

August 4, 2014

Lexington-Fayette Urban County Planning Commission
200 East Main Street
Lexington, Kentucky 40507

RE: GENERAL INFORMATION - Zoning Ordinance Text Amendment Application
Date Received: 8/4/14
Filing Fee: \$350

Dear Members of the Planning Commission:

Thank you for receiving this letter in the alternative to the Zoning Ordinance Text Amendment Application form. This letter is filed on behalf of the applicant NoLi CDC Corporation: 804 N Limestone, Lexington, KY 40505, (859) 258-2244. It is filed by NoLi CDC's representative, S. Brandon Coan, an attorney licensed to practice law in the Commonwealth of Kentucky: 1513 Rosewood Avenue, Louisville, KY 40204, (502) 851-5652.

A Pre-application Conference was held June 5, 2014. NoLi CDC's requested text change is to establish a Planned Unit Development zone to be designated "PUD-2," and the regulations of same to be included as "Appendix B" to Zoning Ordinance Article #22. Enclosed please find the specific text change proposed.

The justification for making this change is to allow the innovative reuse and redevelopment of B-1, I-1 and R-3 zoned properties bounded by North Limestone on the west, Maple Street on the east, the R.J. Corman Rail Line on the north and W. 7th Street on the south to establish "LuigART Makers Spaces," an innovative live-work zone designed to support the lifestyle of makers and artists currently residing in the area and to attract others to invest in several older, former commercial and industrial properties, as well as vacant lots and abandoned "shotgun houses" located in the neighborhood. The text amendment will provide Lexington with new housing options for artists similar to those found in other cities – including Baltimore, Philadelphia, San Francisco, Wilmington and Oakland – that have successfully revitalized neighborhoods, retained local talent, sparked new businesses, fostered creative communities and created jobs.

A text amendment to establish a PUD is essential to the LuigART Makers Spaces project because none of the existing zoning categories provide for sufficient flexibility to allow the full range of urban mixed uses that NoLi CDC wants to encourage in the area, including homeownership and equity programs, an artist-in-residence program, visiting artist housing, an incubator space and a gallery space for associated artists, makers and partner organizations, as well as neighborhood-serving shops and services. In addition, a PUD is essential to achieving pedestrian-oriented goals through flexible parking requirements, and to ensure compatibility with neighboring uses through certain size and scale restrictions. Article #22 of the Zoning Ordinance, Lexington-Fayette Urban County, Kentucky (“Zoning Ordinance”) recognizes that “traditional zoning practices can, at times, restrict and hamper innovative but proper approaches,” and therefore the Article “is intended to establish zones which allow for innovation which may not be accomplished using traditional techniques.” Zoning Ordinance Article No. 22-1.

For example, whereas current zoning prohibits the crafting of artisan merchandise and products in the area shotgun houses, the proposed text change permits such uses subject to restrictions ensuring compatibility with nearby properties. Also, whereas existing zoning restricts dwelling units in the area industrial properties for “watchmen or caretakers,” the proposed text change provides for a group of individuals to reside and work in the space, including visiting artists housing. The proposed text change provides for flexibility in the range of permitted uses in the area commercial properties, as well.

NoLi CDC was founded in 2013 to execute the goals of the 2009 Central Sector Small Area Plan and the 2011 North Limestone Sustainability Plan and, indeed, approval of the text amendment to establish the PUD is consistent with those plans, as well as the 2013 Comprehensive Plan. As a pedestrian-oriented, preservation and cultural project near downtown Lexington and proposed by residents, the PUD clearly supports Protecting the Environment (Comprehensive Plan Theme B), Improving a Desirable Community (Theme D), Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land (Theme E) and Implementing the Plan for Lexington-Fayette County and the Bluegrass (Theme F). It is with respect to Growing Successful Neighborhoods (Theme A) and Creating Jobs and Prosperity (Theme C), however, that the proposed PUD particularly aligns with Comprehensive Plan policies, goals and objectives.

The Comprehensive Plan recognizes that Growing Successful Neighborhoods depends on expanding housing choices through the pursuit of regulatory approaches that encourage creativity (Goal A.1). The Plan supports infill and redevelopment throughout the Urban Service Area, including innovative programs to facilitate affordable housing and commercial and economic activity (Goal A.2). And it aims to connect people to place, to history, and to each other (Goal A.3). Moreover, the Comprehensive Plan seeks to Create Jobs and Prosperity by enabling infill and redevelopment that creates jobs

where people live (Goal C.1), encouraging entrepreneurship and focusing on quality of life to retain and attract talent (Goal C.2).

The Comprehensive Plan is not only the driving force behind this text amendment application but NoLi CDC's very existence and core values, as well. NoLi CDC sincerely thanks the Lexington-Fayette Urban County Government Planning staff for their help in organizing this proposal and looks forward to continuing to work together. We respectfully request the Commission's approval of the text amendment as submitted.

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 complete. Please give me a call at your convenience if you have any questions or wish to discuss this further.

Very truly yours,

APPLICANT: NOLI CDC CORPORATION

A handwritten signature in blue ink, appearing to read 'S. Brandon Coan', is written over the printed name.

REPRESENTATIVE: S. BRANDON COAN

SBC
Enclosure

APPENDIX 22B

LUIGART PLANNED UNIT DEVELOPMENT (PUD-2) ZONE

22B-1 INTENT - The intent of the Luigart Planned Unit Development (PUD-2) is to:

1. Implement the recommendations of the 2009 Central Sector Small Area Plan and the 2011 North Limestone Sustainability Plan.
2. Promote the innovative reuse and redevelopment of an older, mixed-use neighborhood in the urban core of Lexington-Fayette County, which is consistent with the Goals and Objectives of the Comprehensive Plan.

This Planned Unit Development zone is established to support infill and redevelopment that maintains neighborhood character, preserves housing affordability and strengthens opportunities for new applied arts and skilled crafts businesses and jobs, which are vital to the 21st century economy of Lexington-Fayette County. Live/Work districts such as this Planned Unit Development zone provide a desirable housing option to creative professionals and a benefit to the surrounding community when located so as to be compatible with existing uses. The Planned Unit Development-2 (PUD-2) is hereby created to accompany lands located between North Limestone Street (to the west), Maple Street (to the east), the R.J. Corman Rail Line (to the north) and West Seventh Street (to the south); and the regulations hereunder shall be established in addition to the applicable regulations contained in this Zoning Ordinance. Where there are conflicts between the regulations hereunder, and those contained elsewhere in the Zoning Ordinance, the use, dimensions and other requirements hereunder shall apply.

22B-2 RELATIONSHIP TO THE COMPREHENSIVE PLAN - This PUD-2 zone is based upon furthering the goals, objectives and land use policies of the 2013 Comprehensive Plan for the Lexington-Fayette Urban County Government (LFUCG) (including the 2009 Central Sector Small Area Plan) and the 2011 North Limestone Sustainability Plan. The Comprehensive Plan outlined a series of goals to preserve our quality of life and foster regional planning and economic development. The themes of Growing Successful Neighborhoods and Creating Jobs and Prosperity and the following goals contained in that Plan are most applicable to this PUD-2 zone: Theme A, Goal 1: Expand housing choices; Theme A, Goal 2: Support infill and redevelopment throughout the Urban Service Area as a strategic component of growth; Theme A, Goal 3: Provide well designed neighborhoods and communities; Theme C, Goal 1: Support and showcase local assets to further the creation of a variety of jobs; and Theme C, Goal 2: Attract the world's finest jobs, encourage entrepreneurial spirit, and enhance our

ability to recruit and retain a talented, creative workforce by establishing opportunities that embrace diversity with inclusion in our community.

22B-3 DEFINITIONS – As used in this article, the following terms shall have the meaning given herein, otherwise definitions of Article 1 shall apply:

1. Live/Work Space - A dwelling unit that is also used for non-residential uses permitted herein such as, but not limited to, the production, showing and sale of art; both visual and performing arts; office uses; and related uses.
2. Artist Studio – A studio working in all art forms, including, but not limited to, painters; sculptors; authors; screenwriters; playwrights; filmmakers; dancers; potters; weavers; jewelers; exhibitors; printers; costumers; musicians; and photographers.
3. Artisan Food and Beverage Production - On-site production of food and beverage products, involving small batch processing. Typical uses include, but are not limited to, coffee roasting; ice cream; bakery; candy, and other foodstuffs; and alcoholic beverage manufacturing. This may include on-site sales and consumption.
4. Artisan Manufacturing - On-site production of goods by hand manufacturing, involving the use of hand tools and small scale, light mechanical equipment. Typical uses include, but are not limited to, woodworking and cabinet shops; ceramic studios; jewelry manufacturing; and uses that have no negative external impacts on surrounding properties. Welding is also permitted.
5. Digital Makerspace – A facility for digital design and fabrication utilizing hardware and software tools.
6. Urban Agriculture - The production and distribution, including on-site sales, in an urban neighborhood of agricultural or horticultural crops, including, but not limited to, poultry; poultry products; grain; hay; pastures; soybeans; timber; orchard fruits; vegetables; flowers or ornamental plants. This use does not include livestock or livestock products.
7. Visiting Artist Housing – A dwelling unit or living quarters made available for visiting artists that may be rented or occupied for less than one week at a time. A maximum of one such housing unit shall be permitted per lot.
8. Accessory Dwelling Unit (ADU) - A separate and

complete dwelling unit that is contained on the same lot as the structure of a single-family dwelling or business. Such a dwelling unit shall be clearly incidental and subordinate to the principal use of the lot.

22B-4 MINIMUM SITE LOCATION - Application for a map amendment request to a PUD-2 zone shall be made only on property that meets the following criteria:

22B-4(a) LOCATION - The property must be entirely or substantially located within an area between North Limestone Street (to the west), Maple Street (to the east), the R.J. Corman Rail Line (to the north) and West Seventh Street (to the south);

22B-5 PERMITTED USES - The following uses shall be permitted in the PUD-2 zone. All uses other than those specifically listed as permitted uses or substantially similar to the permitted uses shall be prohibited.

22B-5(a) PRINCIPAL PERMITTED USES

1. Live/Work Space.
2. Dwelling Units.
3. Artist Studio.
4. Artisan Food and Beverage Production.
5. Artisan Manufacturing.
6. Digital Makerspace.
7. Urban Agriculture.
8. Visiting Artist Housing.
9. Libraries, museums and reading rooms.
10. Community Centers, churches and Sunday schools.
11. Indoor theaters.
12. Banquet Facilities.
13. Tattoo Parlors.
14. Shoe repair, clothing alterations and tailoring services.
15. Beauty shops and barber shops.
16. Radio and television studios.
17. Banks and financial institutions, without drive-through facilities.
18. Business offices.
19. Establishments for the retail sale of food products.
20. Establishments for the retail sale of merchandise as permitted in the B-1 zone, unless prohibited by Section 22B-5(d).

22B-5(b) ACCESSORY USES - The following uses are permitted when incidental and subordinate to principal permitted uses:

1. Private garages, off-street parking areas, and storage sheds when accessory to a principally permitted use which does not contain a principal structure, such as, but not limited to, an Urban Agriculture use.
2. Swimming pools, tennis courts, clubhouses and other private or common use open space and recreational

- areas.
3. Private, non-commercial parks and open space.
4. A ground mounted satellite dish antenna, as regulated by Article 15-8.
5. Family child care for up to six (6) children, provided that the total number of children living or being cared for on the property shall not exceed six (6).
6. One or two pool or billiard tables within an establishment.
7. Sale of finished products related or incidental to the principal use.
8. Accessory dwelling units.
9. Temporary structures designed for use or occupancy for up to 60 days per 12 month period on a single property, calculating said period by cumulative consideration of the use of any and all such structures on a single property.
10. Sidewalk cafes, when accessory to any permitted restaurant.

22B-5(c) CONDITIONAL USES – (Permitted only with Board of Adjustment approval.)

1. Parking areas.
2. Family child care for seven (7) and not more than twelve (12) children. A fenced outdoor play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
3. Restaurants and brew-pubs, except as prohibited under Sections 8-16(e)(14) and (15). This does not include drive-in restaurants.
4. The sale of malt beverages, wine or alcoholic beverages, when accessory to a restaurant permitted herein.
5. Indoor or outdoor live entertainment and/or dancing, when accessory to a restaurant or brew-pub. Indoor uses shall be sound-proofed to the maximum extent feasible by using existing technology, with noise or other emissions not creating a nuisance to the surrounding neighborhood. The Board may also impose time and other restrictions to minimize nuisance to the surrounding neighborhood.
6. Cocktail lounges or nightclubs unless prohibited under Section 8-16(e)(14) and (15).
7. Temporary structures designed for use or occupancy for 61-180 days per 12 month period on a single property, calculating said period by cumulative consideration of the use of any and all such structures on a single property.
8. Retail sales not otherwise permitted herein.
9. Private clubs.
10. Kindergartens, nursery schools, day nurseries and child care centers for four (4) or more children. For any lot or property which will also be used for residential purposes, no more than twelve (12) children shall be permitted. All kindergartens, nursery schools, day nurseries, and child care centers shall provide a fenced outdoor play area which shall contain not less than twenty-five (25) square feet per

child.

22B-5(d) PROHIBITED USES – (All uses other than those listed as principal, accessory, or conditional uses, or substantially similar to principal, accessory or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. Drive-through facilities.
2. Beer, liquor, and wine stores.

22B-6 DESIGN STANDARDS - The following design standards and criteria shall be applicable in the PUD-2 zone. All new structures and alterations or additions to existing structures shall be constructed to a height, scale, proportion and gross volume compatible with the existing structures that are within two hundred (200) feet or are substantially related to them visually. The existing rhythm created by existing building masses and spaces between them should be preserved.

	A	B
	Without Development Plan Approval	With Development Plan Approval
Lot Coverage	30%	100%
Maximum Vehicular Use Area (VUA) Coverage	30%	50%
Building Height	Average of Adjacent Buildings	75 Ft.
Lot Size	Max: 7500 Sq. Ft.	No Maximum
Floor Area Ratio (FAR)	0.5	2
Yards		
Front	Min: 7 Ft.	No Minimum
	Max: 20 Ft.	Max: 20 Ft.
Side	No Minimum	No Minimum
Rear	No Minimum	No Minimum
Side Street Side	1/2 the established Front Yard	
Open Space	None Required	
Signage	As Permitted in 17-7(o)	

22B-6(a) OFF-STREET PARKING – No off-street parking shall be required except for where the Planning Commission or Board of Adjustment may establish off-street parking requirements, as needed.

22B-7 REVIEW PROCEDURES - All applications for a PUD-2 shall be reviewed under the following procedure.

22B-7(a) AUTHORIZATION TO PREPARE REQUIRED MATERIALS - In order to ensure that the Planned Unit Development Plan has been prepared in a professional manner using a multi-discipline approach, it shall be certified by two or more of the following professionals:

- (1) An urban planner who is a full member of AICP.
- (2) A landscape architect licensed to practice in the State

of Kentucky.

- (3) An architect registered to practice in the State of Kentucky.
- (4) A civil engineer registered to practice in the State of Kentucky.

22B-7(b) MAP AMENDMENT REQUEST - Any map amendment request to a PUD-2 zone shall be filed in such form and such materials as required by Article 6 of this Zoning Ordinance and the bylaws of the Planning Commission. In addition, a site inventory and analysis shall be included with the application as the minimum requirements for filing.

22B-7(b)(1) SITE INVENTORY - The inventory shall include text and map information indicating existing vegetative cover, including tree stands and the general type and size of trees, any existing utilities on site; the location and use of any existing structures on the site; identification and location of any historic structures or other natural or man-made features of historic interest; any existing easements; and any other significant site features. When a Planned Unit Development Plan is required, the inventory shall also include soil types and their locations and development limitations; existing drainage features including watercourses, natural swales, ponds, floodplains, etc.

22B-7(b)(2) SITE ANALYSIS AND RECOMMENDATIONS - Based on the site inventory information, a Site Analysis including recommendations shall be provided. The Site Analysis may recommend public infrastructure improvements, uses, scale and context, in keeping with the stated intent of the PUD-2 zone.

22B-7(c) PLAN AND PERMIT PROCESS

22B-7(c)(1) ISSUANCE OF A ZONING COMPLIANCE PERMIT - When a property meets all of the requirements of the table in Section 22B-6 Column A, the Division of Planning is authorized to issue a Zoning Compliance Permit without a Planned Unit Development Plan.

22B-7(c)(2) PLANNED UNIT DEVELOPMENT PLAN - A Planned Unit Development Plan shall be required when a property does not meet the requirements of Section 22B-7(c)(1). When a Planned Unit Development Plan is required, the requirements of the table in Section 22B-6 Column B shall apply. The content and review process for the Plan shall follow Article 21. Zoning Compliance and other applicable permits may be issued once certification of the Planned Unit Development Plan is complete.

22B-7(c)(3) RELATIONSHIP TO THE SITE INVENTORY - The design of the planned unit development shall respond to the natural and man-made features of the site. The design shall not

necessitate excessive grading, filling, the destruction or other alteration of the natural features. Where possible, the streets should follow the natural terrain. The design shall provide adequately for any historic feature on the site as well as any existing structure which is to be retained. The applicant shall use the flexibility of the PUD-2 zone to preserve such desirable natural and man-made features to the greatest feasible extent.

22B-8 APPLICABILITY OF OTHER ZONING ORDINANCE AND SUBDIVISION REGULATION ARTICLES - Except as specifically modified herein, all other provisions of the Zoning Ordinance and Subdivision Regulations generally applicable to development in the Lexington-Fayette Urban County shall be applicable within the PUD-2 zone.

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