

1. LEES 2826, LLC ZONING MAP AMENDMENT & SEBASTIAN PROPERTY, UNIT 3 (AMD) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-18-00016: LEES 2826, LLC (11/4/18)*- a petition for a zone map amendment from a Single Family Residential (R-1D) zone to a Planned Neighborhood Residential (R-3) zone, for 12.58 net (13.83 gross) acres, for property located at 2826 Leestown Road.

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 Plan's 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 mix 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 petitioner proposes a rezoning to the Planned Neighborhood Residential (R-3) zone in order to allow for greater flexibility in lot sizes for single-family residences. The future development seeks to continue construction of single-family residential dwellings, with lot sizes varying from approximately 42 feet to 48 feet. By modifying the frontages of the single-family lots, the petitioner will increase the number of proposed lots from 45 to 63.

The Zoning Committee Recommended: Approval to the full Commission.

The Staff Recommends: Approval, for the following reasons:

1. The Planned Neighborhood Residential (R-3) zone is in agreement with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
 - a. The Goals and Objectives of both the 2013 and 2018 Comprehensive Plans prioritize a mix of housing types and densities (Theme A, Goal #1), and recommend supporting infill and redevelopment (Theme A, Goal #1.b. and Goal #2, and Theme E, Goal #1).
 - b. The Goals and Objectives of both the 2013 and 2018 Comprehensive Plans encourage maximizing development on vacant land within the Urban Service Area and promoting use of underutilized land in a way that enhances the existing urban form (Theme E, Goal #1.b.).
 - c. The proposed density increase will allow for a dwelling unit that is affordable and complements the existing pattern of development within the Sebastian Property. This proposed development will be compatible with the existing variety of housing, which will respect the context and design features of the area (Theme A, Goal #3.a.).
 - d. The corollary development plan provides street connections to complete the network within the McConnell's Trace neighborhood and will provide direct pedestrian access to Leestown Road in support of Theme D, Goal #1.a. This objective recommends support for the Complete Streets concept, prioritizing a pedestrian-first design that also accommodates the needs of bicycle, transit and other vehicles.
 2. This recommendation is made subject to the approval and certification of PLN-MJDP-18-00064: Sebastian, Unit 3 (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-18-00064: SEBASTIAN PROPERTY, UNIT 3 (AMD) (11/4/18)* - located at 2826 LEESTOWN ROAD. (EA Partners)

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

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. Department of Environmental Quality's approval of environmentally sensitive areas.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Resolve pedestrian access to Leestown Road via proposed cul-de-sacs.

Staff Zoning Presentation – Mr. Baillie presented the staff report and recommendations for the zone change. He displayed photographs of the subject property and aerial photographs of the general area. He said that the subject property is currently vacant, with two local streets, Peaks Mill Drive and White Oak Trace, stubbing into the property. He said that the subject property has a Leestown Road address, any future development will access a planned internal roadway system within the Sebastian property. He said that there is a certified development plan for the Great Acres site across Leestown Road, which depicts a fueling station and a convenient store.

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

Mr. Baillie said that the owner of the subject property proposed to rezone the property from Agricultural Rural (A-R) and Agricultural Urban (A-U) zones to mix of Single Family Residential (R-1D) and (R-1E) zones in November 2000 as part of a 103-acre property. That zone change was approved because it was determined to be in agreement with the 1996 Comprehensive Plan, which recommended low and medium land use density for this parcel. He said that the current applicant is requesting to rezone the remaining undeveloped land to allow for greater flexibility of lot sizes. He said the proposed development is for single-family residential dwellings, with lot sizes varying from approximately 42 to 48 feet. He said that the proposed zone change will allow the number of lots depicted on the associated development plan to increase from 45 to 63 units, which is also an increase of density to 5.0 dwelling units per acre.

Mr. Baillie said that this application is in agreement with the 2013 Comprehensive Plan and the adopted Goals & Objectives from the 2018 Comprehensive Plan, for the following reasons: they both prioritize a mix of housing types and densities; recommend infill and redevelopment; encourage maximizing development of vacant land within the Urban Service Area; and this development will be compatible with the existing variety of housing in the area. He said that both the staff and the Zoning Committee have recommended approval.

Development Plan Presentation – Ms. Gallt presented a rendering of the preliminary development plan associated with the zone change request. She said that the applicant is proposing to increase the density on the property in the manner described by Mr. Baillie. She said that the development plan has standard sign-off from Engineering, Traffic Engineering, the Urban Forester, Environmental Quality and the Bike and Pedestrian Planner. She said that condition #7 is regarding pedestrian access to Leestown Road, via the proposed cul-de-sacs.

Applicant Presentation – Mr. Dick Murphy, attorney representing the petitioner, said that the applicant is in agreement with the staff's recommendations for the zone change. He said that the development plan has been designed so that the side of the houses will be facing Leestown Road, rather than the rear of the homes, to make it more aesthetically pleasing than the previous plan.

Mr. Murphy said that they have an issue with the recommendations for the development plan, and they are conditions #6 and #7 regarding the pedestrian connection via the cul-de-sacs to Leestown Road. He distributed exhibits to the Planning Commission. He said the McConnell's Trace development has made connectivity an important part of their development and that the subdivision connects to the Town Branch Trail. He displayed the development plan and pointed out the connections.

Mr. Murphy said that there are three reasons why they are objecting to connect the cul-de-sacs to Leestown Road and they are: the topographic, safety and security. He said that they took measurements from Google Earth and it was 1,639 feet from a point of the subject property to walk along Leestown Road (location of end of cul-de-sac) to White Oak Trace to be able to cross at the traffic signal to get across the street to the Great Acres development. They also measured the sidewalks along White Oak Trace to Leestown Road, which was 1,929 feet. He said that it was a difference of 290 feet. He displayed a photograph of the topography along Leestown Road, which is approximately eight feet above the roadway. He said that steps would need to be constructed because the slope on a ramp would be between 28-40 percent, which would not be ADA accessible. He said that the safety issue is a major concern because Leestown Road is a four-lane divided highway, with traffic traveling at 50 MPH. He said that they don't want to have pedestrians crossing the street in the middle of the block, which would be a dangerous situation. He said that there is a traffic signal at the intersection for safer crossing.

Mr. Murphy said that Mr. Gregg Jones, Commander (Ret.), Lexington Police Department, had evaluated the area of the development plan and submitted a statement. Mr. Jones' stated that "leaky cul-de-sacs", which is a cul-de-sac that has an escape route in the rear are not encouraged or desired. Mr. Murphy also said that they are concerned for the safety of those living on the cul-de-sac because of foot traffic coming in from Leestown Road and the walkability of the neighborhood. He said that lighted sidewalks are safer for pedestrians.

Mr. Murphy said that he believes the benefits of the proposed connection in this case is not worth the effort due to the topography, safety and security on this site. He said that they would like to remove condition #7 and approve it without the pedestrian access to Leestown Road.

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

Staff Rebuttal – Mr. Scott Thompson, Bicycle and Pedestrian Coordinator, said that Mr. Murphy made many points as to why they do not want the pedestrian connection to Leestown Road. He said that the grading could be a barrier, but the back could be cut into if there are no utilities present in it. He said that there is information on crime related to bike and pedestrian connectivity. He said this is a residential neighborhood, and people and/or activity in places prevent crime.

Mr. Martin stated that he agreed with Mr. Thompson. He said that the topography concern can be overcome by design, with steps. He mentioned the cul-de-sac at the Sandlake development at the corner of Richmond Road and Man o' War Boulevard as an example, which constructed a retaining wall and steps. He said that there is an ADA compliant route, so it isn't necessary

that this connection be ADA compliant also. He said that the safety concern is not only "leaky cul-de-sacs," limiting the Safe by Design concept also suggests landscaping and fencing, which potential criminals hide behind.

Commission Questions - Mr. Penn asked if this is preliminary plan. Mr. Martin said this is a preliminary subdivision plan, so that infrastructure can be constructed from this plan. Mr. Penn said that once construction begins, it may be possible that it will not be an eight foot height difference between the roadway and the site. He asked if the Planning Commission leaves condition #7 as is, will the design have a chance to be discussed at a subsequent meeting. Mr. Martin said that final record plats are the next step, therefore the staff will be coordinating with the applicant regarding this access.

Mr. Nicol asked if there was a staff response to the applicant's distance measurements to cross the street from the cul-de-sac versus from the existing access. Mr. Martin said that the distance is valid, but the mid-block crossing is more of a concern to the staff. He said that the staff is seeking to improve pedestrian connectivity from the cul-de-sacs. Mr. Nicol said that he agrees with that, but is concerned with the heavy traffic on Leestown Road.

Mr. Owens asked what the plans are when the seven to eight foot grade changes when construction begins. Mr. Murphy said that the property will be graded before development begins. He said that they are anticipating the grade to still be at a higher elevation than Leestown Road. He said the State of Kentucky had constructed a ditch line in their right-of-way easement, which cannot be removed.

Mr. Owens asked Mr. Thompson if there is concern about Mr. Martin's statement of this access not having to be ADA compliant. Mr. Thompson said that there are ways to make this accessible, a set of stairs and a ramp could both be constructed. He said that there are many ways to make areas compliant and that they work with slopes and grade to make accessible entrances.

Mr. Owens asked if there will be a Final Development Plan. Mr. Martin said that this a preliminary subdivision plan and that the final record plats that will come from this plan, which are no longer presented to the Planning Commission unless a waiver is required.

Ms. Mundy asked to clarify if this is an elevation or a mound. Mr. Kahly said the term elevation is correct. He said that the currently approved plans have a twelve to thirteen-foot grading difference with Leestown Road. He said that this amended plan has those cul-de-sacs closer to Leestown Road and at a lower elevation. He said that distance will vary because of the ditch line that the state installed in the easement, which is ten feet onto their property. He said that because of the loss of that distance, it would require the applicant to create steps and a ramp with many levels.

Mr. Nicol asked if there is an existing development plan with 45 lots. Mr. Martin clarified that this is a preliminary subdivision plan, which is substituted for Final Development Plans for single family development. The applicant does have a current plan approved which permits 45 lots. Mr. Nicol asked if there was access to the cul-de-sacs on that initial plan. Mr. Martin said that there was not. Mr. Nicol said that going forward, there is a need to increase density in our neighborhoods.

Mr. Martin clarified his earlier statements. He said that Safe by Design recommends certain heights for fencing, but it does not recommend privacy fences.

Mr. Wilson asked what is on the property across the street. Mr. Martin said that there isn't anything on that property currently. Mr. Wilson then asked the staff what their opinion was on the safety issue of this development. Mr. Thompson said that people could try to cross the street anywhere along that sidewalk. He said that there are two intersections to safely cross at, one is signalized and the other is not. He said that another concern is the distance between those two intersections, which is a factor that is considered by pedestrians in their decisions before crossing streets.

Applicant Rebuttal - Mr. Murphy said that they are not here to debate the merits of Safe by Design, they are only here to discuss this piece of property. He said that they should not have these connections mostly because of safety. He believes that cul-de-sacs are safe places for children and they don't want any encouragement for anyone to cross Leestown Road, mid-block.

Zoning Action - A motion was made by Mr. Forester, seconded by Ms. Mundy, and carried 8-0 (Brewer and Plumlee absent) to approve PLN-MAR-18-00016: LEES 2826, LLC, for the reasons provided by the staff.

Development Plan Action - A motion was made by Mr. Forester, seconded by Ms. Mundy, and carried 7-1 (Penn opposed; Brewer and Plumlee absent) to approve PLN-MJDP-18-00064: SEBASTIAN PROPERTY, UNIT 3 (AMD), for the reasons provided by the staff, removing condition #7, 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. Department of Environmental Quality's approval of environmentally sensitive areas.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. ~~Resolve pedestrian access to Leestown Road via proposed cul-de-sacs.~~