

**1. COWGILL PARTNERS LP ZONING MAP AMENDMENT & COWGILL PARTNERS, L.P. PROPERTY (MEADOWCREST) ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-18-00014: COWGILL PARTNERS LP (9/3018)\*- petition for a zone map amendment from an Agricultural Rural (A-R) zone to an Economic Development (ED) zone, for 85.54 net (102.41 gross) acres, for property located at 2550 Winchester Rd.

**COMPREHENSIVE PLAN AND PROPOSED USE**

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. In addition, the Plan encourages a mixture of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

The Implementation chapter of the 2013 Comprehensive Plan also recommends an Expansion Area ED Land Development Study (page 117), that is, a comprehensive assessment of the barriers to development within Economic Development (ED) zone. The Goals and Objectives of the 2018 Comprehensive Plan address Growing Successful Neighborhood (Theme A); Protecting the Environment (Theme B); Creating Job and Prosperity (Theme C); Improving a Desirable Community (Theme D); and Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land (Theme E).

The subject property is located within the Expansion Area, more specifically Subarea 2A. The adopted 1996 Expansion Area Master Plan, which continues to be implemented as part of the 2013 Comprehensive Plan, recommends Economic Development (ED) future land use for the subject property. The petitioner proposes to develop this property with a mixture of commercial land uses as well as supportive uses. The petitioner is rezoning the property in order to construct an assisted living and nursing home facility, termed a continuous care retirement community, which is a principal permitted use in the ED zone.

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

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

1. The requested Economic Development (ED) zone is in agreement with the 2013 Comprehensive Plan, the recently adopted 2018 Plan's Goals and Objectives, and the 1996 Expansion Area Master Plan (EAMP), for the following reasons:
  - a. The EAMP recommends Economic Development (ED) future land use for the subject property, which is the primary employment land use in the Expansion Area. The applicant has requested Economic Development (ED) zoning for the subject property, in agreement with the Plan's recommendation.
  - b. The 2013 Comprehensive Plan's Goals and Objectives recommend creating prosperity and jobs (Theme C), and more specifically, to "foster the success and growth of large employment sectors; protect and provide readily available economic development land to meet the needs for jobs; and enable infill and redevelopment that creates jobs where people live" (Goal #2d.). The subject property will allow for potential economic development opportunities with easy access to the interstate corridor within the Lexington-Fayette, as envisioned by the EAMP.
  - c. The 2013 Comprehensive Plan also recommends there be a supply of "jobs infrastructure" ready for development in a variety of manners (pg 72), including office, industrial and healthcare, all of which can be accommodated by the proposed Economic Development zone. The proposed rezoning will allow community services on 20 acres and work to create "shovel ready" economic development land for the remaining 65 acres. Infrastructure will be constructed to serve the immediate area to allow the land to be readily available for future development.
  - d. The proposed rezoning upholds the Urban Service Area concept, and encourages development of underutilized and/or vacant property within the current boundary (Theme E, Goal #1). The subject property was added to the Urban Service Area in 1996, but has remained undeveloped.
  - e. The 2013 Comprehensive Plan encourages providing accessible community facilities and services to meet the health, safety and quality of life need of residents and visitors, alike (Theme D, Goal #2). Additionally, the 2018 Goals and Objectives recommend prioritizing the success and growth of strategically-targeted employment sectors, including healthcare (Theme C, Goal #2). The proposed continuous care retirement community offers a unique opportunity for healthcare-related employment, and the provision of accessible community facilities to meet the needs of the residents of Lexington-Fayette County at the same time.
2. This recommendation is made subject to approval and certification of PLN-MJDP-18-00057: Cowgill Partners, L.P. 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.

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

- b. PLN-MJDP-18-00057: COWGILL PARTNERS, L.P. PROPERTY (MEADOWCREST) (9/30/18)\* - located at 2550 WINCHESTER ROAD, LEXINGTON, KY. (Carman)

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

1. Provided the Urban County Council rezones the property ED; 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 development of Lots 1-8 & 10-14 until a Final Development Plan is approved.
8. Delete extraneous lines on face of plan.
9. Correct site statistics.
10. Resolve the proposed access easement for Lots 1-8 and required service road at the time of the Final Development Plan.
11. Resolve proposed right-in/right-out from Winchester Road and improvements to Winchester Road at the time of the Final Development Plan.

Staff Zoning Presentation – Ms. Wade presented the staff report and recommendations for the zone change. She displayed photographs of the subject property and aerial photographs of the general area. She said that subject property is located within Expansion Area 2A, which was adopted as part of the 1996 Expansion Area Master Plan (EAMP). She said that this is also within an area recommended for the Economic Development (ED) land use, which is for more than 150 acres in this area. She said that a large portion of this area was rezoned for Baptist Health. She said that recently the ED zone was updated to accommodate additional uses, as well as to reduce barriers for development, resulting in an increased number of principal permitted uses.

Ms. Wade said that the applicant is proposing the zone change for 20 acres of the 87-acre site, an assisted living and nursing home facility (continuous care retirement community), which is a principal permitted use in the ED zone. She said the 2013 Comprehensive Plan identified that economic development is an important aspect for our community and emphasized the need for jobs, infrastructure and shovel ready economic development land. She said that the Goals and Objectives that relate to employment include: improving prosperity and jobs; fostering the success of large employment sectors; providing accessible community facilities to meet health, safety, and quality of life needs of visitors and residents; upholding the Urban Service Area Boundary concept; and encouraging the development of underutilized and/or vacant properties.

Ms. Wade said that the applicant opined that this application was in agreement with the 2013 Comprehensive Plan and several of the Goals & Objectives from the 2018 Comprehensive Plan, and the 1996 Expansion Area Master Plan. She said the staff and the Zoning Committee agrees that the requested Economic Development (ED) zone is in agreement with the 2013 Comprehensive Plan, the 2018 Comprehensive Plan's Goals and Objectives, as well as the adopted 1996 Expansion Area Master Plan for the subject property, and recommended approval to the full Planning Commission.

Development Plan Presentation – Mr. Martin presented a rendering of the preliminary development plan associated with this zone change. He said that the applicant is proposing an internal local street and access to Winchester Road. He said that the lots will vary in size from one acre up to 14 acres, none of which will be developed until there is a Final Development Plan. He said that this property has been identified in the Expansion Area Master Plan associated with a regional stormwater management plan, and some environmentally sensitive areas also exist on the site. He said that a sinkhole has been identified, which will be addressed in full at the time of the Final Development Plan. At that time, reports will need to be submitted on how the application complied with the Expansion Area Master Plan.

Mr. Martin said that Polo Club Boulevard access points have already been approved on a Final Development Plan and no additional access is permitted onto Polo Club Boulevard. He said that access to Winchester Road will be resolved at the time of the Final Development Plan. He said that staff is concerned with the access to Winchester Road. He said the applicant is proposing a right-in/right-out and staff's concern is safety where there is not a median located across from those areas. He said that a traffic signal will eventually be placed at Winchester Road and Polo Club Boulevard. He said the applicant has resolved the staff's concern of the connection to Hamburg, underneath the interstate with a note. He said that the staff is recommending approval of this plan.

Traffic Impact Study – Max Conyers presented the traffic study associated with this zone change. He said that most of the staff's concerns have been resolved. He displayed a graphic of the existing signalized locations and proposed right-in/right-out, on Winchester Road. He displayed the proposed Sir Barton Way/Polo Club Boulevard connector project road, which was recommended from the 2016 Man o' War Blvd./I-75 Congestion Study.

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Mr. Conyers said that the staff agrees with the need for signalization and that they prefer the applicant's connection underneath the interstate to connect to the internal road, which would distribute traffic more evenly throughout the area. He said that in regards to the right-in/right-out, the applicant is proposing to close the median in front of this access point, and the staff agreed. He said that the applicant will note on their plan that the right-out will be further discussed at the time of the final development plan. He said that the resident to the north of the subject property has an opening in the median to access their property. He said that during peak times, the traffic demand will be traveling west into Lexington, which will mean making a U-turn at the nearest access. Furthermore, he stated that the staff believes that it will be very dangerous to make the turn because Winchester Road has a high level of heavy (large) vehicles and there isn't a deceleration lane at this location. He said that the staff believes that the right-in/right-out will operate properly if the access is closed and moved further to the east, at Polo Club Boulevard.

Mr. Conyers said that safety is the priority. He said that the staff recommends removing the right-in/right-out at this time, but to leave the note that it be discussed at the time of the Final Development Plan.

Commission Question – Ms. Mundy asked for clarification regarding the connection underneath the interstate. She believes that there is a sinkhole and floodplain at that location. Mr. Conyers said that the alignment is preliminary and will need to be designed by the developer and the engineers. Ms. Mundy asked if this connection has been confirmed. Mr. Conyers said that it has not been confirmed at this time.

Mr. Berkley asked if the staff's recommendations of relocating the median, installing the traffic signal, and the proposed tunnels; could be made exactable items. Mr. Duncan said that Winchester Road is not part of the beneficiary of the exactions, therefore these improvements cannot be subject to exactions. Mr. Duncan added that the proposed tunnel would best be accomplished when the interstate was being widened, then the cost would be covered by the interstate improvements and not by the developer. Mr. Conyers said that the 2016 Man o' War Blvd./I-75 Congestion Study also suggested construction of an auxiliary lane from Winchester Road to Man o' War Blvd.

Applicant Presentation – Mr. Jacob Walbourn, attorney representing the petitioner, said that the applicant is in agreement with the staff's recommendations. He said the applicant uses the term a "continuous care retirement community" to mean an assisted living and nursing home facility. He said that this facility will have independent living units up through the skilled memory care facilities.

Mr. Walbourn said that regarding the development plan, the access easements on the plan did show curb and gutter. He said that these will be constructed to Urban County standards because of the amount of traffic they may carry. He said that this will be resolved at the time of the Final Development Plan, because at this time, the lotting patterns are preliminary. He said that the tunnel is near a drainage area on the property and more work will need to be completed to determine the appropriate location. He said that he has spoken with the Kentucky Transportation Cabinet, who has jurisdiction over Winchester Road, and they remain open to the proposed right-in/right-out. He said that there are significant improvements and alterations that will need to be made to Winchester Road as this project is developed. He said that the applicant is committed to evaluating the appropriateness of the right-in/right-out when the Final Development Plan is submitted. He asked the Planning Commission to approve the development plan with the notation that access to Winchester Road be resolved at the time of the Final Development Plan.

Commission Question – Ms. Plumlee asked how many employees would be needed at this facility. Mr. Walbourn said it will employ more than 80 people and could be phased as it gets developed. He said that it will be a wide range of jobs from grounds keepers to highly trained doctors and nurses. He said that it could be a total of 150-200 employees, approximately 80 people per shift. Ms. Wade said that the applicant didn't specify a number of proposed jobs in their justification statement, but according to the development plan, the staff report indicated a minimum of 80 employees would be working on the maximum shift.

Citizen Comment – There were no citizens present to speak to this application.

Zoning Action – A motion was made by Mr. Owens, seconded by Mr. Forester, and carried 8-0 (Penn absent) to approve PLN-MAR-18-00014: COWGILL PARTNERS LP, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Owens, seconded by Mr. Forester, and carried 8-0 (Penn absent) to approve PLN-MJDP-18-00057: COWGILL PARTNERS, L.P. PROPERTY (MEADOWCREST), for the reasons provided by the staff.