

AN ORDINANCE CHANGING THE ZONE FROM A HIGHWAY SERVICE BUSINESS (B-3) ZONE TO A HIGH DENSITY APARTMENT (R-4) ZONE, FOR 8.163 NET (8.727 GROSS) ACRES, AND FROM A PROFESSIONAL OFFICE (P-1) ZONE TO A HIGH DENSITY APARTMENT (R-4) ZONE, FOR 0.027 NET (1.352 GROSS) ACRES, FOR PROPERTIES LOCATED AT 2679 LEESTOWN ROAD (A PORTION OF). (MVO ACQUISITIONS, LLC; COUNCIL DISTRICT 2).

WHEREAS, at a Public Hearing held on June 25, 2020, a petition for a zoning ordinance map amendment for property located at 2679 Leestown Road from a Highway Service Business (B-3) zone to a High Density Apartment (R-4), for 8.163 net (8.727 gross) acres, and from a Professional Office (P-1) zone to a High Density Apartment (R-4) zone, for 0.027 net (1.352 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change by a vote of 10-0; and

WHEREAS, this 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 2679 Leestown Road from a Highway Service Business (B-3) zone to a High Density Apartment (R-4), for 8.163 net (8.727 gross) acres, and from a Professional Office (P-1) zone to a High Density Apartment (R-4) zone, for 0.027 net (1.352 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: August 27, 2020

Linda Gorton

MAYOR

ATTEST:



CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: September 3, 2020-1t

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Rec'd by _____

Date: _____

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

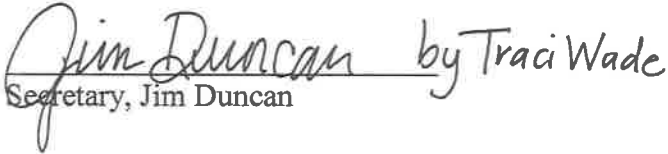
IN RE: **PLN-MAR-20-00006: MVO ACQUISITIONS, LLC** – a petition for a zone map amendment from a Highway Service Business (B-3) zone to a High Density Apartment (R-4) zone, for 8.163 net (8.727 gross) acres, and from a Professional Office (P-1) zone to a High Density Apartment (R-4) zone, for 0.027 net (1.352 gross) acre, for property located at 2679 Leestown Road (a portion of). (Council District 2)

Having considered the above matter on **June 25, 2020**, at a Public Hearing, and having voted **10-0** 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 requested High Density Apartment (R-4) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning expands housing choice (Theme A, Goal #1) by accommodating the demand for housing in Lexington responsibly, prioritizing higher-density and a mixture of housing types (Theme A, Goal #1.b), by introducing multi-family dwelling units into the immediate area.
 - b. The proposed rezoning will support Infill and Redevelopment throughout the Urban Services Area as a strategic component of growth (Theme A, Goal #2) by utilizing currently vacant land.
 - c. The proposed rezoning and associated development respect the context and design features of areas surrounding development projects by stepping up in height of the buildings as the development extends away from the existing neighborhood and toward Citation Boulevard (Theme A, Goal #2.b), and also incorporates adequate greenspace and open space that would serve the needs of the intended residents and neighboring single family residential development (Theme A, Goal #2.c).
 - d. The proposed rezoning and associated development will provide a well-designed neighborhood and community (Theme A, Goal #3) by respecting the context of the existing neighborhoods to and expanding options for mixed type housing (Theme A, Goal #3.a).
 - e. The proposed increase in the pedestrian facilities and open and green space will allow for positive and safe social interactions in neighborhoods (Theme A, Goal #3.b), while also minimizing the disruption of natural features when building new communities (Theme A, Goal #3.c).
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site creates a residential development that is pedestrian-friendly, while also providing access to focal points and public green space. Additionally, the proposed rezoning seeks to increase the intensity of use on an underutilized, vacant parcel of land, while also minimizing the impacts on the surrounding environment and communities.
 - b. The proposed rezoning includes safe facilities for the potential users of the site by prioritizing the inclusion of safe pedestrian facilities. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, limits the impacts on the surrounding environment, and adds tree canopy coverage in the form of street trees and landscape buffers.

3. This recommendation is made subject to approval and certification of PLN-MJDP-20-00011: Masterson Station Center (Citation Village)(Citation Flats)(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.

ATTEST: This 28th day of July, 2020.

 by Traci Wade
Secretary, Jim Duncan

MIKE OWENS
CHAIR

Note: The corollary development plan, PLN-MJDP-20-00011: MASTERSON STATION CENTER (CITATION VILLAGE)(CITATION FLATS)(AMD) was approved by the Planning Commission on June 25, 2020 and certified on July 9, 2020.

Note: One dimensional variance was approved by the Planning Commission on June 25, 2020.

K.R.S. 100.211(7) requires that the Council take action on this request by September 23, 2020.

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

OBJECTORS

▪ None

OBJECTIONS

▪ None

VOTES WERE AS FOLLOWS:

AYES: (10) Bell, Brewer, deMovellan, Forester, Mundy, Nicol, Owens, Penn, Plumlee, and Wilson

NAYS: (0)

ABSENT: (1) Pohl

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-20-00006** carried.

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

MAP AMENDMENT REQUEST (MAR) APPLICATION

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

| |
|--|
| Applicant: MVO AQUISITIONS, LLC, 9349 WATERSTONE BLVD, #200, CINCINNATI, OH 45249 |
| Owner(s): CITATION DEVELOPMENT COMPANY, LLC WHITESBURG RE DEVELOPMENT COMPANY, LLC |
| Attorney: T. BRUCE SIMPSON, 300 WEST VINE STREET, SUITE 2100, LEXINGTON, KY 40507 PH: 859-231-3000 |

2. ADDRESS OF APPLICANT'S PROPERTY

| |
|---|
| 2679 LEESTOWN ROAD, LEXINGTON, KY 40511 |
|---|

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

| Existing | | Requested | | Acreage | |
|----------|--------|-----------|--------------------------|---------|-------|
| Zoning | Use | Zoning | Use | Net | Gross |
| B-3 | VACANT | R-4 | MULTI-FAMILY RESIDENTIAL | 8.163 | 8.727 |
| P-1 | ROW | R-4 | ROW | 0.027 | 1.352 |

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 | MEDIUM-HIGH 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: | LFUCG |
| Storm Sewers: | LFUCG |
| Sanity Sewers: | LFUCG |
| Refuse Collection: | Private |
| 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 |





LANGLEY PROPERTIES

January 29, 2020

MVO Acquisitions LLC
9349 WaterStone Blvd.
Cincinnati, Ohio 45249
Attention: Michael C. Dektas
Email: michael.dektas@mvg.com

Lexington-Fayette Urban County Government
Division of Planning
Phoenix Building – 7th Floor
101 E. Vine Street
Lexington, KY 40507

Re: 8.117 Acres, Abigail Way and Robinson Way, Lexington, Kentucky, MVO ACQUISITIONS LLC (the “Purchaser”) and CITATION DEVELOPMENT CO., LLC and WHITESBURG RE-DEVELOPMENT COMPANY, LTD (collectively the “Seller”).

Ladies and Gentlemen,

By this letter, the Seller hereby consents to Purchaser filing and prosecuting a zone change for the Property from the current B-3 zoning to R-4. The Property to which this consent is applicable is more fully described on the site drawing prepared by TARR Group and designated as Multi-Family Residential, Citation Village, Miller Valentine Group, which is attached to this letter.

Sincerely,
Citation Development Co, DLC and
Whitesburg Re-Development Company, Ltd

By: 
Robert P. Langley, Manager and
General Partner, respectively

Cc Via e-mail:

Strauss Troy Co., LPA
50 E. Rivercenter Blvd., Suite 1400
Covington, Kentucky 41011
Attention: Pete A. Smith, Esq.
Email: pasmith@strausstroy.com

T. BRUCE SIMPSON, JR.
DIRECT DIAL: (859) 231-3621
DIRECT FAX: (859) 259-3521
bruce.simpson@skofirm.com

300 WEST VINE STREET
SUITE 2100
LEXINGTON, KY 40507-1801
MAIN: (859) 231-3000
FAX: (859) 253-1093

March 2, 2020

Via Hand-Delivery

Mr. Mike Owens, Chairperson
Lexington Fayette Urban County Planning Commission
101 East Vine Street
Lexington, Kentucky 40507

Re: Zone Map Amendment Application for a portion of (10.079 gross and 8.190 net acres) property located at 2679 Leestown Road from Highway Service Business (B-3) to High Density Apartment (R-4)

Dear Chairperson Owens,

I am pleased to tender this zone map amendment application on behalf of MVO Acquisitions, LLC for a portion (10.079 gross and 8.190 net acres) of property located at 2679 Leestown Rd. (northwest corner of the Leestown Rd and Citation Boulevard intersection). The applicant seeks to construct 153 luxury apartments with associated upscale amenities for the benefit of its future residents. The current zoning of the property is Highway Commercial Business (B-3) and the applicant seeks a High Density Apartment Zone (R-4).

The subject property is bordered to the south by a B-3 zone, which currently includes a small grocery store and gas station. There are also three vacant commercial out lots south of the subject property. These commercial out lots and the grocery store/gas station have frontage along the US 421 Highway (Leestown Rd.). The subject property is bordered to the west by single family homes on small lots zoned R-1E (Single Family) and R-3 (Planned Neighborhood Residential). The subject property is bordered to the north by a new townhome development, also zoned R-3, and is bordered to the east across Citation Boulevard by a vacant and remnant P-1 (Professional Office) parcel, with the predominant zoning of the land east of the subject property being L-1 (Light Industrial). In fact, the land located at three of the 4 corners to the Leestown Rd/Citation Boulevard intersection is dominated by light industrial zoning.

The subject property has been zoned B-3 commercial since the 1990's but has not been able to attract commercial users notwithstanding the extraordinary efforts of the property owners to market the property for commercial purposes. Several years ago, it was thought a "big box" retailer might be attracted to the entire property, which is reflected on the proposed amended final development plan. Several amendments to the final development plan were filed for consideration by the Planning Commission. Although these final development plans were approved, satisfactory arrangements with commercial users could not be obtained. Subsequently, the property north of the applicant's proposed apartment community was rezoned from commercial to residential (townhomes). The net result of the B-3 to R-3 townhome rezoning and B-3 to R-4 apartment rezoning will be a mixed-use neighborhood that includes a limited amount of B-3 restricted commercial uses. The applicant's proposed R-4 zoning will be compatible with the existing neighborhood and also provide expanded housing alternatives. As set out herein below, this application is in compliance with the 2018 Comprehensive Plan.

GOALS AND OBJECTIVES

We believe that our proposed development is in agreement with the 2018 Comprehensive Plan, specifically the following Goals and Objectives:

1. THEME A: GROWING SUCCESSFUL NEIGHBORHOODS

Goal 1. Expand housing choices

Objectives:

- b. Accommodate the demand for housing in Lexington responsibly, prioritizing higher density-density and mixture of housing types.

Goal 2. Support Infill and Redevelopment throughout the Urban Services Area as a strategic component of growth.

Objectives:

- a. Identify areas of opportunity for infill, redevelopment, adaptive reuse and mixed-use development.
- b. Respect the context and design features of areas surrounding development projects and develop design standards and guidelines to ensure compatibility with existing urban form.
- c. Incorporate adequate greenspace and open space into all development projects which serve the needs of the intended population.

Goal 3. Provide well designed neighborhoods and communities.

Objectives:

- a. Enable existing and new neighborhoods to flourish through neighborhood character preservation and public commitment to expand options for mixed use type housing throughout Lexington Fayette County.
- 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.
- c. Minimum disruption of natural features when building new communities.

2. THEME E: URBAN AND RURAL BALANCE

Goal 1: Uphold the Urban Service Concept.

Objectives:

- b. Ensure all types of development are environmentally, economically and socially sustainable to accommodate the future growth needs of all residents while safeguarding rural land.
- d. Maximize development on vacant land within the Urban Services Area and promote redevelopment of underutilized land in a manner that enhances existing urban form and/or historic features.

Goal 3: Maintain the Current Boundaries of the Urban Service Area and Rural Activity Centers and create no new rural activity centers. To ensure Lexington is responsive to its future land use needs, this goal shall be superseded and no longer in effect upon the completion of Theme E, Goal 4, Objective d.

3. THEME F: IMPLEMENTING THE PLAN

Goal 1: Engage and Educate the Residents of Lexington Fayette County in the Planning Process.

Objectives:

- b. Establish early and continuous communication with residents.

ENGAGEMENT

We invited all property owners within 570 feet of the subject property to a meeting for the purpose of sharing our proposed development, responding to questions and also to inquire as to what they would like to see develop on the subject property. Regrettably, only two persons attended this meeting. One was a developer who owned property in the area and the other worked at the grocery store/gas station which is located south of the subject property. This person said she lived approximately one mile from the subject property and she was mainly concerned about the location of the apartments. She was satisfied that the apartments would be built north of the grocery store/gas station. The developer stated that he didn't want "Section 8" housing to be built on the site. Traci Wade from the Division of Planning was in attendance at this meeting as were the applicant's representatives who, despite the low turnout, gave a full presentation and then responded to questions.

PLACE TYPE, DEVELOPMENT TYPE AND REQUESTED ZONE

The Placebuilder defines seven place-types within the Urban Service Area boundary. The most appropriate place type for the subject property is **ENHANCED NEIGHBORHOOD**, which is defined as:

"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 multimodal connections is crucial to neighborhood success and viability."

As noted above, the subject property is adjacent to an existing single-family neighborhood to the west, a new townhome community to the north and a small retail site to the south. The industrial development to the east is separated from the subject property by a 4-lane highway (Citation Boulevard) and a vacant professional office zoned property. Locating this higher density residential use at the corner of two major highways provides for an appropriate as well as compatible increase in density of residential uses between the single-family homes and Citation Boulevard. The Comprehensive Plan recommends increasing densities along major corridors and also providing alternative housing choices not currently available in the immediate vicinity. This application matches these aspirational goals of the 2018 Comprehensive Plan.

Further, the Enhanced Neighborhood encourages a variety of residential densities, including medium-high density residential which is the most appropriate place-type for the site. There is a lack of apartment living along this particular section of the Leestown Rd. corridor which primarily consists of single-family homes. The 2018 Comprehensive Plan specifically states that the "highest density of our residential development should be directed to our major corridors and downtown." Leestown Rd. is a major Lexington corridor. Placebuilder also recommends R-

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3, R-4, MU-1, MU-2 and B-1 zoning for the Enhanced Neighborhood place-type. We seek a R-4 zoning designation because of the size of the property and the residential density which is needed (18.8 units per acre) to accommodate 153 apartments. A retail component to this zoning request is not being sought due to the site's historical struggle to attract retail users.

DEVELOPMENT CRITERIA

In addition to complying with the Place type provided for in the Comprehensive Plan, this application is also in compliance with the development criteria applicable for a medium-high density residential development.

Site Design, Building Form and Location

A-DS3-1

Masterson Station, the Multifamily Apartment Housing project we're currently designing, is located at the corner of Leestown Road and Citation Boulevard. We were challenged to create a site design and building configuration that is both interesting and dynamic, site and neighborhood sensitive, and that meets the pragmatic conditions of both the building program as well as local guidelines and code.

Using the Imagine Lexington Enhanced Neighborhood Development Criteria for Medium-High Density Residential, specifically the Multi-Family Design Standards in Appendix 1 (v. July 11, 2016) as a supplemental guide to complement the Lexington Zoning Ordinance, we began our concept site design by focusing on what we believe are two of the main guidelines - parking layout and centralized common open space - two factors that help larger site projects (5+ acres) achieve a successful sense of place for both the project itself as well as the project's relationship to its neighborhood. Staying within the 20' yard setbacks and existing site easements, we allocated parking around the site and as much to the rear as possible in lieu of consolidating it into one large field. In concert with the parking, by designing the building footprints into "L" shaped forms, we were able to orient the buildings to hold street fronts while capturing and focusing pedestrian circulation and views into a central common open space that greatly contributes to the success of the site. It accomplishes this by creating a visual sense of place and identity, utilizes the existing open space to the North to maximize the existing site features, offers an activated ground level with walkable connections, interconnected sidewalks and pathways leading back to multiple building entrances, the main automobile drop-off roundabout, and the surrounding neighborhood for a pedestrian friendly atmosphere. Landscaping surrounding the buildings and site borders helps to soften the parking and enhance the appearance of the development. Waste and recycling are screened and located away from adjacent single-family properties.

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After laying out the site, we focused on scale and massing of the buildings. The site is bordered by residential on one side and commercial/industrial on the other. With this in mind, instead of having two buildings with the same height, we felt it very important to populate the South Eastern (SE) building footprint with more units so that we could keep the North Western (NW) building at a lower 3 story height as it abuts the residential edge of the site and we wanted to be sensitive to that neighboring context. This resulted in a 65 unit 3-story building on the NW side, and a taller 88 unit 4-story building on the SE side abutting the more major Citation Boulevard corridor, totaling 153 units on the site, and staying within the 60' height limit. Organizing the units in a way that promoted façade articulation, wall setbacks on all sides, and the opportunity for varying roof lines was a priority for us to break up the mass into smaller more residential pieces, creating character and contextual sensitivity.

Focusing in on the next level of detail, our concept for the look and feel of the building design relates directly to the uniqueness of this site, in that it is located on the border between a residential zone and a commercial/industrial zone. Our goal is that this development can act as a buffer to these two areas. To accomplish this, the exterior will be crafted in an aesthetically pleasing manner, marrying both the softer contextual residential textures such as hardi-board siding, brick, and punched windows, with the clean lines of a more commercial material execution such as metal panel cladding, masonry, and larger window expanses for common areas.

This design, in response to city and neighborhood guidelines, and the project programming, position this development to be both a neighborhood-sensitive project contextually, as well as a viable well scaled development amenity increasing density, character, & resident draw enhancing the Masterson Station neighborhood.

A-DS4-2

This new apartment community will have a 3 and 4 story building with the 4 story building being located along Citation Boulevard and away from the existing single-family homes. The 3-story building will be located on the opposite side of Robinson Way from the existing single-family neighborhood which will facilitate a more compatible scale between these differing residential uses and structures.

A-DS5-3

This new apartment community will have pedestrian connections to the sidewalk which will be created along Robinson Way as part of this development. This neighborhood area also has a shared use trail to which the new sidewalk will provide a direct connection. Except for a small section of parking along Robinson Way which will have an appropriate landscape buffer, the majority of the parking spaces will be located in the interior of the apartment community.

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A-DS5-4

The new apartment community has significant interior pedestrian connections in order for the residents to enjoy the amenities which will be set aside for their use.

A-DS7-1

The majority of the parking is oriented towards the interior or rear of the property for this multifamily development.

A-DS7-2

The parking along Robinson Way will be screened from Robinson Way by appropriate landscaping.

A-DS7-3

There are no parking structures for this development.

A-DS10-1

This new apartment community is within walking distance to a soon to be constructed segment of a shared use trail and is also within walking distance to a small-scale commercial development which currently has a grocery store.

A-DS11-1

This criteria is not applicable to this proposed development. The limited size of the property prohibits the construction of parks or schools. Masterson Station Park is located a little more than ½ mile from the subject property.

A-DS12-1

The proposed apartment community is located next to the closest commercial area on this segment of Leestown Rd.

A-DN2-1

This proposed infill development will increase residential density to almost 19 units per acre.

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A-DN2-2

This proposed apartment community will have significant setbacks from the existing single-family neighborhood and will be located across Robinson Way with the higher 4 story structure being located along Citation Boulevard, well away from the single-family neighborhood.

A-DN3-2

This proposed apartment community will be located adjacent to a small section of commercially zoned property which currently has a grocery store and gas station with 3 additional commercial lots awaiting development.

A-DN4-1

This proposed development is located next to the only commercial section of Leestown Rd between Masterson Station Park and Townley Center. It is also located in close proximity to the shared use trail which is beginning to meander through Lexington.

A-EQ7-1

This criteria is not applicable as no new school site is proposed.

B-PR9-1

There is a greenway and creek which is located at the northern boundary of this site. This area will be preserved by utilizing the existing topography to the greatest extent possible. This feature will be an important aesthetic amenity for the future residents of this apartment community.

B-SU11-1

Green infrastructure, to the extent it is economically feasible will be utilized.

C-LI6-1

This proposed apartment community will provide pedestrian connections to the adjacent commercial uses to the south.

C-LI6-2

This development criteria does not apply to this multifamily development.

C-LI7-1

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This multifamily development will complete the mixed-use development of a much larger property that was zoned B-3 for more than 25 years. Now, on this former all B-3 zoned site will be townhomes, apartments and limited commercial uses. There will be a greenspace feature preserved along the current stream that borders the northern edge of the subject property.

C-PS10-2

There will likely be shared parking with a commercial out lot (bank) to the south.

C-PS10-3

There will be no overparking with this new apartment community as most likely there will need to be shared parking with an adjacent bank parking lot to comply with the zoning requirements.

D-PL7-1

All property owners within 570 feet of the subject property were invited to a neighborhood meeting where the proposed development was discussed and questions answered.

D-PL9-1

There are no historically significant structures to be preserved on this development site.

D-PL10-1

There are no current plans for designating public art easements due to the small amount of land that is being utilized and the need to increase density along the Leestown Rd. corridor.

D-SP3-1

There is currently within the area adequate right of way, easements for infrastructure, including wireless communication to serve the proposed apartment community, the existing townhome and commercial development.

D-SP3-2

This criteria is not applicable as there is no cell tower associated with this proposed zone map amendment request.

E-GR4-1

This criteria is not applicable as there are no existing structures to reuse.

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E-GR5-1

This criteria is not applicable as there are no historic structures on the subject property.

E-GR9-4

This application will intensify the use of vacant and underutilized land which has been inside the urban services area and zoned for development for nearly 3 decades.

A-DS1-1

There are no plans to create a shelter or mass transit infrastructure. However, in the future, should enough residents of the apartment community want such an amenity, it will be provided.

A-DS1-2

There will be direct pedestrian linkages to Robinson Way which is the location of the nearest bus route.

A-DS4-1

There will be pedestrian connections to the existing neighborhood and shared use trail. There will be a pedestrian connection to the greenspace amenity which will serve this apartment community.

A-DS5-1

There will be internal pedestrian routes to separate pedestrian traffic from vehicular driving areas.

A-DS5-2

There will not be any new roadways created with this apartment community.

A-DS10-2

The greenway will be a new focal point for this new apartment community.

A-DS13-1

There are no sub streets to which a connection can be made.

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B-SU4-1

There is a greenspace component added to this proposed apartment community and it will be a featured aesthetic amenity within walking distance for the residents.

C-PS10-1

Shared parking is being planned for with this apartment community and a soon to be constructed bank.

D-CO1-1

There are dedicated rights of way along Citation Boulevard and Leestown Rd. to promote multimodal facilities but these are beyond the control of the applicant.

D-CO2-1

Due to the limited area of the proposed apartment community, the applicant is not able to address off site transportation facilities to accommodate alternative modes of transportation. However, the interior of the development is designed to protect pedestrian from conflicts with vehicular traffic.

D-CO2-2

This development criteria is beyond the capability of the applicant to address, given it is only developing a small 8 acre site for apartments.

D-CO4-1

This criteria is not applicable as there are no dead end streets or cul-de-sacs being constructed with this development.

D-CO4-2

This criteria does not apply as the applicant is utilizing the existing roadways which were designed to serve the subject property.

D-CO4-3

The development of the site will minimize grading so as to preserve and enhance the greenspace area.

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D-CO5-1

This development criteria does not apply as no new streets are being created with this development.

D-SP1-3

This development criteria does not apply as there are no school sites within the general proximity of the subject property. A sidewalk along Robinson Way will be constructed.

B-PR2-2

There will be no division of floodplains into privately owned parcels with flood insurance.

B-PR2-3

Floodplains will be incorporated into the accessible greenspace on the northern edge of the subject property and will be made an amenity for the residents of this new apartment community.

B-PR7-1

There will be connections to the greenway that borders the northern section of the subject property.

B-PR7-2

The existing tree inventory is nonexistent. With this application the tree canopy will be significantly increased per the zoning ordinance requirements.

B-PR7-3

This development will improve the tree canopy because there are no trees currently on the subject property.

B-RE1-1

Street trees will be installed as required by the zoning ordinance.

B-RE2-1

Green infrastructure will be utilized if economically feasible.

D-SP2-1

This development criteria is not applicable as there are no school sites proposed for the subject property.

S-SP2-2

This development criteria does not apply as there is no school site planned for the subject property.

E-GR3-1

The greenway that borders the northern edge of the subject property will be featured as a amenity for as many apartment units as possible. Additionally, there will be pedestrian access to the greenway from the apartment complex.

E-GR3-2

The new focal point within this small parcel will be the greenway that borders the northern edge of the property.

CONCLUSION

We believe the proposed apartment community is in compliance with the 2018 Comprehensive Plan. This new development will add much needed density along a major Lexington corridor while being designed in such a manner that it will be complimentary to the existing residential neighborhood. This new apartment community is located in close proximity to many existing industrial employers thereby creating more convenient housing opportunities for many employees. This new apartment community will also be designed to comply with the multifamily design guidelines. Finally, approval of this application will complete the mixed-use development of a much larger tract which never developed as an all commercial site.

We look forward to responding to any questions the staff may have as this application is processed through its developmental and zoning review.

Very truly yours,



T. Bruce Simpson, Jr.

MEDIUM-HIGH DENSITY RESIDENTIAL

SITE DESIGN, BUILDING FORM, & LOCATION

- A-DS3-1** Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
- A-DS4-2** New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.
- A-DS5-3** Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
- A-DS5-4** Development should provide a pedestrian-oriented and activated ground level.
- A-DS7-1** Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
- A-DS7-2** Any non-residential or multi-family parking not buffered by a building should be screened from the streetscape view and adjacent properties.
- A-DS7-3** Parking structures should activate the ground level.
- A-DS10-1** Residential units should be within reasonable walking distance to a focal point.
- A-DS11-1** Common public uses that serve as neighborhood focal points, such as parks and schools, should be on single loaded streets.
- A-DS12-1** Medium-high density development should be located nearest to neighborhood-serving commercial areas.
- A-DN2-1** Infill residential should aim to increase density.
- A-DN2-2** Development should minimize significant contrasts in scale, massing and design, particularly along the edges of historic areas and neighborhoods. (D-PL9, E-GR6)
- A-DN3-2** Development should incorporate residential units in commercial centers with context sensitive design.
- A-DN4-1** Medium-high density development should be located nearest to neighborhood focal points.
- A-EQ7-1** School sites should be appropriately sized.
- B-PR9-1** Minimize disturbances to environmentally sensitive areas by utilizing the existing topography to the greatest extent possible.
- B-SU11-1** Green infrastructure should be implemented in new development. (E-GR3)
- C-LI6-1** Developments should incorporate multi-family housing and walkable commercial uses into development along arterials/corridors.

- C-LI6-2** ADUs and/or affordable housing options should be incorporated into existing and new single-family residential development. (A-DN5)
- C-LI7-1** Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.
- C-PS10-2** Developments should explore options for shared and flexible parking arrangements for currently underutilized parking lots.
- C-PS10-3** Over-parking of new developments should be avoided. (B-SU5)
- D-PL7-1** Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
- D-PL9-1** Historically significant structures should be preserved.
- D-PL10-1** Activate the streetscape by designating public art easements in prominent locations.
- D-SP3-1** Adequate right-of-way, lease areas and easements for infrastructure, with emphasis on wireless communication networks should be provided to create reliable service throughout Lexington.
- D-SP3-2** Cellular tower antennae should be located to minimize intrusion and negative aesthetic impacts, and stealth towers and landscaping should be used to improve the visual impact from the roadway and residential areas.
- E-GR4-1** Developments should incorporate reuse of viable existing structures.
- E-GR5-1** Structures with demonstrated historic significance should be preserved or adapted.
- E-GR9-4** Development should intensify underutilized properties and develop vacant and underutilized gaps within neighborhoods. (E-GR6)

TRANSPORTATION & PEDESTRIAN CONNECTIVITY

- A-DS1-1** Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7).
- A-DS1-2** Direct pedestrian linkages to transit should be provided.
- A-DS4-1** A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided. (A-DS2, A-DN1, B-SU1, B-SU2, C-LI7, E-AC5)
- A-DS5-1** Adequate multi-modal infrastructure should be provided to ensure vehicular separation from other modes of transport.
- A-DS5-2** Roadways should provide a vertical edge, such as trees and buildings.

Theme Letter - Pillar Abbreviation & Policy Number – Criteria Number
Ex: from Theme A - Design Pillar & Policy #1 - Criteria #1 = A-DS1-1. Full decoder on page ###

Criteria that include additional policy items in parentheses refer to companion policies that will provide additional context to the related criteria.

MEDIUM-HIGH DENSITY RESIDENTIAL

TRANSPORTATION & PEDESTRIAN CONNECTIVITY (CONT.)

- A-DS10-2** New focal points should be designed with multi-modal connections to the neighborhood.
- A-DS13-1** Stub streets should be connected. (D-CO4)
- B-SU4-1** Where greenspace/community centers are not located within walking distance of a new development, applicants should attempt to incorporate those amenities. (A-DS9)
- C-PS10-1** Flexible parking and shared parking arrangements should be utilized.
- D-CO1-1** Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type.
- D-CO2-1** Safe facilities for all users and modes of transportation should be provided.
- D-CO2-2** Development should create and/or expand a safe, connected multimodal transportation network that satisfies all users' needs, including those with disabilities.
- D-CO4-1** Dead-end streets and Cul-de-sacs should be discouraged except where connections are not topographically or environmentally feasible.
- D-CO4-2** Roadway capacity should be increased by providing multiple parallel streets, which alleviate traffic and provide multiple route options, in lieu of additional lanes.
- D-CO4-3** Street pattern and design should consider site topography and minimize grading where possible.
- D-CO5-1** Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.
- D-SP1-3** Developments should provide multi-modal transportation infrastructure to school sites, including sidewalks, shared-use paths, and roadways that can accommodate the bus and vehicle traffic associated with the site.

GREENSPACE & ENVIRONMENTAL HEALTH

- A-DS4-3** "Development should work with the existing landscape to the greatest extent possible, preserving key natural features."
"
- A-EQ7-3** "Community open spaces should be easily accessible and clearly delineated from private open spaces."
"
- B-PR2-1** Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.

- B-PR2-2** Dividing floodplains into privately owned parcels with flood insurance should be avoided.
- B-PR2-3** Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them.
- B-PR7-1** Connections to greenways, tree stands, and stream corridors should be provided.
- B-PR7-2** Trees should be incorporated into development plans, prioritize grouping of trees to increase survivability.
- B-PR7-3** Developments should improve the tree canopy.
- B-RE1-1** Developments should incorporate street trees to create a walkable streetscape.
- B-RE2-1** Green infrastructure should be used to connect the greenspace network.
- D-SP2-1** Visible, usable greenspace and other natural components should be incorporated into school sites.
- D-SP2-2** Active and passive recreation opportunities should be provided on school sites.
- E-GR3-1** Physical and visual connections should be provided to existing greenway networks.
- E-GR3-2** New focal points should emphasize geographic features unique to the site.

Theme Letter - Pillar Abbreviation & Policy Number – Criteria Number
Ex: from Theme A, Design Pillar, Policy #1, Criteria #1: A-DS1-1. Full decoder on page ###

Criteria that include additional policy items in parentheses refer to companion policies that will provide additional context to the related criteria.



T. BRUCE SIMPSON, JR.
DIRECT DIAL: (859) 231-3621
DIRECT FAX: (859) 259-3521
bruce.simpson@skofirm.com

300 WEST VINE STREET
SUITE 2100
LEXINGTON, KY 40507-1801
MAIN: (859) 231-3000
FAX: (859) 253-1093

June 5, 2020

HAND-DELIVERED

Mr. Mike Owens, Chairperson,
Lexington Fayette Urban County Planning Commission
C/O 101 East Vine Street
Lexington, Kentucky 40507

RE: Requested variance from the zone to zone screening requirements set out in Article 18(a)(1)2. as between properties zoned High Density Apartment (R-4) and Highway Service Business (B-3); (PLN-MAR-20-00006: MVO ACQUISITIONS, LLC, 2679 LEESTOWN ROAD, A PORTION OF)

Dear Chairperson Owens,

As you know, I represent MVO Acquisitions, LLC in connection with a pending zone map request for a portion of the property located at 2679 Leestown Rd. The purpose of this letter is to seek a variance from the zone to zone screening requirements set out in Article 18(a)(1)2. This ordinance requires a 15-foot landscape buffer between properties zoned Highway Business Service (B-3) and High-Density Apartment (R-4). However, in this instance there is a 20-foot Kentucky American Water Company water line easement which exists in the area where this landscape screening is supposed to be installed. Please see Exhibit 1, attached hereto which illustrates the location of this easement. Kentucky American has strict prohibitions about certain plantings being installed within its easement. We will work with Kentucky American and the planning staff during the final development plan to install the landscaping, but at this time we are requesting a variance from fifteen (15 ft) to zero feet (0 ft).

The granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone. The southern boundary of the subject property is located adjacent to Abigail Way. The Kentucky American Water Company's 20-foot water line easement is located next to

Mr. Mike Owens, Chairperson

June 5, 2020

Page 2

Abigail Way and this easement restricts certain plantings and requires Kentucky American's approval before any plantings can take place within its easement. The closest apartment building is approximately 60 feet away from the area where the landscape screening is required to be installed. The strict application of the provisions of this landscape regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant. Additionally, the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as this water line easement was in existence and next to Abigail Way prior to the zone map amendment request being filed.

On behalf of MVO Acquisitions, LLC, I respectfully request the Planning Commission's approval of this variance.

Very truly yours,

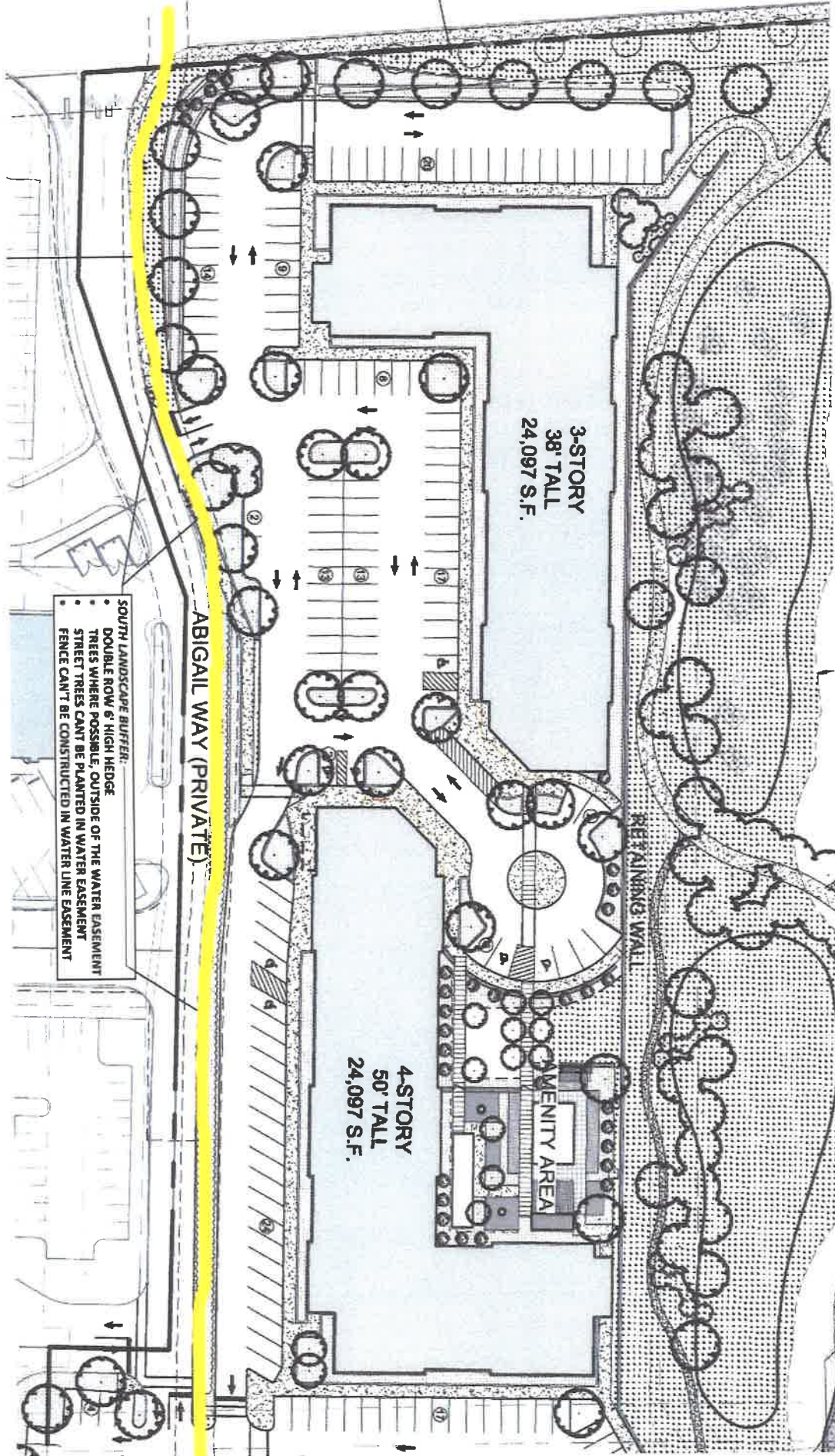


T. Bruce Simpson, Jr.

Enclosure

124468.166687/8247829.1

ROBINSON WAY



STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-20-00006: MVO ACQUISITIONS, LLC

DESCRIPTION OF ZONE CHANGE

| | |
|------------------------|---|
| Zone Change & Acreage: | B-3 to R-4: 8.163 net (8.727 gross) acres |
| | P-1 to R-4: 0.027 net (1.352 gross) acres |
| | Total: 8.190 net (10.079 gross) acres |
| Location: | 2679 Leestown Road (a portion of) |



EXISTING ZONING & LAND USE

| PROPERTIES | ZONING | EXISTING LAND USE |
|------------------|-----------|-------------------------|
| Subject Property | B-3 | Vacant |
| To North | R-3 | Single Family Dwellings |
| To East | P-1 / I-1 | Vacant, Warehouse |
| To South | P-1 / B-3 | Vacant, Small Grocery |
| To West | R-1E | Single Family Dwellings |

URBAN SERVICE REPORT

Roads - The subject property is located along the east side of Leestown Road (US 421), which was recently improved and widened to a four-lane major arterial roadway. While the current address is located along Leestown Road, any future development will front on Abigail Way (a private road) or Robinson Way. Citation Boulevard borders the southeastern side of the site and is classified as a major collector street. Robinson Way, a local street, forms the western most edge of the property. Proposed access to the site is from Robinson Way and Abigail Way.

Curb/Gutter/Sidewalks - Leestown Road, Robinson Way, and Citation Boulevard have been constructed to full urban standards with curb, gutter, and sidewalks. Abigail Way will need to be improved with curb, gutter, and sidewalks.

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.

Storm Sewers - The subject property is located within the upper reaches of the Town Branch watershed. No FEMA floodplain or major flooding problems exist on the site or in the immediate area; however a tributary of the Bracktown Branch of the Town Branch Creek flows through the site. With the rezoning of the subject property, the tributary is now proposed to be retained in its natural state. All stormwater management for the property will need to meet all LFUCG Engineering Manual requirements.

Sanitary Sewers - The immediate area is currently served by sanitary sewers. The subject property is in the Town Branch sewershed and is served by the Town Branch Wastewater Treatment Facility. There are no known problems with the existing sanitary sewers in the immediate vicinity of the subject property or this general area. Sanitary sewer capacity will need to be verified prior to the issuance of building permits for the proposed increase of density at this location.

Refuse - The Urban County Government serves this portion of the Urban Service Area with refuse collection on Thursdays.

Police - The subject property is located within the West Sector. The nearest police station is located at on Old Frankfort Pike, approximately 2.75 miles to the southeast of the subject property.

Fire/Ambulance - The nearest fire station (#13) is located approximately 2.25 miles southeast of the subject property, located on W. Main Street/Leestown Road, near Forbes Road.

Transit - LexTran service is available nearby the subject properties along Leestown Road and Citation Boulevard. Inbound and outbound service is available on Route #12 along the frontage of the property and within a half mile of the subject property. The nearby stops do not include benches or shelters.

Parks - There are two parks, Masterson Station Park and Masterson Hills Park, that are within close proximity to the subject property. A shared-use trail connecting the subject property to the Masterson Station Park has been partially constructed and will be completed as development occurs on 2731 Leestown Road.

SUMMARY OF REQUEST

The applicant is seeking a zone change from a Highway Service Business (B-3) zone, and Professional Office (P-1) zone to a High Density Apartment (R-4) zone for a portion of the property located at 2679 Leestown Road. The zone change application is seeking to allow for the development of an apartment complex including two buildings, and associated amenities and parking.

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

MEDIUM-HIGH DENSITY
RESIDENTIAL

Primary Land Use, Building Form, & Design

Primarily multi-family units. Multi-family units should complement and enhance existing development through quality design and connections.

Transit Infrastructure & Connectivity

Access to these developments is typically through streets designated with the collector classification or above. Mass transit infrastructure should be provided along transit routes through collaboration with Lextran, and bicycle and pedestrian facilities should be plentiful to provide multi-modal options.

Parking

These developments should include intentional open space designed to fit the needs of area residents, and a variety of neighborhood-serving commercial / employment uses.

PROPOSED ZONING



This zone is primarily for multi-family dwellings, but at a higher density than the R-3 zone. The R-4 zone should be at locations and at the density (units/acre) recommended by the Comprehensive Plan, and in areas of the community where necessary services and facilities will be adequate to serve the anticipated population.

PROPOSED USE



The applicant is seeking to develop an apartment complex that will include two buildings, associated amenities and required parking. The structures are proposed to be three (3) and four (4) stories in height, with the shorter building located adjacent to Robinson Way. The structures will contain a total of 153 apartments, which will result in a density of 18.68 dwelling units per acre. The structures are proposed to face the greenspace and the tributary of the Bracktown Branch of the Town Branch Creek, which separates this portion of 2679 Leestown Road and the portion that was recently rezoned for townhomes.

APPLICANT & COMMUNITY ENGAGEMENT



The representative of the applicant invited all property owners within 570 feet of the subject property to a meeting for the purpose of sharing the proposed development, responding to questions and also inquiring as to what neighbors would like to see develop on the subject property. Two individuals attended the meeting. One was a developer who owned property in the area and the other worked at the grocery store/gas station which is located south of the subject property. The individual who works at the grocery store indicated that she lived approximately one mile from the subject property and she was primarily concerned with the location of the apartments. She was satisfied that the apartments would be built north of the grocery store/gas station. A staff member from the Division of Planning was in attendance at this meeting to answer questions regarding the zone change process.

PROPERTY & ZONING HISTORY



The subject property is surrounded by various land uses and zoning. Residential zoning is located west and north of the subject property and includes Single Family Residential (R-1E) zoning and Planned Residential Neighborhood (R-3) zoning. Located to the north of the property there are also two large lots that are zoned Professional Office (P-1). The P-1 zoning is located along the eastern and southern edges of the site, with portions of the property bordering Light Industrial (I-1) zoning in the same areas. There is one parcel that is zoned Agricultural Urban (A-U) located to the south of the property, across Alexandria Drive, which is currently used as an AT&T telecommunications site. There is a clear separation of residential development and industrial development within the area. Residential development is largely found on the northwest side of Citation Boulevard and Alexandria Drive, with industrial development to the southeast. The southern portion of the property that is not seeking a zone change will remain in a restricted Highway Service Business (B-3) zone.

The subject property, was rezoned in three phases over the course of the last 22 years. The majority of 2679 Leestown Road was rezoned from an Agricultural Urban (A-U) zone to Highway Service Business (B-3) zone in 1996 (MAR-96-16 CZ; Ord. No. 139-96). This was part of a broader rezoning of approximately 30 acres that sought to increase the presence of retail and business operations available to the Masterson Station residential developments, and the availability of industrial space in the area. Both uses were recommended in the Land Use Element of the 1996 Comprehensive Plan. While the I-1 zoning was not a concern of the Planning staff, the use of the B-3 zone rather than either the Neighborhood Business (B-1) zone, or the then Planned Shopping Center (B-6P) zone was of concern. Either the B-1 or the B-6P zones would have been more neighborhood oriented compared to the B-3 zone. Staff found the uses permissible in the zone were outside the character of the neighborhood and recommended conditional zoning restrictions for the property. Conditional zoning was approved by the Planning Commission and the Urban County Council., as follows:

Prohibited Uses:

1. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
2. Cocktail lounges and nightclubs.
3. Car washing establishments, unless:
 - a. located more than 250 feet from any residential zone, and
 - b. surface water from such use shall not drain onto adjacent property or over a public sidewalk, and
 - c. adequate on site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.
4. Motel or hotel.
5. Indoor amusements such as billiard or pool halls, dancing halls, skating rinks, or bowling alleys.
6. Kennel.
7. Drive-in restaurants, unless located more than 250 feet from any residential zone.
8. Taxidermy establishments.
9. Pawnshops.
10. Indoor and outdoor athletic facilities such as a field house, gymnasium, football stadium, tennis courts, soccer field or polo field, and baseball fields.
11. Amusement parks, fairgrounds, or horse racing track.
12. Outdoor theaters.
13. Outdoor recreational facilities including go-cart tracks, archery courts, skate-board and roller skating tracks, trampoline centers, rifle and other fire-arm ranges, swimming pools, water slides and other water related recreational facilities, and other similar uses.
14. Passenger transportation terminals.
15. Mining of non-metallic minerals.
16. Adult arcades, adult bookstores, adult video stores and massage parlors.

Prohibited Signs:

Signs not otherwise permitted in the Planned Shopping Center (B-6P) zone.

Landscaping Buffer:

The required landscaping buffer between the business and residential zone along the northwest property line shall consist of a continuous planting of evergreen trees 15' on-center (or less) and other materials as necessary to comply with Article 18 of the Zoning Ordinance.

A second rezoning of a portion of the subject property occurred in 2005 (MAR 2005-03 CZ, Ord. No. 105-2005).



During this rezoning, the northwestern portion of the subject property was again part of a larger site that sought to rezone approximately 11 acres from an Agricultural Urban (A-U) zone, to a combination of Single Family Residential (R-1E), Planned Neighborhood Residential (R-3), and Highway Service Business (B-3) zones. Staff continued to be concerned with the uses allowed in the B-3 zone and recommended restrictions consistent with those imposed in 1996.

The most recent zone change occurred in 2018 (PLN-MAR-18-00025, Ord. No. 001-2019) and resulted in a shift from the restricted Highway Service Business (B-3) zone to a Planned Neighborhood Residential (R-3) zone for the northern portion of the property along Ferndale Pass. The zone change and the associated development proposed the construction of 39 townhomes, fronting on Ferndale Pass, Robinson Way, and Citation Boulevard. No conditional zoning restrictions were applied to this portion of the subject property.

COMPREHENSIVE PLAN COMPLIANCE



GOALS & OBJECTIVES

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 opines that the zone change is in agreement with several goals and objectives of the 2018 Comprehensive Plan. In the following section the staff describes some of the elements that are in agreement with the Comprehensive Plan; however, there are several areas that the applicant should expand upon.

First, the applicant indicates that they are seeking to expand housing choice (Theme A, Goal #1) by accommodating the demand for housing in Lexington responsibly, prioritizing higher-density and a mixture of housing types (Theme A, Goal #1.b). The proposed development is incorporating multi-family housing along the edge of a single family residential development, seeking to include 153 apartments at a residential density of 18.68 dwelling units per acre. The inclusion of multi-family at this location will provide for denser development that provides a different type of housing than what is available within the immediate vicinity.

Additionally, the applicant indicates that the proposed development will support Infill and Redevelopment throughout the Urban Services Area as a strategic component of growth (Theme A, Goal #2). The applicant also indicates that they are seeking to respect the context and design features of the areas surrounding the proposed development project and develop design standards and guidelines to ensure compatibility with existing urban form (Theme A, Goal #2.b), while also incorporating adequate greenspace and open space that would serve the needs of the intended population (Theme A, Goal #2.c).

Next, the applicant indicates that the proposed development will provide a well-designed neighborhood and community (Theme A, Goal #3). The applicant is seeking to complete this by enabling the existing neighborhoods to flourish through neighborhood character preservation and public commitment to expand options for mixed type housing (Theme A, Goal #3.a), striving for positive and safe social interactions in neighborhoods (Theme A, Goal #3.b), by integrating new development with neighborhoods that are connected for pedestrians, while minimizing the disruption of natural features when building new communities (Theme A, Goal #3.c).

The applicant also indicates that they are seeking to uphold the Urban Service Area concept (Theme E, Goal #1) by maximizing development on vacant land within the Urban Services Area (Theme E, Goal #1.d). Finally, the applicant indicates that they are establishing early and continuous communication with residents of the area (Theme F, Goal #1) by setting up a meeting with those property owners, residents, and associated businesses within 570 ft of the subject property.

The staff agrees with these aspects of the applicant's proposal and that these goals and objectives can be met with the proposed 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. The applicant has indicated that the site is located within the Enhanced Neighborhood Place-Type and is seeking to develop the subject property for a Medium-High Density Residential Development Type. Staff concurs with the applicant's assessment of the Place-Type and agrees that a Medium-High Density Residential Development Type can be appropriate for the subject property. Furthermore, staff agrees that the High Density Apartment (R-4) zone can be appropriate for the subject property and is consistent with the Place-Type and Development Type.

While staff agrees with much of the justification provided by the applicant, there are a few areas of concern as to how the applicant has applied the development criteria.

1. Site Design, Building Form and Location

The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site creates a residential development that is pedestrian-friendly, while also providing access to focal points and public green space. Additionally, the proposed rezoning seeks to increase the intensity of use on an underutilized, vacant parcel of land, while also minimizing the impacts on the surrounding environment and communities.

2. Transportation and Pedestrian

The proposed rezoning meets the criteria for Transportation and Pedestrian facilities as it works with the current landscape, limits the impacts on the surrounding environment, adds landscape buffers and tree canopy, and provides delineated access to the required open space.

3. Greenspace and Environmental Health

The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, limits the impacts on the surrounding environment, adds landscape buffers and tree canopy, and provides delineated access to the required open space. Concerning delineated access and the connections to greenways (*B-PR7-1: Connections to greenways, tree stands, and stream corridors should be provided*), staff would recommend adding an access point from the greenspace to the internal amenity space, which would allow residents easy access to the trail systems and greenspace.

STAFF RECOMMENDS: **APPROVAL**, FOR THE FOLLOWING REASONS:



1. The requested High Density Apartment (R-4) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning expands housing choice (Theme A, Goal #1) by accommodating the demand for housing in Lexington responsibly, prioritizing higher-density and a mixture of housing types (Theme A, Goal #1.b), by introducing multi-family dwelling units into the immediate area.
 - b. The proposed rezoning will support Infill and Redevelopment throughout the Urban Services Area as a strategic component of growth (Theme A, Goal #2) by utilizing currently vacant land.
 - c. The proposed rezoning and associated development respect the context and design features of areas surrounding development projects by stepping up in height of the buildings as the development extends away from the existing neighborhood and toward Citation Boulevard (Theme A, Goal #2.b), and also incorporates adequate greenspace and open space that would serve the needs of the intended residents and neighboring single family residential development (Theme A, Goal #2.c).
 - d. The proposed rezoning and associated development will provide a well-designed neighborhood and community (Theme A, Goal #3) by respecting the context of the existing neighborhoods to and expanding options for mixed type housing (Theme A, Goal #3.a),
 - e. The proposed increase in the pedestrian facilities and open and green space will allow for positive and safe social interactions in neighborhoods (Theme A, Goal #3.b), while also minimizing the disruption of natural features when building new communities (Theme A, Goal #3.c).
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site creates a residential development that is pedestrian-friendly, while also providing access to focal points and public green space. Additionally, the proposed rezoning seeks to increase the intensity of use on an underutilized, vacant parcel of land, while also minimizing the impacts on the surrounding environment and communities.
 - b. The proposed rezoning includes safe facilities for the potential users of the site by prioritizing the inclusion of safe pedestrian facilities. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, limits the impacts on the surrounding environment, and adds tree canopy coverage in the form of street trees and landscape buffers.
3. This recommendation is made subject to approval and certification of PLN-MJDP-20-00011: Masterson Station Center (Citation Village)(Citation Flats)(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.

HBB/TLW
5/21/2020

Planning Services/Staff Reports/MAR/2020/PLN-MAR-20-00006 MVO ACQUISITIONS LLC_Update.pdf

3. **MVO ACQUISITIONS, LLC ZONING MAP AMENDMENT & MASTERSON STATION CENTER (CITATION VILLAGE)(CITATION FLATS)(AMD) ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-20-00006: MVO ACQUISITIONS, LLC (6/25/20)*- a petition for a zone map amendment from a Highway Service Business (B-3) zone to a High Density Apartment (R-4) zone, for 8.163 net (8.727 gross) acres, and from a Professional Office (P-1) zone to a High Density Apartment (R-4) zone, for 0.027 net (1.352 gross) acre, for property located at 2679 Leestown Road (a portion of). A dimensional variance has also been requested.

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 a zone change from a Highway Service Business (B-3) zone, and Professional Office (P-1) zone to a High Density Apartment (R-4) zone for a portion of the property located at 2679 Leestown Road. The zone change application is seeking to allow for the development of an apartment complex including two buildings, and associated amenities and parking.

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

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

1. The requested High Density Apartment (R-4) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning expands housing choice (Theme A, Goal #1) by accommodating the demand for housing in Lexington responsibly, prioritizing higher-density and a mixture of housing types (Theme A, Goal #1.b), by introducing multi-family dwelling units into the immediate area.
 - b. The proposed rezoning will support Infill and Redevelopment throughout the Urban Services Area as a strategic component of growth (Theme A, Goal #2) by utilizing currently vacant land.
 - c. The proposed rezoning and associated development respect the context and design features of areas surrounding development projects by stepping up in height of the buildings as the development extends away from the existing neighborhood and toward Citation Boulevard (Theme A, Goal #2.b), and also incorporates adequate greenspace and open space that would serve the needs of the intended residents and neighboring single family residential development (Theme A, Goal #2.c).
 - d. The proposed rezoning and associated development will provide a well-designed neighborhood and community (Theme A, Goal #3) by respecting the context of the existing neighborhoods to and expanding options for mixed type housing (Theme A, Goal #3.a).
 - e. The proposed increase in the pedestrian facilities and open and green space will allow for positive and safe social interactions in neighborhoods (Theme A, Goal #3.b), while also minimizing the disruption of natural features when building new communities (Theme A, Goal #3.c).
 2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site creates a residential development that is pedestrian-friendly, while also providing access to focal points and public green space. Additionally, the proposed rezoning seeks to increase the intensity of use on an underutilized, vacant parcel of land, while also minimizing the impacts on the surrounding environment and communities.
 - b. The proposed rezoning includes safe facilities for the potential users of the site by prioritizing the inclusion of safe pedestrian facilities. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, limits the impacts on the surrounding environment, and adds tree canopy coverage in the form of street trees and landscape buffers.
 3. This recommendation is made subject to approval and certification of PLN-MJDP-20-00011: Masterson Station Center (Citation Village)(Citation Flats)(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. REQUESTED VARIANCE
The applicant is requesting a reduction of the zone to zone buffer between residential zoning and commercial 15 foot buffer zone to 0 feet.

This request will be reviewed by the Landscape Review Committee on Tuesday, June 23rd, 2020. The findings of the committee and the staff report will be presented at the public hearing.

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

- c. PLN-MJDP-20-00011: MASTERSON STATION CENTER (CITATION VILLAGE)(CITATION FLATS)(AMD) (6/25/20)* - located at 2679 LEESTOWN RD., LEXINGTON, KY.
Project Contact: Tarr Group

Note: The purpose of this amendment is to rezone a section of the property to High Density Apartment (R-4) zone.

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

1. Provided the Urban County Council rezones the property R-4; 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 building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
8. United States Postal Service Office's approval of kiosk locations or easement.
9. Denote required and provided open space.
10. Delete omitted notes and renumber general notes.
11. Correct spelling in cross-sections.
12. Provide required Tree Inventory Map (TIM) per Article 26-4(b) of the Zoning Ordinance.
13. Correct northeastern property boundary per recorded plat (Cab. S, Slide 52) and zoning boundary per Ordinance 1-2019.
14. Resolve enhanced landscaping for parking area adjacent to Citation Blvd at time of Final Development Plan.
15. Resolve enhanced landscaping for parking area adjacent to Robinson Way at time of Final Development Plan.
16. Resolve zone-to-zone screening along Abigail Way per Article 18 of the Zoning Ordinance at time of Final Development Plan.
17. Discuss Placebuilder criteria.

Staff Zoning Presentation – Mr. Baillie presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and aerial photographs of the general area. He said the applicant is proposing this zone change to allow for the development of an apartment complex including two buildings, and associated amenities and parking. The structures are proposed to be three and four-stories in height, with the shorter building located adjacent to Robinson Way. The structures will contain a total of 153 apartments, with a density of 18.68 dwelling units per acre. The structures are proposed to face the greenspace and the tributary of the Bracktown Branch of the Town Branch Creek, which separates this portion of 2679 Leestown Road and the portion that was recently rezoned for townhomes.

The subject property is located along Citation Boulevard, Leestown Road, Robinson Way and Ferndale Pass. The subject property is surrounded by various land uses and zoning. He said that the petitioner is also requesting a variance for the subject property. Residential zoning is located west and north of the subject property. Located to the north of the property there are also two large lots that are zoned Professional Office (P-1). The P-1 zoning is located along the eastern and southern edges of the site, with portions of the property bordering Light Industrial (I-1) zoning in the same areas.

Mr. Baillie said that the access to the subject property will be on Abigail Way. He said the subject property does contain a floodplain area, which the applicant is utilizing to activate the greenspace and the front of their amenities are adjacent to the floodplain. He added that the applicant will be connecting pedestrian facilities between Citation Boulevard and Robinson Way. He said the applicant has indicated that the site is located within the Enhanced Neighborhood Place-Type and is seeking to develop the subject property for a Medium-High Density Residential Development Type and utilizing the High Density Apartment (R-4) zone. He said that the applicant has submitted various examples of how they plan to meet the multi-family design standards, as well as color renderings of their development and elevation plans. He said that the staff is recommending approval of the requested zone change.

Development Plan Presentation – Ms. Wade presented a rendering of the amended preliminary plan associated with this zone change. She displayed a color rendering of the proposed development and said that there are two buildings. She said that the building near Robinson Way is being proposed as three-stories in height and the building near Citation Boulevard is being proposed as four-stories in height. She said that this will allow the single family residential use along Robinson Way to transition to a higher density and height. She said that access to the property will only be available on Abigail Way. She said that staff originally had concerns with the Placebuilder criteria regarding buffering parking lots that are adjacent to the roadways. The applicant has added landscaping in these areas. She said that the two multi-family structures will have 153 dwelling units, with 214 bedrooms. They are proposing 232 parking spaces, which is more than the required number. She said the total combined floor area of all of the buildings is 170,000 sq. ft.

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Ms. Wade said that the staff is recommending approval of this development plan. She said that the applicant did submit a slightly revised plan past the deadline for the staff to review for this hearing. She added that the staff report doesn't reflect that plan and that some of these conditions may have been addressed on the revised plan, which will be reviewed before it is certified. She said that, as Mr. Baillie mentioned, the boundary line needs to be corrected along the shared R-3 zone. She said that condition #14 regarding the landscaping for the parking area adjacent to Citation Boulevard and condition #15 regarding the landscaping for the parking area adjacent to Robinson Way, are being met on the current development plan. She said that condition #16 relates to the zone-to-zone screening, along Abigail Way. She said that the staff notified the applicant that a variance may be required for that area and they subsequently filed one in association with the zone change. She suggested a change to condition #16 to the following:

- ~~16. Resolve zone-to-zone screening along Abigail Way per Article 18 of the Zoning Ordinance at time of Final Development Plan.~~ Denote Planning Commission action for zone-to-zone screening variance along Abigail Way.

Ms. Wade said that in regards to condition #17, Discuss Placebuilder criteria, the applicant has met all of the requirements that were relevant to the site. She said that the applicant is meeting the multi-family design standards at this stage, the staff would like the applicant to further denote that they will be met at the next stage of the final development plan, as well.

Variance Presentation – Mr. Baillie presented the variance associated with this zone change. He said that the applicant is requesting a reduction of the property perimeter (also known as zone-to-zone screening) between the proposed residential development and the established commercial zone from 15 feet to zero feet. He said that there is an issue with the established water line along the Abigail Way boundary. He said that the zoning ordinance requires the applicant is required to plant a tree every 40 feet, combined with a six foot high double hedge. He said that the applicant met with the Landscape Review Committee; however, they did not have a quorum, which resulted in a discussion of this request. The present committee members discussed many different options, including what is depicted on the current development plan, and the addition of landscape islands to meet the treed aspect of the zone-to-zone screening. He said that the staff is recommending approval of the variance request for the following reasons:

1. Granting the requested variance should not adversely affect the public health, safety, or welfare; nor should it affect the character of the general vicinity as landscaping can be dispersed in the parking lot (trees) and in the buffer (hedgerow).
2. The need for the variance arises from the special circumstances of the proposed development, including the location of a 20 foot water line along the proposed parking area and property boundary.
3. The strict application of the property perimeter screening landscape buffer requirements would create an unnecessary hardship on the proposed development as it would put the development in opposition to the needs of the utility company that the current easement is in favour of.
4. The request is not a result of a willful violation of the Zoning Ordinance. The applicant has taken care to go through the necessary process for this project and has requested the variance prior to commencing construction.

This recommendation of Approval is made subject to the following conditions:

- a. Provided the Planning Commission approves the requested zone change to the R-4 zone, otherwise the requested variance shall be null and void.
- b. The development shall be constructed in accordance with the approved Final Development Plan, or as amended to address design requirements of the Divisions of Engineering, Traffic Engineering, or Building Inspection.
- c. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
- d. Action of the Planning Commission shall be noted on the Development Plan for the subject property.
- e. There shall be the inclusion of (4) trees from Group A or B of the Plant List in the parking area located south of the 4-story apartment building utilizing landscape islands.

Applicant Presentation – Mr. Bruce Simpson, attorney representing the petitioner. He said that based on the staff's recommendations, they urge the Planning Commission to approve this zone change request.

Zoning Action – A motion was made by Mr. Penn, seconded by Mr. de Movellan, and carried 10-0 (Pohl absent) to approve PLN-MAR-20-00006: MVO ACQUISITIONS, LLC, for the reasons provided by the staff.

Variance Action – A motion was made by Mr. Penn, seconded by Mr. de Movellan, and carried 10-0 (Pohl absent) to approve the VARIANCE REQUEST, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Penn, seconded by Mr. de Movellan, and carried 10-0 (Pohl absent) to approve PLN-MJDP-20-00011: MASTERSON STATION CENTER (CITATION VILLAGE)(CITATION FLATS)(AMD), for the recommendations presented by the staff, with the following changes:

- ~~16. Resolve zone-to-zone screening along Abigail Way per Article 18 of the Zoning Ordinance at time of Final Development Plan.~~
16. Denote: Documentation of compliance with the Multi-family Design Standards shall be provided at the time of Final Development Plan.

17. Resolve ~~Discuss~~ Placebuilder criteria.

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LEGAL DESCRIPTION

**WHITESBURG RE-DEVELOPMENT COMPANY, LTD.
AND
CITATION DEVELOPMENT COMPANY, LLC
ZONE CHANGE from B-3 to R-4
Portion of 2679 Leestown Road
Lexington, Fayette County, Kentucky**

This being part of that property acquired by Whitesburg Re-Development Company, LTD., a Kentucky limited liability company, with address of 300 West Vine, Suite 2200, Lexington, Kentucky 40507 and Citation Development Company, LLC, a Kentucky limited liability company, with address of 300 West Vine, Suite 2200, Lexington, Kentucky 40507 by deed from DLJS Properties, Inc. on the 24th day of August, 2004, and of record in Deed Book 2486, Page 422 in the Fayette County Clerk's Office and being more particularly described as follows:

BEGININGING at a point in Robinson Way (Plat Cab. "N", Slide 32), said point being the west most corner of the property being zone changed, **and being the Point of Beginning for this description**; Thence continuing with centerline alignment of Robinson Way (Plat Cab. "N", Slide 32) **N39°48'57"E – 466.23** feet a point, said point being the north most corner of the property being zone changed; Thence leaving centerline alignment of Robinson Way (Plat Cab. "N", Slide 32) and extending to the eastern edge of right-of-way Robinson Way (Plat Cab. "N", Slide 32) **S50°16'59"E – 30.22** feet to a point; Thence leaving the eastern edge of right-of-way Robinson Way (Plat Cab. "N", Slide 32) and severing the parent tract **S44°25'55"E – 810.99** feet to point, said point being in the western edge of right-of-way of Citation Boulevard (Lexington-Fayette Urban County Government D.B. 2985, Pg. 430); Thence continuing perpendicular to the centerline alignment of Citation Boulevard **S46°21'26"E – 181.01** feet to point, said point being the east most corner of the property being zone changed; Thence continuing with the centerline alignment of Citation Boulevard **S42°37'26"W – 69.20** feet to point, **S44°43'42"W – 101.04** feet to point, **S46°06'15"W – 98.20** feet to point, **S45°54'58"W – 103.48** feet to

point and $S47^{\circ}49'11''W - 116.17$ feet to point, said point being in the centerline alignment of Citation Boulevard and being the south most corner of the property being zone changed; Thence leaving centerline alignment of Citation Boulevard and extending perpendicular to the western edge of right-of-way of Citation Boulevard (Lexington-Fayette Urban County Government D.B. 2985, Pg. 430) $N42^{\circ}10'49''W - 120.86$ feet to a point; Thence leaving the western edge of right-of-way of Citation Boulevard (Lexington-Fayette Urban County Government D.B. 2985, Pg. 430) and severing the parent tract the following seven courses: $N45^{\circ}00'01''W - 162.30$ feet a point, $N45^{\circ}04'23''E - 81.52$ feet a point, $N44^{\circ}59'59''W - 206.55$ feet a point, $N44^{\circ}59'59''W - 183.23$ feet a point, $N65^{\circ}03'25''W - 56.56$ feet a point, $N65^{\circ}03'25''W - 119.05$ feet a point, $N45^{\circ}00'01''W - 106.21$ feet a point, said point being on the eastern edge of right-of-way Robinson Way (Plat Cab. "N", Slide 32); Thence leaving the eastern edge of right-of-way Robinson and continuing perpendicular to the centerline alignment of Robinson Way $N50^{\circ}11'03''W - 30.21$ feet to the **Point of Beginning** and containing a gross area of 10.079 acres, and a net area of 8.190 acres.

