood place-types. Both single-family detached and townhomes are permitted uses. The significant planned open spaces will support the residential uses well while maintaining much of the existing character of the Property.

Current Comprehensive Plan

This application satisfies many goals and objectives of the current Comprehensive Plan. Accordingly, the application agrees with the Comprehensive Plan.

A. Growing Successful Neighborhoods

Applicant seeks to add additional mixed housing options to help meet Fayette County's ongoing demand (Goal 1, Objective b). The Property is located within the existing Urban Service Area and is adjacent to other properties in the Area, meaning the development will not lead to any future expansion of the boundary (Goal 2, Objective a).

As discussed above, the Applicant took care to design a layout that prioritizes open space to support the new development and quality of life for future residents (Goal 2, Objectives b-c; Goal 3, Objective a). The development plan incorporates upgrades and expansion of pedestrian paths and safe connections to existing neighborhoods, which is coupled with significant landscaping and tree plantings to promote greenspaces and tree canopy on the Property (Goal 3, Objectives b, d).

B. Protecting the Environment

This development plan preserves large sections of the Property as long-term open/green spaces, minimizing impervious surfaces and leaving sufficient room for expanded tree canopy (Goal 2, Objective b). Although the nearest LexTran stop is more than two (2) miles away, the Applicant's proposed plan does allow pedestrian and bicycle access to adjacent neighborhoods.

Further, the proximity to small retail centers in Hartland and Brannon Crossing give future residents convenient options that minimize travel distances (Goal 2, Objective d).

C. Creating Jobs & Prosperity

This modest development balances addition of much-needed residential units with maintenance of the quasi-rural character of the area. The planned residential units will likely attract residents seeking a combination of urban-adjacent life in a more rural setting than they would find in much of the Urban Service Area. The Applicant anticipates those people will range from young professionals to retirees, particularly with the emergency of remote work flexibility. The development provides great quality of life for many types of people and will support the Comprehensive Plan's overall goal of attracting a diverse and dynamic workforce (Goal 2, Objective d).

D. Improving a Desirable Community

If LexTran or another mass transit operator ever expands service to this area, the Property is located on a main corridor with modern street design that will accommodate buses and other vehicles (Goal 1, Objectives b-d).

E. Urban & Rural Balance

The Property is located within the Urban Service Area and has not been used for agricultural production in many years, thus redevelopment for residential is appropriate (Goal 1, Objective a). The design of the development preserves key characteristics of the quasi-rural setting while allowing for improvement of underdeveloped land (Goal 1, Objectives b-d). No expansion of the Urban Service Area will result from this development (Goal 3).

Imagine Lexington 2045 Goals and Objectives

In addition to the compliance with the current Comprehensive Plan, this application also satisfies the criteria of the new Goals and Objectives adopted by the Urban County Council on June 15, 2023.

This application proposes adding much-needed residential housing units, including increased density (townhome units) blended with single family detached (Theme A, Goal 1, Objective b; Theme A, Goal 5, Objective f). Increased housing availability is a key driver for creating jobs and prosperity in Fayette County, enabling residents to live and work here (Theme C, Goal 1, Objectives a-b). Although the development type is best described as "low density residential", when factoring in the physical site constraints, the provision of common/green spaces, and dwellings that are context sensitive to the area, the proposal is as "dense" as

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appropriate under the circumstances. The only alternative—building up in single-family attached or multifamily structures—would not fit among the existing adjacent properties.

The Property is located within the existing Urban Service Area and is currently underutilized (Theme A, Goal 2, Objective a; Theme E, Goal 1, Objectives a, c, e-f). Extensive greenspace and common amenities are provided on-site (Theme A, Goal 2, Objective c).

Tykes Pass will now connect through to both Jessamine County and back to Tates Creek Road, allowing for more circulation options for pedestrians and bikers in the area (Theme A, Goal 3, Objective b) and hopefully reduced response times for first responders (Theme A, Goal 4, Objective c). If LexTran or another transit operator expands service to this area, the Property is located on a main corridor with modern street design that will accommodate buses and other vehicles (Theme A, Goal 3, Objective e; Theme D, Goal 1, Objectives a-d; Theme E, Goal 3, Objective b). This will also hopefully encourage increased ride-sharing or pedestrian/biking opportunities to adjacent areas (Theme B, Goal 2, Objective d).

The Applicant proposes feasible preservation of the existing grade and natural features of the Property (Theme B, Goal 3, Objective b). As part of the development plan, the Applicant proposes restoring and improving the urban forest (Theme B, Goal 3, Objective f).

Design Criteria

Design is an important element in this application that spans two counties. Great care was taken to ensure an appropriate and compliant design. The attached exhibit sets out more detail about the applicable design criteria.

Stakeholder Engagement

Reserve at Tates Creek HOA met with the Applicant near the Property on October 10, 2023 to discuss the project. Recently, I was able to contact a representative of Charleston Gardens HOA, provided a copy of the development plan, and have requested a meeting. We reached out to Jessamine County neighbor Bill Justice as well, but he was traveling outside the country. Further discussions or meetings with Mr. Justice are anticipated prior to subcommittee meetings on this project.

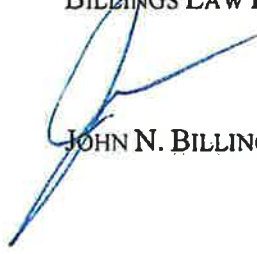
LFUCG Planning Commission
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Page 5

Summary

This is a unique project. The Applicant feels strongly that this plan satisfies both existing and future needs of the community. I look forward to presenting this application to you soon.

Sincerely,

BILLINGS LAW FIRM, PLLC

A handwritten signature in blue ink, appearing to read "John N. Billings", is written over the typed name below.

JOHN N. BILLINGS, ESQ.

Encl.

cc: Client

Exhibit

**Design Criteria for
 Enhanced Neighborhood
 (Low Density Residential)**

Site Design, Building Form, & Location	
A-DS5-3	Plan connects to existing Tykes Pass and will connect through to eventual Jessamine County development. Pedestrian connections provided.
A-DS7-1	Although not a commercial or multifamily development, parking is oriented to side and rear of dwellings where feasible.
A-DN2-1	Density will be increased from existing.
A-DN6-1	Plan provides for single-family attached units as well as single-family detached on compact lots.
B-PR9-1	Plan is designed around the existing topography to greatest extent feasible.
B-SU11-1	Plan allows for significant green space and pervious surfaces without excess parking or other paved areas.
C-PS10-3	Plan provides for adequate parking but avoids use of large parking areas.
E-GR9-4	Property is adjacent to a developed neighborhood but currently constitutes a gap between that development and the county line. This infill project will close that gap.
Transportation & Pedestrian Connectivity	
A-DS1-2	There is no current transit route serving the vicinity. If one is added in the future, the proposed pedestrian improvements will connect to the most likely routes (Tates Creek Road and Tykes Pass).
A-DS4-1	Plan contemplates connection to existing Tykes Pass and future Jessamine County development.
A-DS5-2	Plan orients buildings toward Tates Creek Road to create a vertical edge.
A-DS13-1	Plan connects to Tykes Pass stub street.
D-CO1-1	Plan includes open spaces, boulevards, and walkability to create an Enhanced Neighborhood.
D-CO2-1	Plan provides for boulevard rights-of-way, clear traffic flow, and sidewalks.
D-CO4-3	Plan reflects that placement of dwellings and rights-of-way are responsive to the site topography.
Greenspace & Environmental Health	
A-DS4-3	Plan reflects that placement of dwellings and rights-of-way are responsive to the site topography and preserve the quasi-rural nature of the land with large open spaces.
B-PR7-2	Plan shows substantial use of trees throughout resulting in improved long-term tree canopy.
B-PR7-3	Plan shows substantial use of trees throughout resulting in improved long-term tree canopy.

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B-RE1-1	Plan shows substantial use of trees throughout—especially along the rights-of-way and pedestrian areas—resulting in improved long-term tree canopy.
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145 Constitution Street
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December 11, 2023

Mr. Larry Forester, Chairman
Lexington-Fayette Urban Co. Planning Commission
200 E. Main St.
Lexington, KY 40507

Re: Supplement Supporting Zone Map Amendment at 5447 Tates Creek Road

Dear Commissioners:

It is my pleasure to represent Turner Management LLC (“Applicant”) as owner of 5447 Tates Creek Road, Lexington, KY 40515 (the “Property”). I am writing to supplement the Applicant’s justification in support of the proposed zone change from the current A-U zone to the R-3 (Planned Neighborhood Residential) zone.

1. 2045 Comprehensive Plan Goals and Objectives.

The revised preliminary development plan has removed the previously shown gates on the Property and, with the exception of a private access and utility easement serving the townhomes, will dedicate connective right-of-way to public use. These changes will **improve Lexington’s transportation network by increasing street and sidewalk connections between the proposed and existing development (Theme A, Goal #3.e)**. New pedestrian and vehicular circulation will be enabled with Tates Creek, Tykes Pass, and (in the future) Jessamine County. **This also serves development criteria A-DS13-1 (“Stub streets should be connected”).**

Likewise, these plan revisions will **improve pedestrian access to the existing neighborhood and allow for safe multimodal transport (Theme A, Goal #3.b)**. Upgraded access to the Property and adjacent parcels will have positive long-term benefits for first responder service, as well.

2. 2018 Comprehensive Plan Policies.

The revised development plan and zone change request will fulfill multiple policies of the 2018 Comprehensive Plan, including:

- **Design Policy #2**: Connecting Tykes Pass, Tates Creek, and the new public right-of-way on the Property will improve connectivity and first responder service times.
- **Design Policy #4**: This low-density development largely retains the character of the existing Property and works around its topography. The new dwellings will fit nicely with the existing adjacent homes and rural setting.
- **Design Policy #8**: Both single family attached (townhouse) and single family detached housing is proposed.
- **Design Policy #9**: The Applicant took care to preserve as much greenspace as possible, including within rights-of-way and along the corridor.
- **Design Policy #13**: The revised plan connects to the existing Tykes Pass stub and extends to a future Jessamine County connection.
- **Density Policy #1**: This low-density proposal is located on a corridor adjacent to existing developed property.
- **Equity Policy #1**: The Applicant proposes to construct additional needed housing units within the existing Urban Services Area.
- **Protection Policy #2**: The revised plan preserves and protects an existing spring, and utilizes the topography to conserve that area.
- **Protection Policy #9**: The existing topography will be preserved to the extent it is feasible to preserve the character of the Property.
- **Sustainability Policy #2**: The revised plan allows for interconnected pedestrian paths to the existing neighborhood and, in the future, to Jessamine County and nearby Brannon Crossing.
- **Restoration Policy #1**: The Applicant is preserving and improving the tree canopy, including areas where pedestrian access will be located.
- **Connectivity Policy #1-2**: The revised plan was designed to fulfill the goals of the Enhanced Neighborhood place-type, including its focus on connectivity and safe interactions.

LFUCG Planning Commission
December 11, 2023
Page 3

Summary

This is a unique project. The Applicant feels strongly that this plan satisfies both existing and future needs of the community. I look forward to presenting this application to you soon.

Sincerely,

BILLINGS LAW FIRM, PLLC



JOHN N. BILLINGS, ESQ.

Encl.

cc: Client

LEGAL DESCRIPTION

TURNER PROPERTY
Zone Change from A-U to R-3
5447 Tates Creek Road
Lexington, Fayette County, Kentucky

A TRACT OF LAND SITUATED WEST OF TATES CREEK ROAD IN LEXINGTON, FAYETTE COUNTY, KENTUCKY AND MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

BEGINNING at a point in the centerline of Tates Creek Road, said point being in line with the north property line of 5447 Tates Creek Road; thence, S 39°34'04" E for 176.22' to a point; thence, along a spiral curve having a length of 150', a spiral tangent of 675.00', a short tangent of 50.00', a long tangent of 100.00'', a spiral angle of 1° 30' and having a line from the spiral to tangent (ST) point to the curve to spiral (CS) point of S 39°04'04" E for 150.00' to a point; thence along a circular curve to the right having a radius of 2,864.79', an arc length of 1009.86' and a chord of S 27°58'09" E for 1004.64', to a point; thence, leaving said centerline S 72°07'46" W for 103.57' to a point in the right of way; thence, along the lands of Turner Management, LLC and the Fayette and Jessamine County Line N 63°18'49" W for 1385.91' to a point in The Reserve at Tates Creek, Unit 2; thence, along the lands of said property and The Reserve at Tates Creek N 50°10'26" E for 767.65' to a point in the right of way of Tates Creek Road; thence, N 50°25'56" E for 89.97' to the point of beginning, containing a gross area of 15.479 acres and a net area of 13.075 acres.



A handwritten signature in black ink, appearing to read "John D. Hill", written over the bottom right portion of the professional seal.

**TURNER MANAGEMENT, LLC
(PLN-MAR-23-00021)**

Rezone the property to establish a single-family residential development

5447 TATES CREEK ROAD

Applicant/Owner

TURNER MANAGEMENT, LLC
1002 Five Arrows
Nicholasville, KY 40356
nbillings@blfky.com (Attorney)

Application Details

Acreage:

13.075 net (15.479 gross) acres

Current Zoning:

Agricultural Urban (A-U) zone

Proposed Zoning:

Planned Neighborhood Residential (R-3) Zone

Place-type/Development Type

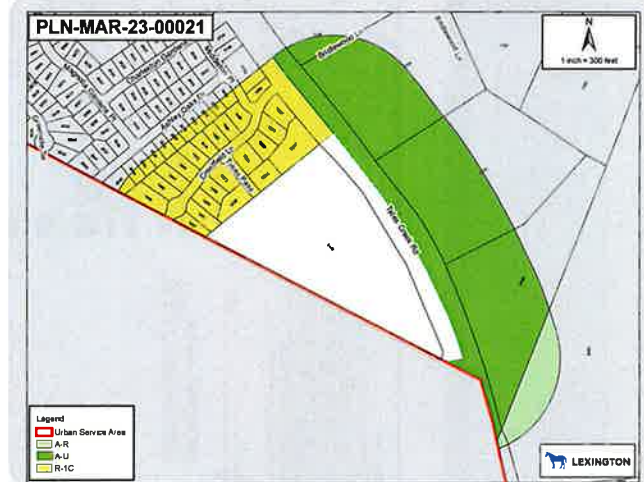
Enhanced Neighborhood

Low Density Residential

For more information about the Enhanced Neighborhood place type see Imagine Lexington pages 327-36. For more information on the Low Density Residential Development Type see page 271.

Description:

The applicant is seeking to rezone the subject property in order to construct a single-family residential development. The proposal includes 29 attached single-family residential units, and nine detached single-family residential lots. The development is proposed to connect to other single-family residential development planned in Jessamine County, to the south.



Status

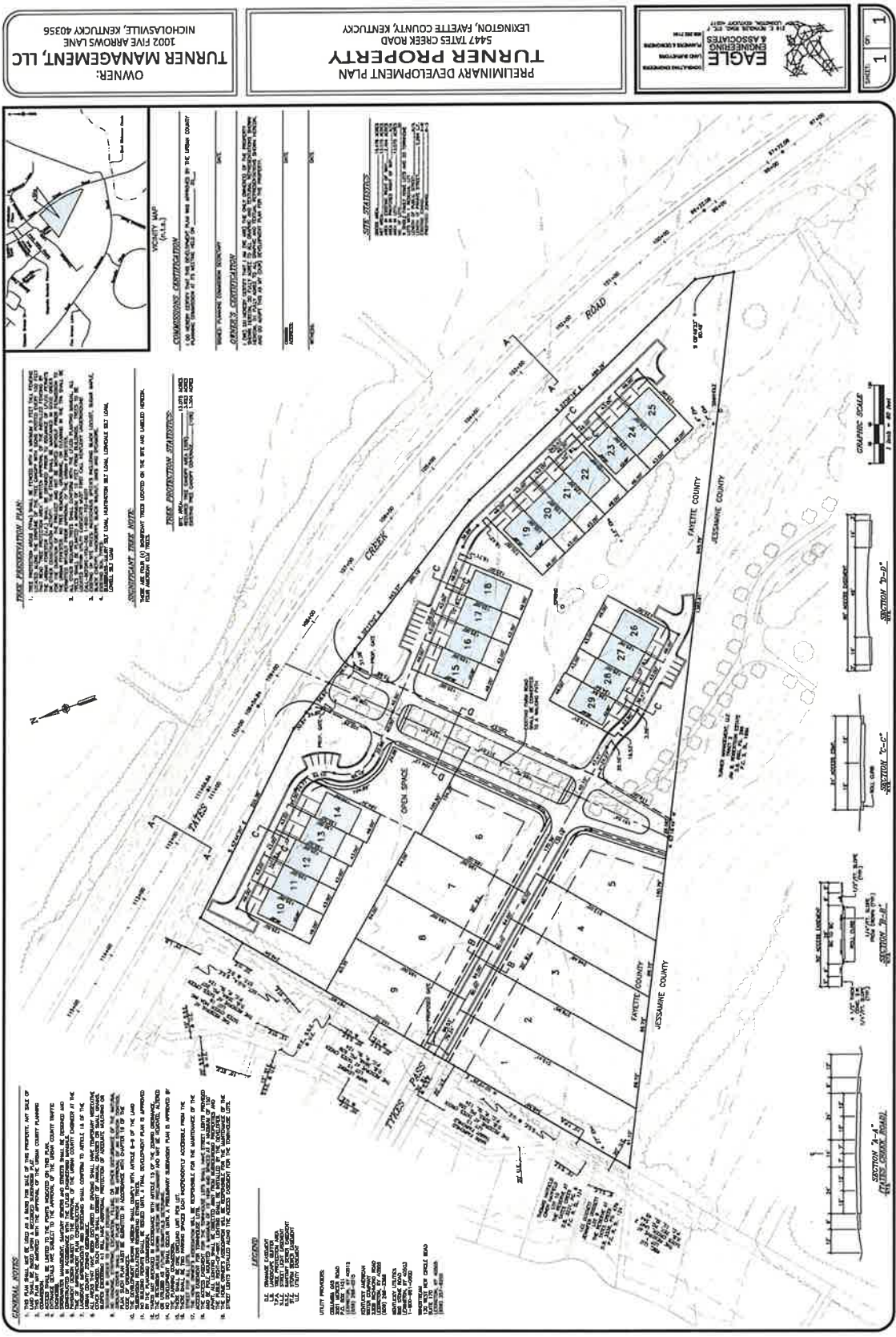
- Public Engagement
- Pre-Application Meeting
- Application Review
- Planning Staff Review
- Technical Review Committee
- Zoning/Subdivision Committee Meetings
- Planning Commission Hearing
- Urban County Council Meeting

Public Engagement

- The applicant stated they met with The Reserve at Tates Creek Homeowner's Association to discuss the proposal, and provided information to the Charleston Gardens Homeowner's Association and offered to host an additional meeting.

DISCLAIMER: Plans are subject to change. Visit the Accela Citizen Portal (lexingtonky.gov/plans) or contact Planning for the latest information.

Development Plan



OWNER:
 TURNER MANAGEMENT, LLC
 1002 FIVE ARROWS LANE
 NICHOLASVILLE, KENTUCKY 40356

PRELIMINARY DEVELOPMENT PLAN
 5447 TATES CREEK ROAD
 LEXINGTON, FAYETTE COUNTY, KENTUCKY

EAGLE ENGINEERING & ASSOCIATES, INC.
 LAND SURVEYING
 PLANNING & DESIGN
 1000 S. MAIN STREET, SUITE 100
 LEXINGTON, KY 40502
 (606) 253-1111
 www.eagle-engineering.com

DATE: 11/17/23
 SHEET: 1 OF 1

GENERAL NOTES:

- THIS PLAN IS TO BE USED AS A GUIDE FOR THE DEVELOPMENT AND CONSTRUCTION OF THE PROJECT. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND LOCAL GOVERNMENT.
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC).
- THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
- ALL UTILITIES SHALL BE DEPTH MARKED AND PROTECTED AS REQUIRED BY LOCAL ORDINANCES.
- THE DEVELOPER SHALL MAINTAIN RECORD DRAWINGS OF THIS PROJECT.
- ALL DISTURBED AREAS SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION.
- ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.
- ALL STORMWATER SHALL BE MANAGED IN ACCORDANCE WITH LOCAL ORDINANCES.
- ALL TREE REMOVALS SHALL BE IN ACCORDANCE WITH LOCAL ORDINANCES.
- ALL UTILITIES SHALL BE DEPTH MARKED AND PROTECTED AS REQUIRED BY LOCAL ORDINANCES.
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- ALL STORMWATER SHALL BE MANAGED IN ACCORDANCE WITH LOCAL ORDINANCES.
- ALL TREE REMOVALS SHALL BE IN ACCORDANCE WITH LOCAL ORDINANCES.
- ALL UTILITIES SHALL BE DEPTH MARKED AND PROTECTED AS REQUIRED BY LOCAL ORDINANCES.

COMMISSIONER'S CERTIFICATION:
 I, _____, Commissioner of the Board of Planning and Zoning, do hereby certify that the above described project complies with the provisions of the Comprehensive Zoning Ordinance, as amended, of Fayette County, Kentucky.

APPROVED: _____
 DATE: _____

APPROVED: _____
 DATE: _____

LEGEND:

- 1" = 10' - 1" SCALE
- 2" = 10' - 2" SCALE
- 3" = 10' - 3" SCALE
- 4" = 10' - 4" SCALE
- 5" = 10' - 5" SCALE
- 6" = 10' - 6" SCALE
- 7" = 10' - 7" SCALE
- 8" = 10' - 8" SCALE
- 9" = 10' - 9" SCALE
- 10" = 10' - 10" SCALE
- 11" = 10' - 11" SCALE
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- 24" = 10' - 24" SCALE
- 25" = 10' - 25" SCALE
- 26" = 10' - 26" SCALE

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-23-00021: TURNER MANAGEMENT, LLC

DESCRIPTION OF ZONE CHANGE

Zone Change	From an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone
Acreage:	13.075 net (15.479 gross) acres
Location:	5447 Tates Creek Road

EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	A-U	Agricultural
To North	A-U	Single Family Residential
To East	A-U	Single Family Residential
To South	N/A	Jessamine County Border
To West	R-1C	Single Family Residential



URBAN SERVICE REPORT

Roads - Tates Creek Road (KY 1974) is a six-lane major arterial roadway that connects Jessamine County to downtown Lexington. The subject property is located along Tates Creek Road near its intersection with E. Brannen Road. Tykes Pass is a two-lane local street that serves the residential development in the Charleston Gardens neighborhood, and stubs into the subject property along its northwestern side.

Curb/Gutter/Sidewalks - Tates Creek Road lacks curb, gutter, or sidewalk facilities, which is typical of many state roadways where development has not yet occurred. The applicant is proposing internal sidewalk connections that will lead to Tates Creek Road, but no sidewalk facilities are proposed along the Tates Creek Road frontage. Tykes Pass contains curb, gutter, and sidewalks.

Storm Sewers - The subject property is located within the West Hickman watershed. No floodplain has been identified in the immediate area, although there have been reports of stormwater issues in the area.

Sanitary Sewers - The subject property is located in the West Hickman watershed, which is served by the West Hickman Wastewater Treatment Plant, located in northern Jessamine County. A collection line runs along the south and eastern portions of the property, connecting to an existing pump station to the north. Sanitary sewer capacity will need to be verified by the Capacity Assurance Program (CAP) prior to certification of the final development plan.

Utilities - All utilities, including natural gas, electric, water, phone, cable television, and internet are available in the area, and are available to serve the proposed development.

Refuse - The Urban County Government serves this area with refuse collection on Mondays.

Police - The nearest police station is located approximately 1 1/2 miles to the northwest of the subject property, at the recently constructed East Sector Roll Call Center (Police Sector 3) at the intersection of Saron Drive and Clearwater Way.

Fire/Ambulance - The nearest fire station to the subject property is Station #22, located approximately a 1 1/2 miles to the northwest on Clearwater Drive, between Saron Drive and Tates Creek Road.

Transit - Currently, there is no transit service within the immediate vicinity of the subject property.

Parks - The closest park to the subject property is Veteran's Park, which is located approximately 1.15 miles to the northwest of the subject property.

SUMMARY OF REQUEST

The applicant is seeking a zone change from the Agricultural Urban (A-U) zone to the Planned Neighborhood Residential (R-3) zone in order to establish a single-family residential development, with a mixture of detached and attached dwellings.

PLACE-TYPE

ENHANCED NEIGHBORHOOD
The Enhanced Neighborhood Place-Type is an existing residential area to be enhanced with additional amenities, housing types, and neighborhood-serving retail, services, and employment options. Development should be context-sensitive to surrounding areas and should add to the sense of place. Incorporating multi-modal connections is crucial to neighborhood success and viability.

DEVELOPMENT TYPE

LOW DENSITY RESIDENTIAL
Primary Land Use, Building Form, & Design
Primarily attached and detached single-family homes of varying formats, including accessory dwelling units. Homogeneous neighborhoods that do not include a mix of housing types should be avoided. Low density residential is only appropriate as a component of “Enhanced Neighborhoods” and “New Complete Neighborhoods”, and should be supplemented by a variety of uses and housing options to create sustainable places.
Transit Infrastructure & Connectivity
Multi-modal network connections, including connected streets, are required to keep an efficient transportation network that provides viable options for all users.
Quality of Life Components
These developments should include intentional open space designed to fit the needs of area residents, and be in walking distance of nearby neighborhood-serving commercial/employment uses.

PROPOSED ZONING



The intent of this zone is to provide for medium density mixed residential development, including multi-family dwellings, group residential housing, compact housing types, attached and detached single family dwellings, and supporting uses. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population. This zone should provide a variety of housing options rather than a single type. The medium density residential uses should be located along local and collector streets, with lower density residential uses located along local streets. Adequate multi-modal connections should be available to all residents, so to allow for long term viability and incremental growth. Low and Medium density residential land uses should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan

PROPOSED USE



The applicant is seeking to develop a single family residential development that includes a total of 29 townhome units, and 9 detached single family residential lots at a density of 2.82 dwelling units per acre. The units are proposed to be oriented towards centralized open space, near the center of the property. The lots are currently proposed to front along private access easements, which are proposed to be gated where they connect to the public roads at Tykes Pass and Tates Creek Road. The southern portion of this development features a connection to future large lot single-family residential development anticipated in the Jessamine County portion of the property. The use will be connected internally with a sidewalk network that will connect to the existing network along Tykes Pass, and extend out to Tates Creek Road.

APPLICANT & COMMUNITY ENGAGEMENT



According to the letter of justification and supplemental information provided by the applicant, the applicant has reached out to several local neighborhood associations to discuss the proposal. The applicant met with the Reserve at Tates Creek HOA on October 10, 2023. The applicant provided information about the development plan to a representative for the Charleston Gardens Home Owner's Association, but a meeting to discuss the proposal was not requested by the neighborhood. The applicant indicates that in the conversations with the surrounding neighborhoods there were initial concerns voiced regarding traffic management and the proposed type of development, but that those concerns were addressed within their respective meetings.

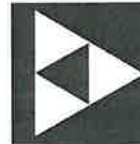
PROPERTY & ZONING HISTORY



The subject property is part of a larger parcel that is bisected by the Jessamine and Fayette County line. The property has historically been utilized as a horse farm, and was added to the Urban Service Area in 1967. At that time, the property remained agriculturally zoned.

The portions of the subject property that are located within Fayette County include pasture space, and an access drive that leads to a single-family residence and a large agricultural structure located in the Jessamine County portion of the property.

COMPREHENSIVE PLAN COMPLIANCE



GOALS AND OBJECTIVES

The 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.

The applicant indicates that the proposed rezoning and the associated development are in agreement with the adopted Goals and Objectives of the 2045 Imagine Lexington Comprehensive Plan. They opine that by introducing attached townhome units in a predominately single-family residential area, they are adding density and increasing the variety of housing options (Theme A, Goal #1.b). The applicant also contends that the increase in density generated by introducing attached residential development is still compatible with the character of the surrounding area (Theme A, Goal #2.b). These units will be oriented towards large areas of preserved open space that will act as a focal point for the development (Theme A, Goal #2.c). Finally, the applicant indicates that the request will activate and more effectively use underutilized land within the Urban Service Area (Theme E, Goal #1.e & 1.f).

While staff agrees with these aspects of the applicant's proposal, the applicant should address the following Goals and Objectives of the Imagine Lexington 2045 Comprehensive Plan:

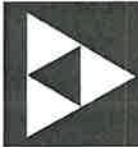
Strive for positive and safe social interactions in neighborhoods, including, but not limited to neighborhoods that are connected for pedestrians and various modes of transportation (Theme A, Goal #3.b); Improve Lexington's transportation network through ample street and sidewalk connections between new and existing development (Theme A, Goal #3.e).

Staff's primary concerns with the proposed rezoning application relate to the proposed roadway and pedestrian network. The development is serviced by a proposed gated private access easement rather than a conventional public or private roadway. Tykes Pass, a public road, is stubbed into the subject property, and was intended to provide for connectivity between future development on the subject property and the existing residential neighborhoods to the northwest. While the applicant is intending to utilize the adjoining public streets to access the development, the applicant proposes to limit the ability of the surrounding neighborhoods to cross-utilize their development. The applicant's proposal to include a gate feature at both entrances to the development are out of context with the surrounding area, which is characterized by single-

family residential development featuring public streets and no gated features. The Comprehensive Plan, as well as the Land Subdivision regulations, call for making more meaningful connections to these roadways. Rather than encourage connectivity, the proposed gate acts as a barrier, limiting the social interaction between the proposed development and the un-gated neighborhoods at Charleston Gardens, The Reserve at Tates Creek, and Federal Place.

POLICIES

The letter of justification submitted by the applicant did not include a discussion of the policies of the 2018 Comprehensive Plan. The applicant should provide further information regarding the policies of the plan that are being met with this request.



PLACE TYPE, DEVELOPMENT TYPE, AND ZONE

In an effort to allow for the greatest contextual development of Lexington's Urban Service Area, applicants are asked to identify a Place-Type based on the location of the subject properties. Within each Place-Type there are recommended Development Types based on the form and function of the proposed development. Based on the Place-Type and Development Type there are also several recommended zones that are most appropriate based on the Goals, Objectives, and Policies of the Comprehensive Plan. While these zones are the ideal zoning categories to develop within a specified area, other zones may be considered, provided there is an appropriate justification addressing the unique situation and provided the development is able to adequately meet the associated Development Criteria.

The applicant indicates that the project is located within the Enhanced Neighborhood Place-Type and is a Low Density Residential Development Type. The Enhanced Neighborhood Place-Type is an existing residential area to be enhanced with additional amenities, housing types, and neighborhood serving retail, services, and employment options. The Low Density Residential Development Type primarily consists of attached and detached single-family homes of varying formats, including accessory dwelling units. This Development Type should create context-sensitive neighborhoods and should be supplemented by a variety of uses and housing options to create sustainable places. The staff agrees that the subject property is located adjacent to an established neighborhood and the proposed development would provide a context-sensitive addition to the housing stock present in the area. The staff agrees that the Enhanced Neighborhood Place-Type and the Low Density Residential Development Type are appropriate for the subject property.

The Planned Neighborhood Residential (R-3) zone is a recommended zone for the applicant's chosen Place-Type and Development Type, and provides an avenue for increased residential density if the property is redeveloped in the future. Staff agrees that the Planned Neighborhood Residential (R-3) zone can be appropriate at this location.

DEVELOPMENT CRITERIA

The criteria for a zone change are the distillation of the adopted Goals and Objectives, as well as the policies put forth in the 2018 Comprehensive Plan. The criteria for development represent the needs and desires of the Lexington-Fayette Urban County community in hopes of developing a better built environment. The applicable criteria are defined based on the proposed Place-Type and Development Type.

1. Site Design, Building Form and Location

Staff finds that the request meets the criteria for Site Design, Building Form and Location, as the proposal increases the density of development on an underutilized lot, avoids over parking, avoids environmentally sensitive areas, and orients the development around a central open space.

2. Transportation and Pedestrian Connectivity

While the proposal meets several of the criteria for Transportation and Pedestrian Connectivity, one criteria warranted further discussion:

A-DS13-1 Stub Streets should be connected;

Under the applicant's current proposal, the public road Tykes Pass which stubs into the subject property would not be continued with a public road, but rather a gated access easement. The Land Subdivision Regulations, Comprehensive Plan, and Development Criteria call for meaningful and functional connections between developments. While the applicant may seek a waiver from the Planning Commission to allow for the use of a private access easement in lieu of a public roadway, this proposal does not meet the intent of connectivity behind those provisions, nor is a gated roadway in agreement with the Comprehensive Plan. The applicant should review their design to allow for more meaningful connectivity between developments.

3. Greenspace and Environmental Health

The proposal meets the requirements for Greenspace and Environmental Health, as the rezoning works with the current landscape, preserves the existing spring and environmentally sensitive areas, will maintain existing mature trees, and will also work to increase the tree canopy.

STAFF RECOMMENDS: POSTPONEMENT, FOR THE FOLLOWING REASONS:



1. The application as submitted does not adequately address the following Goals and Objectives of the 2045 Comprehensive Plan:
 - a. Improve Lexington's transportation network through ample street and sidewalk connections between new and existing development (Theme A, Goal #3.e).
 - b. Strive for positive and safe social interactions in neighborhoods, including, but not limited to neighborhoods that are connected for pedestrians and various modes of transportation (Theme A, Goal #3.b).
2. The application does not provide any information relating to the policies of the 2018 Comprehensive Plan that are being met with this request.
3. The zone change application for the subject property, as proposed, does not completely address the development criteria for a zone change within the Enhanced Neighborhood Place-Type, and the Low Density Residential Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. A-DS13-1 Stub Streets should be connected.

3. TURNER MANAGEMENT, LLC ZONING MAP AMENDMENT AND GDK FARM, LLC (TURNER PROPERTY) DEVELOPMENT PLAN

- a. PLN-MAR-23-00021: TURNER MANAGEMENT, LLC (3/5/24)* – a petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, 13.075 net (15.479 gross) acres for property located at 5447 Tates Creek 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.

The applicant is seeking to develop a single-family residential development that includes a total of 29 townhome units, and 9 detached single family residential lots at a density of 2.82 dwelling units per acre. The units are proposed to be oriented towards centralized open space, near the center of the property. The lots are currently proposed to front along private access easements, which are proposed to be gated where they connect to the public roads at Tykes Pass and Tates Creek Road. The southern portion of this development features a connection to future large lot single-family residential development anticipated in the Jessamine County portion of the property. The use will be connected internally with a sidewalk network that will connect to the existing network along Tykes Pass, and extend out to Tates Creek Road.

The Zoning Committee Recommended: Postponement.

The Staff Recommends: Postponement, for the following reasons:

1. The application as submitted does not adequately address the following Goals and Objectives of the 2045 Comprehensive Plan:
 - a. Improve Lexington's transportation network through ample street and sidewalk connections between new and existing development (Theme A, Goal #3.e).
 - b. Strive for positive and safe social interactions in neighborhoods, including, but not limited to neighborhoods that are connected for pedestrians and various modes of transportation (Theme A, Goal #3.b).
 2. The application does not provide any information relating to the policies of the 2018 Comprehensive Plan that are being met with this request.
 3. The zone change application for the subject property, as proposed, does not completely address the development criteria for a zone change within the Enhanced Neighborhood Place-Type, and the Low Density Residential Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. A-DS13-1 Stub Streets should be connected.
- b. PLN-MJDP-23-00074: GDK FARM, LLC PROPERTY (TURNER PROPERTY) (3/5/24)* - located at 5447 TATES CREEK ROAD, LEXINGTON, KY
Council District: 12
Project Contact: Eagle Engineering

Note: The purpose of this plan is to depict the proposed development of the site, in support of the requested zone change from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone.

Note: The applicant submitted a revised plan on December 4, 2023. Based on that submittal, staff can offer the following revised conditions.

The Staff Recommends: Approval, subject to the following conditions:

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

1. Provided the Urban County Council approves the zone change to R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Urban Forester's approval of tree preservation plan.
5. Greenspace planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval if environmentally sensitive areas.
7. Denote: Access to Tates Creek Road shall be resolved at time of Preliminary Subdivision Plan/Final Development Plan.
8. Submit TIM (tree inventory map) per Articles 21 and 26 requirements.
9. Denote stormwater detention area shall be determined at time of Preliminary Subdivision Plan/Final Development Plan.
10. Denote timing of sanitary sewer improvements relative to pump station capacity shall be determined at time of Preliminary Subdivision Plan/Final Development Plan.
11. Discuss use of access easements for detached single family dwellings per Article 6-8(m) of the Land Subdivision Regulations.
12. Discuss Placebuilder criteria.

Staff Presentation – Mr. Daniel Crum presented the staff report and recommendation for the zone change application. He displayed photographs of the subject property and the general area. He stated that the applicant was seeking a zone map amendment from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, 13.075 net (15.479 gross) acres for property located at 5447 Tates Creek Road. The applicant is seeking to build a single family residential development with the Enhanced Neighborhood Place-Type and the Low Density Residential Development Type. Mr. Crum indicated that based on the applicant's location, both the Place-Type and Development Type are appropriate.

Mr. Crum showcased the development plan and identified the townhomes and single family residential lots that the applicant proposes to develop the extension of Tykes Pass, detailed how the request is keeping the natural features intact, and minimizing parking. Additionally, Mr. Crum stated that the applicant had done significant outreach, and had not heard any opposition to the application.

Mr. Crum concluded his presentation by stating that Staff was recommending approval and could answer any questions from the Planning Commission.

Development Plan Presentation – Mr. Tom Martin oriented the Planning Commission to the location and characteristics of the subject property. Mr. Martin stated that the applicant is intending to extend Tykes Pass further for the neighborhood that will intersect with Tates Creek Road. Mr. Martin highlighted the location of a sinkhole, and a natural spring where stormwater will likely run to. Mr. Martin noted a change from a previous development plan that included a gate into the neighborhood, but stated that was removed and the previous proposed access easements are now proposed to be the public streets. Additionally, Mr. Martin stated that the pump station near the development might have to be moved, and that is a significant engineering question that would be addressed at the next stage of the development process.

Mr. Martin concluded his presentation by stating that Staff was recommending approval and could answer any questions from the Planning Commission.

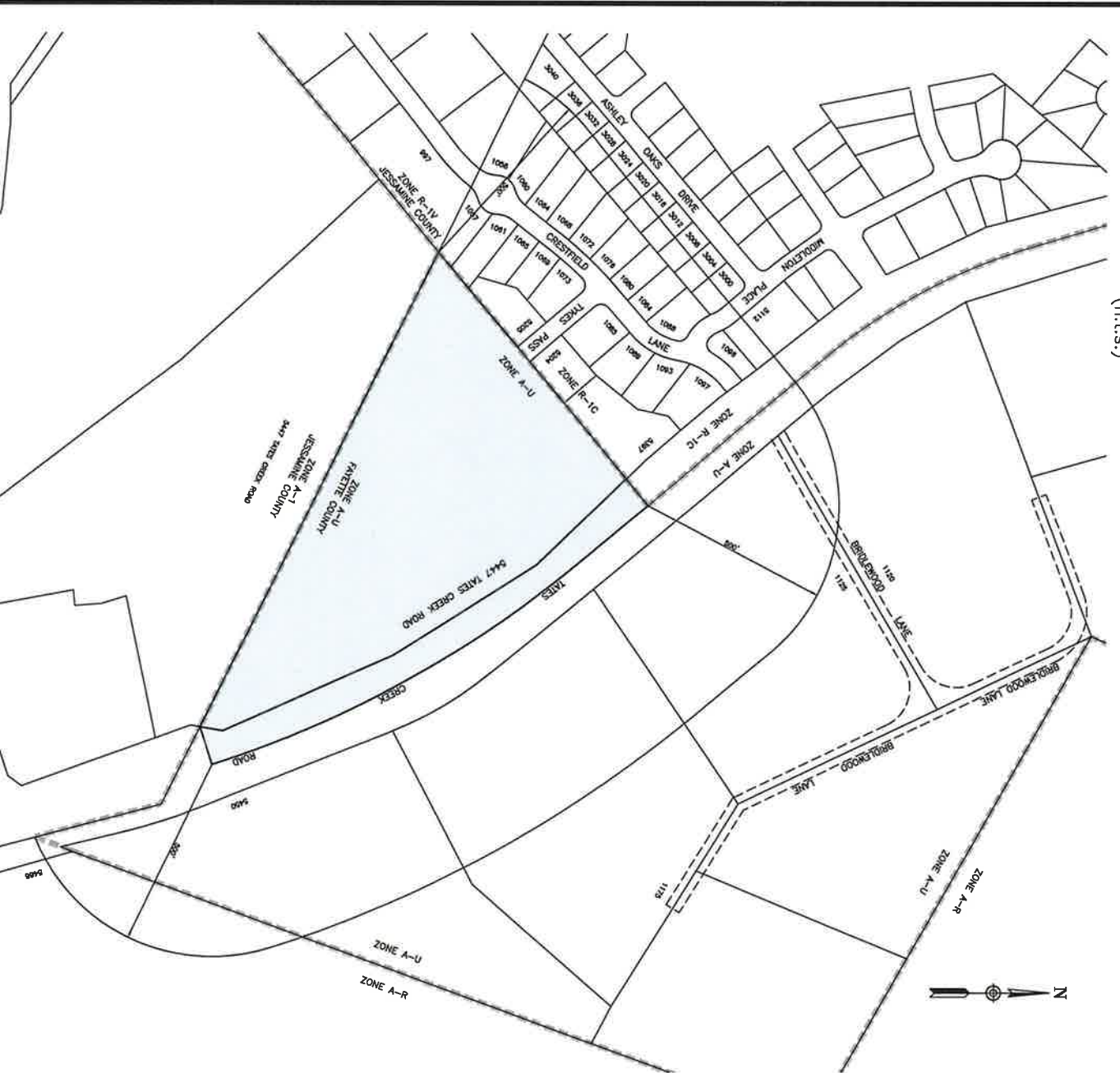
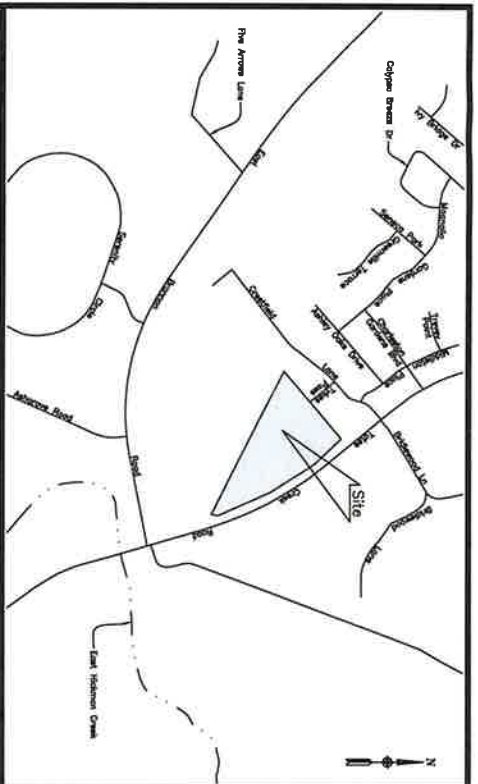
Commission Questions – Mr. Wilson asked if condition #12 had been fulfilled, and Mr. Martin indicated that it had.

Applicant Representation – Mr. Nathan Billings, attorney for the applicant, stated that the applicant was in agreement with Staff's revised staff report, and could answer any questions from the Planning Commission. Additionally, Mr. Billings informed Mr. Owens that growing tobacco was no longer viable on this property, addressing a question Mr. Owens asked at the subdivision committee meeting.

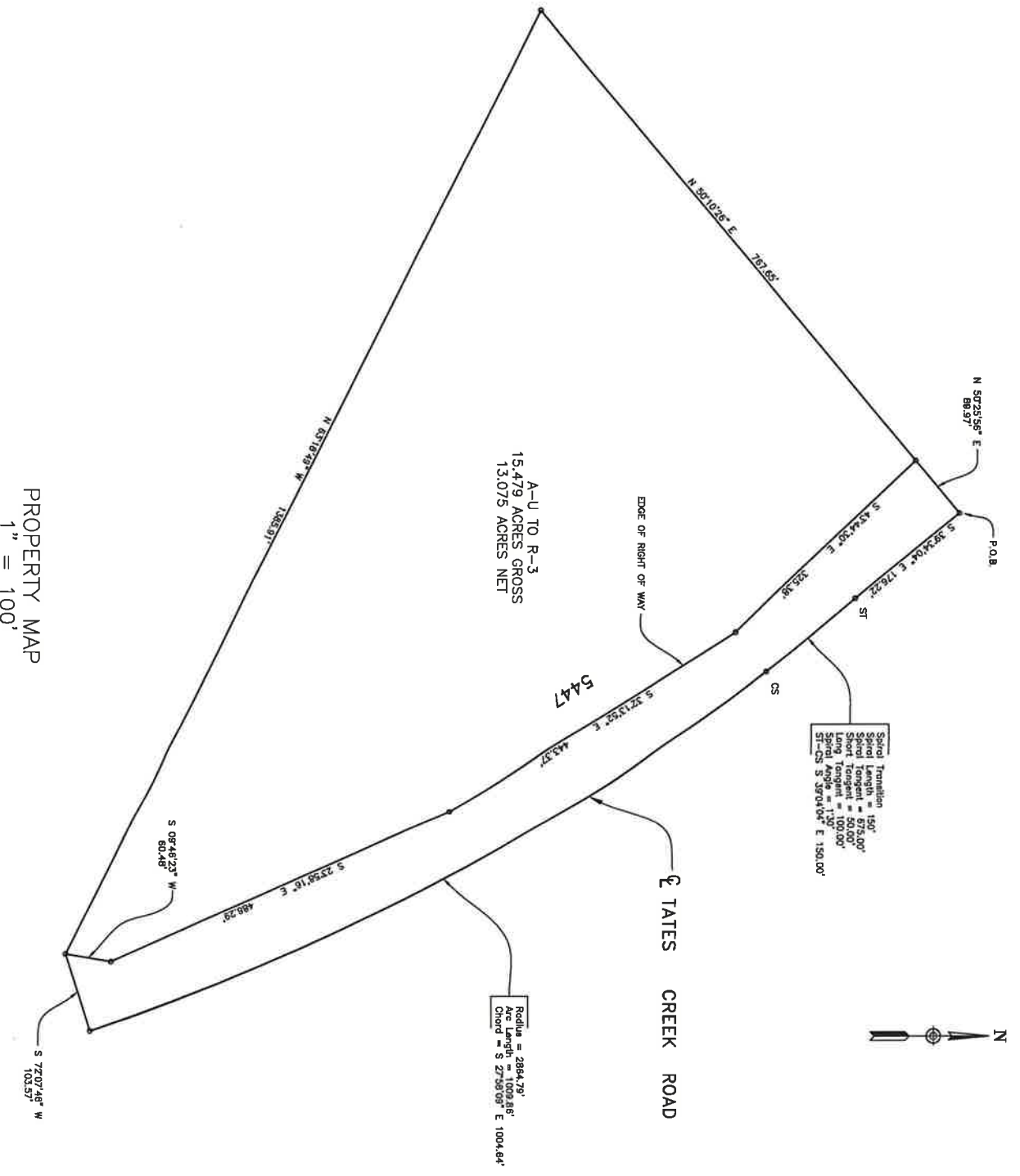
Action – Ms. Meyer made a motion, seconded by Mr. Owens, and carried 9-0 (Davis absent), to approve PLN-MAR-23-00021: TURNER MANAGEMENT, LLC as recommended by Staff.

Action – Ms. Meyer made a motion, seconded by Mr. Owens, and carried 9-0 (Davis absent), to approve PLN-MJDP-23-00074: GDK FARM, LLC PROPERTY (TURNER PROPERTY) with the 10 conditions recommended by Staff, deleting conditions #11 and #12.

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



NOTIFICATION MAP
1" = 200'



ZOMAR: A-U TO R-3	FROM	TO	GROSS	NET
TITLE: PLN-MAR-23-00021 Turner Management, LLC	A-U	R-3	15.479 AC	13.075 AC
PROPERTY ADDRESS: 5447 TATES CREEK ROAD				
OWNER/APPLICANT: TURNER MANAGEMENT, LLC 1002 FIVE ARROWS LANE NICHOLASVILLE, KY 40356				
PREPARED BY: EAGLE ENGINEERING & ASSOCIATES				
DATE PREPARED: OCTOBER 11, 2023	TOTAL		15.479 AC	13.075 AC