

ORDINANCE NO. 97 -2016

AN ORDINANCE CHANGING THE ZONE FROM AN AGRICULTURAL URBAN (A-U) ZONE TO A HIGH DENSITY APARTMENT (R-4) ZONE, FOR 0.37 NET (0.72 GROSS) ACRE, FOR PROPERTY LOCATED AT 300 LINDENHURST DRIVE (A PORTION OF). (RICKETTS PROPERTIES, LLC; COUNCIL DISTRICT 7).

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WHEREAS, at a Public Hearing held on April 28, 2016, a petition for a zoning ordinance map amendment for property located at 300 Lindenhurst Drive (a portion of ) from an Agricultural Urban (A-U) zone to a High Density Apartment (R-4) zone, for 0.37 net (0.72 gross) acre, was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change by a vote of 8-0; 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 300 Lindenhurst Drive (a portion of) from an Agricultural Urban (A-U) zone to a High Density Apartment (R-4) zone, for 0.37 net (0.72 gross) acre, 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: June 16, 2016

MAYOR



ATTEST:



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CLERK OF URBAN COUNTY COUNCIL

Published: June 23, 2016-1t

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The following description is intended for zoning purposes only. The description represents information depicted on documents of record found in the Fayette County Clerk's office. This description does not represent a boundary survey and should not be used for real estate conveyance or transfer.

**Zone Change from A-U to R-4  
For  
300 Lindenhurst Drive  
Crestview Subdivision, Unit 1-B  
Lexington, KY**

Beginning at the point of intersection of Yorkshire Boulevard, Palumbo Drive and Jerrico Drive as depicted on Plat of Crestview Subdivision Unit 1-B recorded in Plat Cabinet B, Slide 723 of the Fayette County Clerk's office, said point being a corner to the P-1 and A-U Zone delineation, thence with the centerline of said Palumbo Drive and P-1 Zone Line for two (2) calls:

1. North 33° 35' 27" West 130.71 feet;
2. North 33° 43' 52" West 117.34 feet to a point at the centerline intersection of said Palumbo Drive and Lindenhurst Drive; thence leaving P-1 Zone Line and with the centerline of said Lindenhurst Drive for one (1) call:
3. North 53° 01' 59" East 80.01 feet to the point of intersection of the centerline of said Lindenhurst Drive and the R-4 and A-U delineation; thence with said R-4 Zone Line for three (3) calls:
4. South 52° 50' 47" East 23.03 feet;
5. South 52° 51' 50" East 201.62 feet;
6. South 50° 24' 15" East 51.02 feet to a point on the centerline of proposed Jerrico Drive; thence leaving said R-4 Zone Line and with the centerline of said proposed Jerrico Drive for one (1) call:
7. Along a curve to the left having a radius of 949.45 feet, a delta angle of 10° 11' 50" and a long chord of South 59° 14' 48" West 168.75 feet to the Point of Beginning containing 0.72 Acre Gross and 0.37 Acre net.

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

**IN RE:** MAR 2016-14: RICKETTS PROPERTIES, LLC – petition for a zone map amendment from an Agricultural Urban (A-U) zone to a High Density Apartment (R-4) zone, for 0.37 net (0.72 gross) acre, for property located at 300 Lindenhurst Drive (a portion of). (Council District 7)

Having considered the above matter on **April 28, 2016**, at a Public Hearing, and having voted **8-0** 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 2013 Comprehensive Plan, as follows:
  - a. The Plan's Goals and Objectives recommend growing successful neighborhoods through expanded housing choices that address the market needs for all residents (Theme A, Goal #1, Obj. b.). The petitioner proposes an apartment development with 48 two-bedroom and 24 one-bedroom dwelling units, which should create a variety of new dwelling unit types in the immediate area that is expected to complement the existing neighborhood.
  - b. The Goals and Objectives encourage infill development throughout the Urban Service Area as a strategic component of growth for our community (Theme A, Goal #2). The petitioner proposes to increase the density of this parcel, as compared to the surrounding area, to 29.27 dwelling units per net acre.
  - c. The Goals and Objectives recommend identifying areas of opportunity for infill development that respect the area's context and design features (Theme A, Goal #2, Obj. a). The construction of additional apartments is consistent with the R-4 developments in the area and respects the existing character of the immediate area.
  - d. The proposed High Density Apartment (R-4) zone is compatible with the remainder of the property, as well as the adjacent land to the northwest of the subject property. Allowing the parcel to be in one zoning category will also permit a more consistent pattern of land use at this location.
2. This recommendation is made subject to approval and certification of ZDP 2016-47: Crestview Subdivision, Unit 1-B, Lot 16 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 13<sup>th</sup> day of May, 2016.

  
Secretary, Jim Duncan

MIKE OWENS  
CHAIR

Note: The corollary development plan, ZDP 2016-47: Crestview Subdivision, Unit 1-B, Lot 16, was approved by the Planning Commission on April 28, 2016 and certified on May 11, 2016.

K.R.S. 100.211(7) requires that the Council take action on this request by July 27, 2016.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Matt Carter, engineer.**

OBJECTORS

- Beverly White-Cox, 3515 Richmond Road
  
- Joann Heckman, representing Steeplechase Apartments

OBJECTIONS

- She is opposed to the density of the proposed development, as well as the height of the buildings, because she believes they will be out of character with the existing neighborhood.
- She is concerned that overflow parking from the proposed development could negatively impact the residents she represents, and that future residents could attempt to use their amenities.

VOTES WERE AS FOLLOWS:

AYES: (8) Brewer, Cravens, Mundy, Owens, Penn, Plumlee, Richardson, Wilson

NAYS: (0)

ABSENT: (3) Berkley, Drake, Smith

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **MAR 2016-14** carried.

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



MAR 2016-14

Date Received 3/7/16

Pre-Application Date 2/16/16

Filing Fee \$ 500.00

### GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

#### 1. ADDRESS INFORMATION (Name, Address, City/State/Zip & PHONE NO.)

|            |   |
|------------|---|
| APPLICANT: | Ricketts Properties LLC, 3794 Katkay Dr, Lexington KY 40509 |
| OWNER:     | Ricketts Properties LLC, 3794 Katkay Dr, Lexington KY 40509 |
| ATTORNEY:  | n/a   |

#### 2. ADDRESS OF APPLICANT'S PROPERTY (Please attach Legal Description)

|                    |
|--------------------|
| 300 Lindenhurst Dr |
|--------------------|

#### 3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY (Use attachment, if needed--same format.)

| Existing |        | Requested |                         | Acreage |       |
|----------|--------|-----------|-------------------------|---------|-------|
| Zoning   | Use    | Zoning    | Use                     | Net     | Gross |
| A-U      | Vacant | R-4       | High Density Apartments | 0.37    | 0.72  |
|          |        |           |                         |         |       |
|          |        |           |                         |         |       |

#### 4. SURROUNDING PROPERTY, ZONING & USE

| Property | Use                  | Zoning |
|----------|----------------------|--------|
| North    | Residential          | R-4    |
| East     | Undeveloped / Vacant | A-U    |
| South    | Undeveloped / Vacant | A-U    |
| West     | Offices              | P-1    |

#### 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?<br>If yes, how many units?<br>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 checked="" type="checkbox"/> NO<br>____ Units |

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

|                       |  |  |   |   |
|-----------------------|--|--|---|---|
| Roads                 | <input checked="" type="checkbox"/> Existing | <input type="checkbox"/> To be constructed by            | <input type="checkbox"/> Developer            | <input type="checkbox"/> Other  |
| Storm Sewers          | <input type="checkbox"/> Existing            | <input checked="" type="checkbox"/> To be constructed by | <input checked="" type="checkbox"/> Developer | <input type="checkbox"/> Other  |
| Sanitary Sewers       | <input type="checkbox"/> Existing            | <input checked="" type="checkbox"/> To be constructed by | <input checked="" type="checkbox"/> Developer | <input type="checkbox"/> Other  |
| Curb/Gutter/Sidewalks | <input type="checkbox"/> Existing            | <input checked="" type="checkbox"/> To be constructed by | <input checked="" type="checkbox"/> Developer | <input type="checkbox"/> Other  |
| Refuse Collection     | <input checked="" type="checkbox"/> LFUCG    | <input type="checkbox"/> Other                           |   |   |
| 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 |

#### 7. DESCRIBE YOUR JUSTIFICATION FOR REQUESTED CHANGE (Please provide attachment.)

|  |
|--|
| This is in... <input type="checkbox"/> In agreement with the Comp. Plan <input checked="" type="checkbox"/> more appropriate than the existing zoning <input type="checkbox"/> due to unanticipated changes. |
|--|

#### 8. APPLICANT/OWNER SIGNS THIS CERTIFICATION

I do hereby certify that to the best of my knowledge and belief, all application materials are herewith submitted, and the information they contain is true and accurate. I further certify that I am  OWNER or  HOLDER of an agreement to purchase this property since \_\_\_\_\_.

APPLICANT See W Ricketts DATE 03-03-2016

OWNER See W Ricketts DATE 03-05-16

LFUCG EMPLOYEE/OFFICER, if applicable \_\_\_\_\_ DATE \_\_\_\_\_



## **Section 7: (Justification For Requested Zone Change)**

The Applicant, Ricketts Properties LLC, is requesting a zone change from Agricultural Urban (A-U) zone to High Density Apartment (R-4) zone for 0.72 acres (Gross), 0.37 acres (Net).

The property is located at 300 Lindenhurst Dr. The property is currently split zoned with the majority of the property zoned High Density Apartment (R-4) Zone. To the North West, and North East, the property is adjoined by Lindenhurst Drive and Steeple Chase Apartments, also Zoned High Density Apartment (R-4) Zone. To the South West, the property is adjoined by Palumbo Drive/ Yorkshire Boulevard and Ashland Oil Company Inc. Corporate Offices and is Zoned Professional Office (P-1). To the South East, the property is adjoined by the Ivel White Property known as White Haven and is zoned Agricultural Urban (A-U) zone. Currently this property is not being farmed, however, a small portion of this property is being used as a Golf Driving Range and Miniature Golf Course.

High Density Apartment (R-4) Zone is more appropriate than the existing Agricultural Urban (A-U) Zone for the following reasons. Currently this property is split zoned with 85% of the property zoned High Density Apartment (R-4) zone and 15% zoned Agricultural Urban (A-U) zone. The Agricultural Urban (A-U) zoning makes it difficult to develop the property to its highest potential. The applicant would not be able to use this area for parking or apartment buildings as is necessary for the adjoining High Density Apartment (R-4) zone portion of the parent tract. Rezoning this portion to High Density Apartment (R-4) zone will clean up the zone lines making the zones lines line up better with the centerline of Palumbo Drive and the Future extension of Yorkshire Boulevard to Dabney Drive and will make this one cohesive development. Additionally the property is not large enough to sub divide the Agricultural Urban A-U zone off of the parent tract and develop it under the Lot, Yard and Height requirements listed in the LFUCG Zoning ordinance for Agricultural Urban (A-U) zone property. Leaving the property Zoned Agricultural Urban (A-U) zone would provide no benefits to the parent tract nor the surrounding properties and it only acts as a deterrent to the applicant to fully develop his property to its highest and best use which is High Density Apartments.

In addition to the above reasons; this property is also shown on the 2007 Comprehensive Plan Land Use Map as its highest and best use being high density apartments.

Comparatively the 2013 Comprehensive Plan strives to allow flexibility and opportunity for Lexington to grow within its existing Urban Services Boundary and to not be limited to the colors on a land use map.

Under Goals and Objectives in the 2013 Comprehensive Plan, Theme A "Growing Successful Neighborhoods", Goal 2A states that we are to identify areas of opportunity for infill, redevelopment and adaptive reuse that respect the areas context and design features whenever possible. This proposed zone change is taking land that has not been developed, likely due to its incompatible zone with the adjoining and surrounding



properties and maximizing its use by developing High Density Apartments. The proposed development will be comparable in use, size and density with the adjoining apartment developments.

Under Theme B "Protecting the Environment", Goal 1 States We should continue to implement the Consent Decree, including the capacity assurance program, as directed by the Environmental Protection Agency. This development will utilize public sanitary sewers already located within property boundaries and we will apply for sanitary sewer capacity reservation.

Under Theme E "Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land", Goal 1A states that we should continue to monitor the absorption of vacant and underutilized land within the Urban Service Area. Goal 1B states that we should encourage compact, contiguous, and/or mixed-use sustainable development within the Urban Service Area, as guided by market demand, to accommodate future growth needs. This proposed development will take place on land that is inside the Urban Service Boundary, is vacant and underutilized and will not displace any current residences or businesses.

Goal 3 states that we should maintain the current boundaries of the Urban Service Area and Rural Activity Centers, and create no new Rural Activities Centers. This Development is within the Urban Service Boundary and makes use of previously underutilized land.

Thank you for your consideration of this zone change.

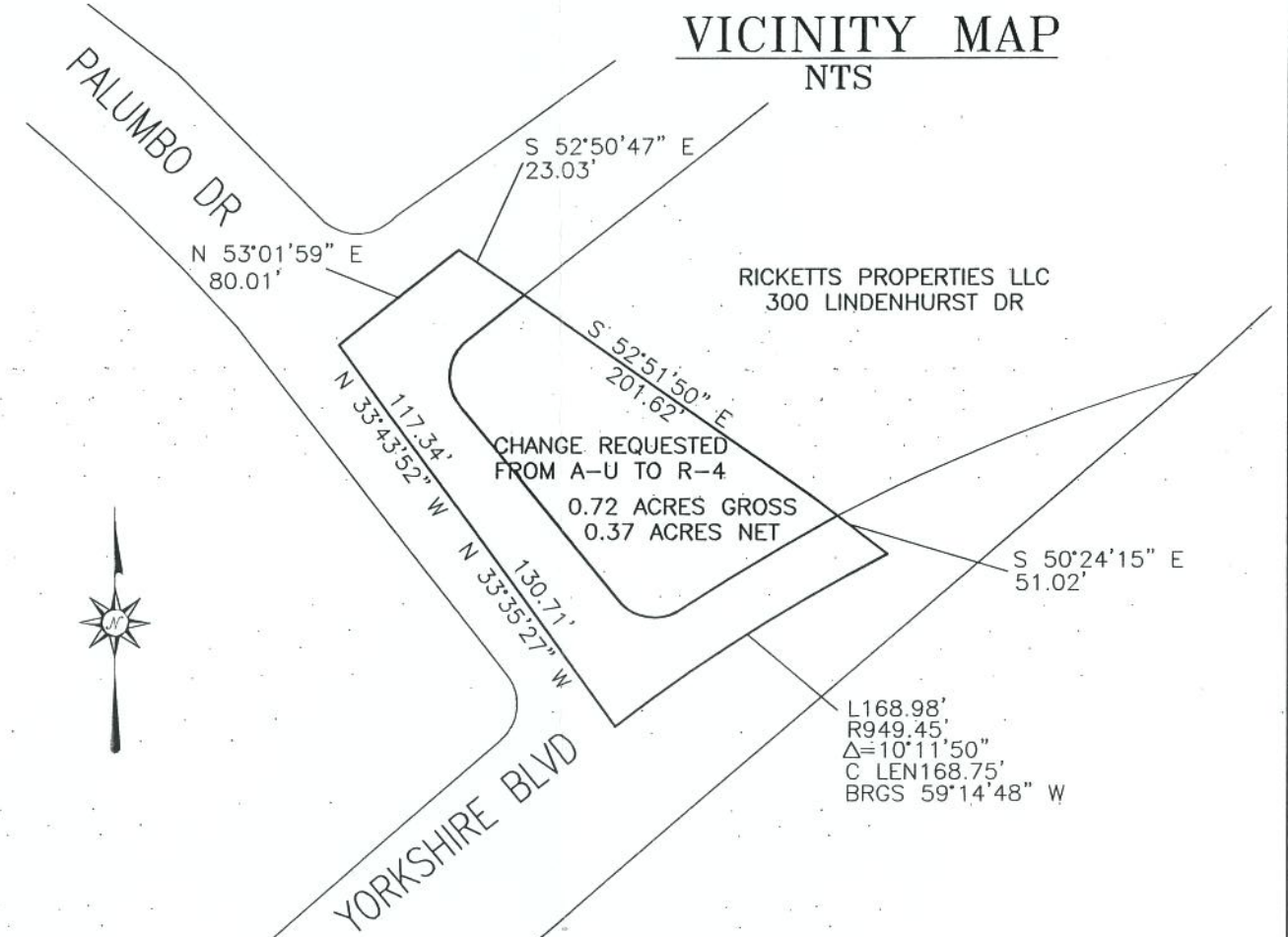
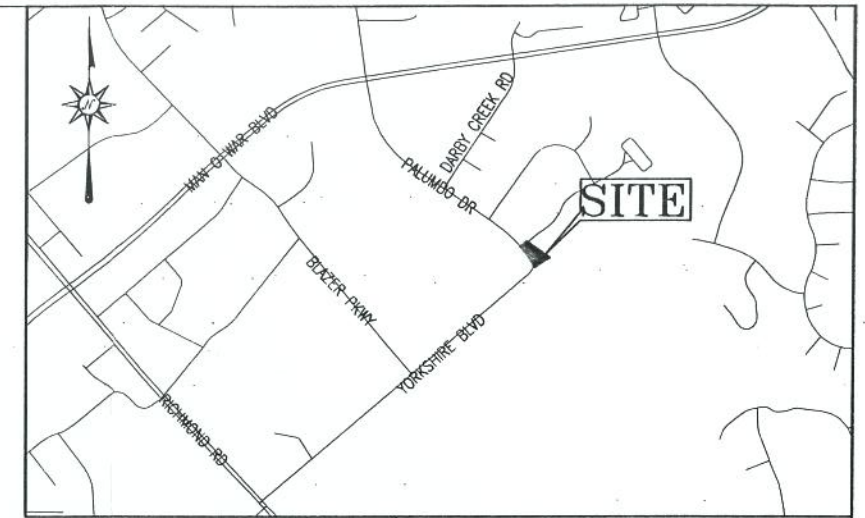
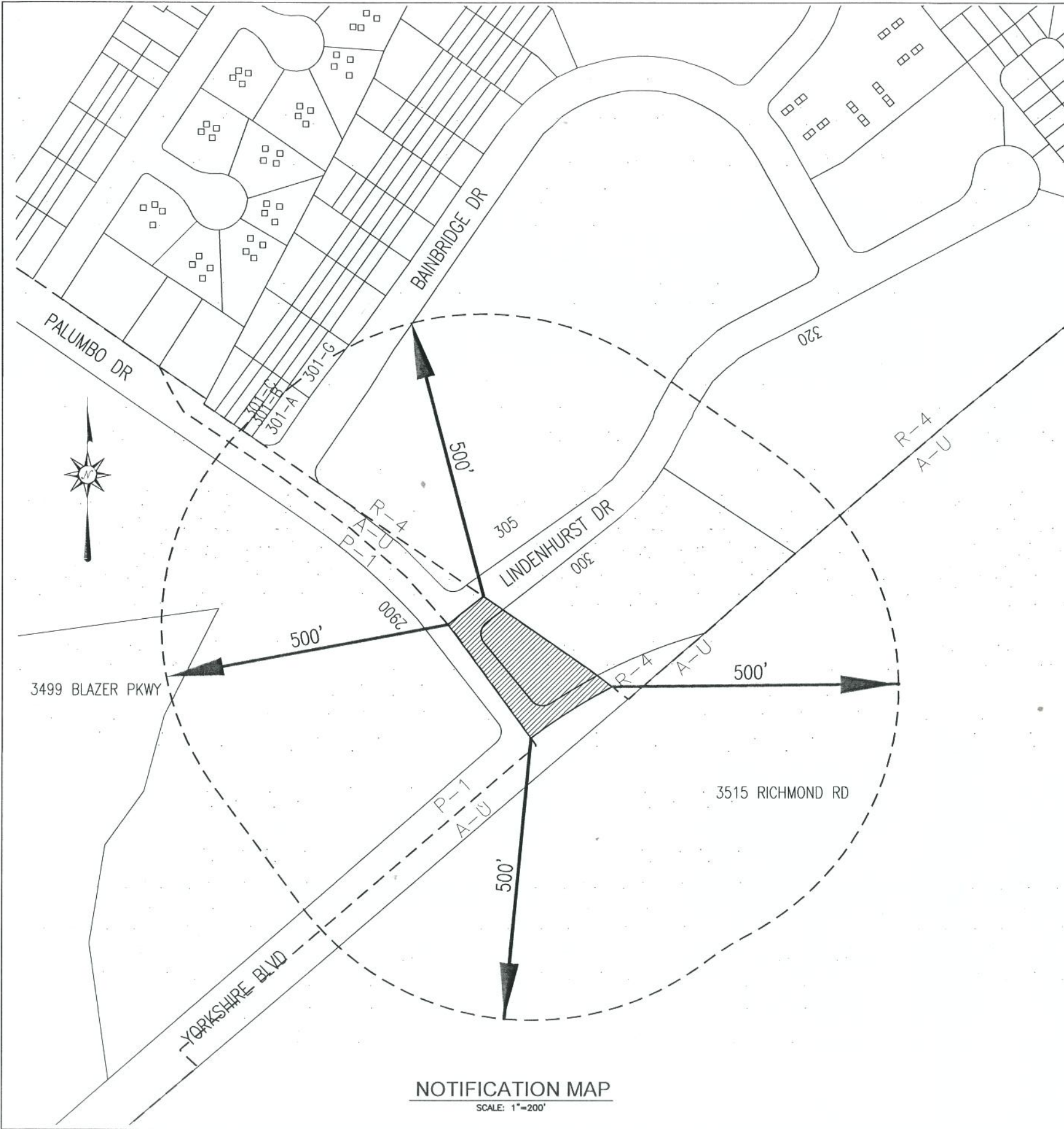
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**Zone Change from A-U to R-4  
For  
300 Lindenhurst Drive  
Crestview Subdivision, Unit 1-B  
Lexington, KY**

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2. North 33° 43' 52" West 117.34 feet to a point at the centerline intersection of said Palumbo Drive and Lindenhurst Drive; thence leaving P-1 Zone Line and with the centerline of said Lindenhurst Drive for one (1) call:
3. North 53° 01' 59" East 80.01 feet to the point of intersection of the centerline of said Lindenhurst Drive and the R-4 and A-U delineation; thence with said R-4 Zone Line for three (3) calls:
4. South 52° 50' 47" East 23.03 feet;
5. South 52° 51' 50" East 201.62 feet;
6. South 50° 24' 15" East 51.02 feet to a point on the centerline of proposed Jerrico Drive; thence leaving said R-4 Zone Line and with the centerline of said proposed Jerrico Drive for one (1) call:
7. Along a curve to the left having a radius of 949.45 feet, a delta angle of 10° 11' 50" and a long chord of South 59° 14' 48" West 168.75 feet to the Point of Beginning containing 0.72 Acre Gross and 0.37 Acre net.





|                                      |   |     |       |           |
|--------------------------------------|---|-----|-------|-----------|
| ZOMAR:                               | TITLE: 300 LINDENHURST DRIVE (A PORTION OF) |     |       |           |
| PROPERTY ADDRESS:                    | FROM  | TO  | GROSS | NET       |
| 300 LINDENHURST DRIVE                | A-U   | R-4 | 0.72  | 0.37      |
| APPLICANT NAME / ADDRESS:            |   |     |       |           |
| RICKETTS PROPERTIES LLC              |   |     |       |           |
| 3794 KATKAY DR                       |   |     |       |           |
| LEXINGTON, KENTUCKY 40509            |   |     |       |           |
| OWNER: RICKETTS PROPERTIES LLC       |   |     |       |           |
| PREPARED BY: VISION ENGINEERING, LLC |   |     |       |           |
| DATE FILED OR AMENDED: MARCH 7, 2016 |   |     | TOTAL | 0.72 0.37 |

**STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT**

**MAR 2016-14: RICKETTS PROPERTIES, LLC**

**DESCRIPTION**

**Zone Change:** From an Agricultural Urban (A-U) zone  
To a High Density Apartment (R-4) zone

**Acreage:** 0.37 net (0.72 gross) acre

**Location:** 300 Lindenhurst Drive (a portion of)

**EXISTING ZONING & LAND USE**

| <u>Properties</u> | <u>Zoning</u> | <u>Existing Land Use</u> |
|-------------------|---------------|--------------------------|
| Subject Property  | A-U           | Vacant                   |
| To North          | R-4           | Residential              |
| To East           | A-U & R-4     | Vacant                   |
| To South          | A-U           | Vacant                   |
| To West           | P-1           | Residential              |

**URBAN SERVICES REPORT**

Roads – The subject property is located at the intersection of Lindenhurst and Palumbo Drives, where Yorkshire Boulevard makes a sharp 90-degree turn. Yorkshire Boulevard terminates and becomes Palumbo Drive at this intersection. With the exception of this property, all of the properties on Lindenhurst are currently developed as multi-family residential. Lindenhurst Drive, which is a relatively short cul-de-sac with a grassed and planted median near its intersection with Palumbo Drive, is classified as a local street. Yorkshire Boulevard and Palumbo Drive, on the other hand, are classified as collector streets. Yorkshire Boulevard provides a connection from Richmond Road (US25/421) southwest of the subject property to its intersection with Palumbo Drive. Palumbo Drive extends from this point in a northwesterly direction to East New Circle Road. The right-of-way of Yorkshire Boulevard also extends along the south side of the site.

Curb/Gutter/Sidewalks – Curbs, gutters and sidewalks exist along both Lindenhurst Drive and Yorkshire Boulevard.

Storm Sewers – The subject property is located within the East Hickman watershed. There is no FEMA Special Flood Hazard Area on the property, although there is floodplain within the vicinity, across Palumbo Drive. The corollary development does not depict any stormwater facilities on-site, but improvements will be required in compliance with the Division of Engineering Stormwater Manual for this 2 1/2 acre site.

Sanitary Sewers – The subject property is in the East Hickman sewershed, and is served by the West Hickman Wastewater Treatment Plant, located in northern Jessamine County. Sanitary sewers do not currently serve the property, and service will need to be extended to it at the time development occurs. The property is midway between two gravity mains, which will facilitate connection and service to the property, should it be redeveloped as desired.

Refuse – The Urban County Government serves this portion of the Urban Service Area with collection on Fridays. Apartment complexes sometimes contract with private waste haulers for more frequent service.

Police – The property is equidistant between the Central Sector Roll Call Center (on East Main Street in downtown) and the East Sector Roll Call Center (on Centre Parkway). Each is approximately three miles from the subject property.

Fire/Ambulance – The nearest fire station (#21) is located approximately 1/2 mile to the northeast, on Mapleleaf Drive.



Utilities – All utilities, including street lights, natural gas, telephone service, electric, water, and cable television are available to the subject property.

### **COMPREHENSIVE PLAN AND PROPOSED USE**

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. The Plan also encourages infill, redevelopment and adaptive reuse that respects the area's context and design features (Theme A, Goal #2a), supports compact and contiguous development within the Urban Service Area (Theme E, Goal #16) and encourages development of vacant and underutilized parcels (Theme E, Goal #3).

The petitioner proposes a High Density Apartment (R-4) zone for the subject property in order to construct three 3-story apartment buildings with 72 dwelling units (120 bedrooms), yielding an overall residential density of 29.27 dwelling units per net acre.

### **CASE REVIEW**

The petitioner has requested a zone change from an Agricultural Urban (A-U) zone to a High Density Apartment (R-4) zone for approximately  $\frac{3}{4}$  acre located on the northeast side of Palumbo Drive, just south of its intersection with Lindenhurst Drive.

The subject property is a portion of 300 Lindenhurst Drive and is bounded on the north, northeast and west by Lindenhurst Drive and Steeple Chase Apartments (R-4 zone). To the southwest, the property adjoins Palumbo Drive/Yorkshire Boulevard and the Ashland Oil Company property now under development as the Valvoline Company Headquarters (in a P-1 zone). To the southeast, the property adjoins the Ivel White Property (A-U zone) that is not currently farmed; however, a small portion is used as a Golf Driving Range and Miniature Golf Course.

The applicant proposes to rezone a small portion of the existing property along the frontage with Palumbo Drive and Lindenhurst to match the zoning on the remainder of the property. This will allow construction of three 24-unit apartment buildings and associated off-street parking. Access is proposed along Lindenhurst Drive.

The 2013 Comprehensive Plan focuses on general land use policies, such as land use compatibility; well-designed neighborhoods; improving a desirable community; and making the best use of land inside the Urban Service Boundary for the protection of the surrounding rural areas. The Plan no longer relies upon a future land use map. However, the general concepts, policies and guiding principles of the Plan should always be considered.

The petitioner contends that the High Density Apartment (R-4) zone is more appropriate than the A-U zone, and is in agreement with the 2013 Comprehensive Plan. The majority of the property is already zoned R-4, and the rezoning of the remainder of the lot will allow it to be developed in a more cohesive and efficient manner. The petitioner cites Theme A, Goal #2a of the Comprehensive Plan, "identifying areas of opportunity ... that respect the areas context and design features wherever possible." The proposed expansion will not impact the adjoining residential land use, and the proposed development of the subject property will place underutilized land to a productive use in support of Goal #1a under Theme E. In addition, the petitioner states that the development complies with Goal #1b of Theme E as well by encouraging "compact, contiguous and/or mixed-use developments within the Urban Service Area.... to accommodate future growth needs." The staff agrees with the petitioner's justification.

The site remains an underutilized site, and the requested zone change will allow for it to be developed to its full potential, providing additional residential units for the community. The existing infrastructure and transportation network will support the proposed multi-family development. The future extension of Yorkshire Boulevard is expected to serve the future development of the White Property to the southeast of this site.

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

1. The requested High Density Apartment (R-4) zone is in agreement with the 2013 Comprehensive Plan, as follows:
  - a. The Plan's Goals and Objectives recommend growing successful neighborhoods through expanded housing choices that address the market needs for all residents (Theme A, Goal #1, Obj. b.). The petitioner proposes an apartment development with 48 two-bedroom and 24 one-bedroom dwelling units, which should create a variety of new dwelling unit types in the immediate area that is expected to complement the existing neighborhood.
  - b. The Goals and Objectives encourage infill development throughout the Urban Service Area as a strategic component of growth for our community (Theme A, Goal #2). The petitioner proposes to increase the density of this parcel, as compared to the surrounding area, to 29.27 dwelling units per net acre.
  - c. The Goals and Objectives recommend identifying areas of opportunity for infill development that respects the area's context and design features (Theme A, Goal #2, Obj. a). The construction of additional apartments is consistent with the R-4 developments in the area and respects the existing character of the immediate area.
  - d. The proposed High Density Apartment (R-4) zone is compatible with the remainder of the property, as well as the adjacent land to the northwest of the subject property. Allowing the parcel to be in one zoning category will also permit a more consistent pattern of land use at this location.
2. This recommendation is made subject to approval and certification of ZDP 2016-47: Crestview Subdivision, Unit 1-B, Lot 16 prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.



9. **RICKETTS PROPERTIES, LLC, ZONE MAP AMENDMENT & CRESTVIEW SUBDIVISION, UNIT 1-B, LOT 16, ZONING DEVELOPMENT PLAN**

- a. 2016-14: RICKETTS PROPERTIES, LLC (6/5/16)\* – petition for a zone map amendment from an Agricultural Urban (A-U) zone to a High Density Apartment (R-4) zone, for 0.37 net (0.72 gross) acre, for property located at 300 Lindenhurst Drive.

**COMPREHENSIVE PLAN AND PROPOSED USE**

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. The Plan also encourages infill, redevelopment and adaptive reuse that respects the area's context and design features (Theme A, Goal #2a), supports compact and contiguous development within the Urban Service Area (Theme E, Goal #16) and encourages development of vacant and underutilized parcels (Theme E, Goal #3).

The petitioner proposes a High Density Apartment (R-4) zone for the subject property in order to construct three 3-story apartment buildings with 72 dwelling units (120 bedrooms), yielding an overall residential density of 29.27 dwelling units per net acre.

**The Zoning Committee Recommended: Approval**, for the reasons provided by staff.

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

1. The requested High Density Apartment (R-4) zone is in agreement with the 2013 Comprehensive Plan, as follows:
    - a. The Plan's Goals and Objectives recommend growing successful neighborhoods through expanded housing choices that address the market needs for all residents (Theme A, Goal #1, Obj. b.). The petitioner proposes an apartment development with 48 two-bedroom and 24 one-bedroom dwelling units, which should create a variety of new dwelling unit types in the immediate area that is expected to complement the existing neighborhood.
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    - d. The proposed High Density Apartment (R-4) zone is compatible with the remainder of the property, as well as the adjacent land to the northwest of the subject property. Allowing the parcel to be in one zoning category will also permit a more consistent pattern of land use at this location.
  2. This recommendation is made subject to approval and certification of ZDP 2016-47: Crestview Subdivision, Unit 1-B, Lot 16 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. ZDP 2016-47: CRESTVIEW SUBDIVISION, UNIT 1-B, LOT 16 (6/5/16)\* - located at 300 Lindenhurst Drive.  
(Vision Engineering)

**Note:** The purpose of this amendment is to depict three apartment buildings and their associated parking.

**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. Addition of stormwater management note.
6. Provide appropriate note involving right-of-way (20' turn radius) dedication at corner of Yorkshire Boulevard and Palumbo Drive.
7. Discuss on-site detention or off-site detention location.
8. Discuss parking in 20' setback and potential variance prior to street extension along southern property line.

**Zoning Presentation:** Ms. Wade oriented the Planning Commission to the site and presented the staff report. The subject property is located at Palumbo Drive and Lindenhurst Drive, with Yorkshire Boulevard right-of-way located to the east. Ms. Wade displayed a map indicating the existing zoning near property. Lakeside Golf Course is located to the south, as is the White property. Ashland Oil and Steeplechase Apartments are situated to the southwest and north, respectively. A majority of the subject site is currently zoned R-4; across Lindenhurst Drive is R-4 zoning; and across Palumbo Drive is P-

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



1 zoning. The corner of Richmond Road and Man-O-War Boulevard is also P-1 zoning, and Palumbo Drive to the east is high density residential.

The petitioner is proposing to rezone the front portion of the property, which is currently vacant, from an A-U to to an R-4 zone. They would like to construct three apartment buildings for a total of 72 dwelling units. The petitioner contends that it is in agreement with the Comprehensive Plan and that the proposed zone is appropriate and the current A-U zone is inappropriate. This property is very small (3/4 of an acre), and A-U parcels are generally a holding zone for future urban development. There are urban services in this vicinity and agricultural use is very unlikely in this area or on the small site. The staff does believe that the requested zone change is in agreement with the Comprehensive Plan and compatible with adjoining areas. The staff and the Zoning Committee both recommended approval of the proposed rezoning to an R-4 zone.

Development Plan Presentation: Mr. Hunter presented the development plan. The Subdivision Committee recommended the associated zoning development plan for approval. The staff had also met with the petitioner to discuss the location of the detention, if it was to be on site or offsite, because it is not noted on the map. The staff also discussed with the applicant the provision of parking within the 20-foot setback line. The petitioner will need to request a variance for parking to be allowed in the front yard since it is not permissible for this type of zone. Mr. Hunter asked the Planning Commission to note the revised conditions on the pink handout.

Petitioner Presentation: Matt Carter, Vision Engineering, stated that the applicant was in agreement with the recommended conditions.

Citizen Opposition: Beverly White-Cox, whose family owns 3515 Richmond Road, the adjacent property, was present. In the 95 years their business has been on Richmond Road they haven't objected to any projects; but they are opposing the density, not the apartments, which are proposed to be three stories in height in a neighborhood of one-story buildings. They believe that it will be too dense and too tall for the neighborhood. They are not opposed to two-story buildings, but they are opposed to three-story building because it will be too much parking and could be a "nightmare" for their property if they ever develop. Ms. White-Cox opined that this project does not meet the goal of development to complement the existing neighborhood or respect the character of the existing area.

Ms. White-Cox is also concerned about the retention basin, because they don't want flooding in their back field. Ms. White-Cox also stated that when developing adjacent to a farm, the requirements are to install a 6' diamond mesh fence along the property boundary; she wants to see this in the conditions of approval.

Joann Heckman, representing Steeplechase Apartments, expressed the same concerns as Ms. White-Cox, but her primary concern is the possible increased parking on Lindenhurst Drive. She also expressed concern that the proposed development would have no amenities; therefore, residents will be more likely to try to use the Steeplechase facilities.

Petitioner Rebuttal: Matt Carter stated that their request is in conformance with the Zoning Ordinance. If the variance becomes necessary, for parking along the right-of-way of Yorkshire Boulevard, the petitioner will likely eliminate some units so it will not be needed. The detention will be provided according to regulations. Most likely the detention will be under the parking lot, due to the limited amount of land available.

Commission Questions: Mr. Penn asked if this is a final development plan; Mr. Carter replied that it is not. Mr. Penn asked if the fencing will be addressed on the final development plan. Ms. Wade responded that the fencing requirement next to an agricultural use is a Subdivision Regulation. Since the petitioner isn't subdividing the land, it is not required; however, the Planning Commission can require fencing along the agricultural shared property line with the White Property. The staff, however, wants to ensure that the fence is not within the right-of-way

Mr. Owens asked Mr. Carter what his feelings are on density and the three vs. two-story buildings. Mr. Carter replied that he would like to stay with three-story buildings. He stated that they need to maximize the use of the land; this is the opportunity to make it as dense as possible.

Ms. Wade asked Mr. Carter to consider if the development does need to lose units because of the parking being within the setback, if they could consider that reduction near the White property. Mr. Carter replied that he does not know which buildings would be impacted.

Ms. White-Cox had a question about the parking lot and the setback. Ms. Wade showed her the location of the proposed parking, and its proximity right-of-way for the continuation of Yorkshire Boulevard; the petitioner needs to meet the setback for the building and their parking. Some parking spaces encroach in their setback so they need to either request a variance, remove the parking, or relocate it. If they need to remove parking, they will have to reduce the number of units.

Mr. Owens commented that the approval of the zone would allow for a three-story building, but it would also allow for a two-story building, and could be changed at the final development plan stage.

Chairman's Comments – Chairman Owens stated that hearing was now "closed," and he opened the floor for discussion or a motion



Zoning Action: A motion was made by Mr. Wilson, seconded by Ms. Richardson, and carried 8-3 (Berkley, Drake, and Smith absent, to approve MAR 2016-14: RICKETTS PROPERTIES, LLC, for the reasons provided by staff.

Development Plan Action: A motion was made by Mr. Wilson, seconded by Ms. Mundy, and carried 8-0 (Berkley, Drake, and Smith absent) to approve ZDP 2016-47, adding a new condition to require fencing along the boundary with the agricultural property.

