

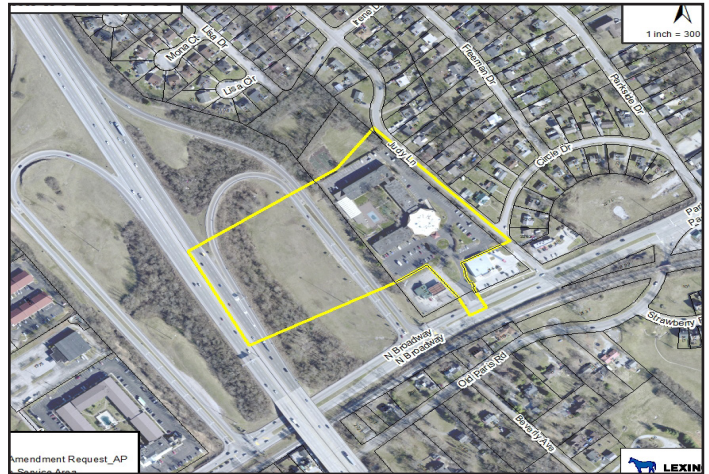
STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-22-00003: PROPCO NORTH BROADWAY, LEXINGTON, KY, LLC

DESCRIPTION OF ZONE CHANGE

Zone Change: From an Interchange Service Business (B-5P) zone To a Planned Neighborhood Residential (R-3) zone
Acreage: 6.022 net (15.204 gross) acres
Location: 2143 North Broadway (a portion of)

EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	B-5P	Hotel
To North	R-3	Vacant
To East	R-1C	Single Family Residential
To South	B-5P / B-3 / R-1B	Gas Station/ Retail / Single Family Residential
To West	B-5P / P-1	Interstate Right-of-Way



URBAN SERVICE REPORT

Roads - The subject property is located on the north side of North Broadway (US 27/US 68), a major arterial highway, east of Interstates 64 and 75, and approximately 300 feet from the on-ramp to the westbound/northbound lanes to the interstate at the Broadway / Paris Pike interchange. At this location, North Broadway experiences approximately 18,700 average daily trips. The site is also bound to the east by Judy Lane, a local street within the Thoroughbred Acres subdivision. Primary access and egress for the site is proposed to be shifted from North Broadway to Judy Lane, with an emergency access point from North Broadway.

Curb/Gutter/Sidewalks - North Broadway was constructed without curb, gutter and sidewalks in this portion of the Urban Service Area. Judy Lane also does not have curb, gutter or sidewalks along the subject property's frontage. Improvements (½ section) may be required to be made along the unimproved frontages of the subject property at the time of site development.

Utilities - All utilities, including natural gas, electric, water, phone, cable television, and internet are available in the area, and are available to serve future development.

Storm Sewers - The subject property is located within the Cane Run watershed. The stormwater swales along the N. Broadway frontage are currently utilized by the subject and adjoining properties. No other stormwater improvements appear to have been completed, generally, within this commercial area. No FEMA Special Flood Hazard Area or known flooding issues exist within the immediate area, although there are some documented issues downstream.

Sanitary Sewers - The subject property is located within the Cane Run sewershed, and is serviced by the Town Branch Wastewater Treatment Facility, located on Lisle Industrial Avenue inside New Circle Road, between Leestown Road and Old Frankfort Pike. Sanitary sewers have been constructed within the immediate area. Capacity of the sewer system will need to be verified prior to construction of any use on the subject property. Under the Capacity Assurance Program, there is currently available sanitary sewer capacity in this area.

Refuse - The Urban County Government serves this area with refuse collection on Thursdays. However, supplemental service by private refuse haulers may be proposed by the applicant.

Police - The Central Sector Roll Call Center is the nearest police station to this location. It is located on Industry Road, near the interchange of Winchester Road and New Circle Road, approximately 2 ½ miles to the southwest of the subject property.

Fire/Ambulance - Fire Station #8 is the nearest station to this site and is located less than one mile to the southwest on North Broadway.

Transit - LexTran service is available within the immediate area of the subject property. The Northside (#17) route has outbound and inbound service on Parkside Drive.

Parks - Mary Todd Park is located along Rogers Road, approximately one mile walking distance north of the subject property.

SUMMARY OF REQUEST

The applicant is seeking to rezone a portion of the subject property from a Interchange Service Business (B-5P) zone to the Planned Neighborhood Residential (R-3) zone in an effort to adaptively reuse the hotel as an assisted living facility. In addition to the requested rezoning, the applicant has applied for a conditional use permit to operate the assisted living facility in a R-3 zone.

PLACE-TYPE

ENHANCED NEIGHBORHOOD
An Enhanced Neighborhood is an existing residential area that could be enhanced with additional amenities, housing types, and neighborhood-serving retail, services, and employment options that contribute to a sustainable neighborhood. Vibrant neighborhoods include a range of uses. The development that occurs in this place-type should be context-sensitive to the surrounding area and implemented in a way that adds to the sense of place. Multi-modal connections from new elements within enhanced neighborhoods are crucial to their success and long-term viability.

DEVELOPMENT TYPE

MEDIUM 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
Nearby commercial/employment uses and greenspaces should be easily accessible, and bicycle and pedestrian modes should be maximized to connect residents to destinations.
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 and other residential uses. This 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 petitioner proposes the rezoning of a portion of the subject property to the Planned Neighborhood Residential (R-3) zone to allow for the adaptive reuse of the established hotel as an assisted living facility. The proposed facility will retain the indoor pool, while enhancing outdoor recreation space and eliminate impervious area. The proposed development seeks to include 139 one-bedroom dwelling units at a residential density of approximately 20 dwelling units per net acre.

APPLICANT & COMMUNITY ENGAGEMENT



Prior to the submission of their application, the petitioner contacted neighborhood representatives introducing themselves and the proposed application. On January 26th, 2022, the applicant held a virtual meeting to discuss the proposed rezoning and their draft development plan with members of the Joyland Neighborhood Association. The meeting was lead by applicant’s representative and included members of the design team and a member of Planning staff. Concerns from the present stakeholders were focused on the potential impacts on the stormwater system, traffic, and the capacity of Judy Lane.

PROPERTY & ZONING HISTORY



The subject property was initially zoned Single Family Residential District (R-1) until 1967 when the subject property requested a rezoning to the Business Interchange Service (B-5) zone, what is now referred to as the Interchange Service Business (B-5P) zone, in an effort to construct a hotel and service station near the 64/75 on-ramp. Following the rezoning of the property, the owners moved forward with the construction of the hotel, which was completed in 1968 and is in operation today. The associated service station was later constructed in 1975 and sits along the frontage of N. Broadway.

COMPREHENSIVE PLAN COMPLIANCE



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.

GOALS & OBJECTIVES

The applicant opines that they are in agreement with the adopted Goals, Objectives, and Policies of the 2018 Comprehensive Plan. The applicant indicates that the proposed project will encourage the expansion of housing choices (Theme A, Goal #1) by converting the existing hotel into an assisted living facility that will accommodate the demand for housing in Lexington responsibly, prioritizing higher-density residential and a mixture of housing types (Theme A, Goal #1.b and 1.c and Theme A, Goal #2.a and #2.c). Additionally, the applicant opines that the proposed development will support infill and redevelopment (Theme A, Goal #2);, through the redevelopment of a property that will provide for well-designed neighborhoods (Theme A, Goal #3), by increasing connections with the neighborhood and reducing impervious surfaces. The applicant stresses that the rezoning and the proposed conditional use will also allow for the creation of jobs and prosperity (Theme C, Goal #2).

The staff agrees with these aspects of the applicant's proposal and that these Goals and Objectives of the 2018 Comprehensive can be met with the proposed development

PLACE-TYPE, DEVELOPMENT TYPE, AND ZONE

In an effort to allow for the greatest contextual development of Lexington's Urban Service Area, applicants are asked to identify a Place-Type based on the location of the subject property. Within each Place-Type there are recommended Development Types based on the form and function of the proposed development. Based on the Place-Type and Development Type there are also several recommended zones that are most appropriate based on the Goals, Objectives, and Policies of the 2018 Comprehensive Plan. While these zones are the ideal zoning categories to develop within a specified area, other zones may be considered, provided there is an appropriate justification addressing the unique situation and provided the development is able to adequately meet the associated Development Criteria.

The applicant indicates that the project is located within the Enhanced Neighborhood Place-Type and is a Medium Density Residential Development Type. The Enhanced Neighborhood Place-Type is an existing residential area that could be enhanced with additional amenities, housing types, and neighborhood-serving retail, services, and employment options that contribute to a sustainable neighborhood. The proposed development has frontage along both North Broadway, and Judy Lane. Within their application, the petitioner describes that the Enhanced Neighborhood Place-Type is the most appropriate Place-Type as they are seeking to re-orient the focus of the development towards Judy Lane and the adjacent residential neighborhood. Staff agrees with the applicant's assessment of the proposed Enhanced Neighborhood Place-Type.

Additionally, the applicant is seeking to apply the Medium Density Residential Development Type, which is recommended within the Enhance Neighborhood Place-Type and is meant to be comprised of primarily attached and multi-family units, where the multi-family units complement and enhance existing development through quality design and connections. The applicant has proposed the reuse of the existing three-story hotel as a multi-family residential structure, shifting the primary frontage from North Broadway to the neighborhood along Judy Lane. The applicant is depicting a reduction in the impervious parking areas and an increase in the vegetative space across the site. A total of 139 one-bedroom dwelling units are proposed, with an overall density of approximately 15 dwelling units per net acre. The applicant indicates that the immediate area is well-served with corridor retail, restaurants and community facilities; however, lacks the availability of differing housing options. The applicant states that the proposed facility will allow for increased housing options, while also having a positive economic impact on area businesses. Staff agrees that the proposed Development Type can be appropriate for the subject property.

Finally, the applicant has requested the rezoning of the property to the Planned Neighborhood Residential (R-3) zone. This zone is a recommended zone associated the Enhanced Neighborhood Place-Type and the



Medium Density Residential Development Type. Furthermore, the western most portion of the subject property is currently zoned R-3.

DEVELOPMENT CRITERIA

The development 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 development criteria 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 Enhanced Neighborhood Place-Type and Medium Density Residential Development Type.

1. Site Design, Building Form and Location

The proposed rezoning meets the criteria for Site Design, Building Form and Location, as the development will re-utilize an older hotel property for a residential use, while providing amenities, increasing internal connectivity, and promoting the preservation and maintenance of natural features.

2. Transportation and Pedestrian

Despite compliance with several of the criteria for Transportation and Pedestrian Connectivity, there are two criteria that necessitate added discussion and warrant a staff response.

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 multi-modal transportation network that satisfies all users' needs, including those with disabilities.

While the applicant is depicting safe facilities within the site for their residents, the Judy Lane frontage does not currently have modern facilities for connections to the neighborhood they seek to enhance. The applicant should review strategies to connect the established pedestrian facilities along Judy Lane to ensure safe pedestrian movement.

3. Greenspace and Environmental Health

The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will increase tree canopy coverage, decrease impervious surfaces, and increase the vegetative coverage on the site.

STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASONS:



1. A Planned Neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed project will encourage the expansion of housing choices (Theme A, Goal #1) by converting the existing hotel into an assisted living facility that will accommodate the demand for housing in Lexington responsibly, prioritizing higher-density residential and a mixture of housing types (Theme A, Goal #1.b and 1.c and Theme A, Goal #2.a and #2.c).
 - b. The proposed rezoning will support infill and redevelopment (Theme A, Goal #2), through the reuse of a property that will provide for well-designed neighborhoods (Theme A, Goal #3).
 - c. The proposed rezoning minimizes the disruption of the natural features on the property, reduces impervious surfaces, and increases tree canopy coverage (Theme A, Goal #3.c). Numerous parking spaces are proposed to be converted to vegetated open space.
 - d. The proposed project will incorporate greenspace and open space into the development project (Theme A, Goal #2.c), while promoting positive and safe social interactions with the surrounding neighborhood. These interactions will be achieved by providing pedestrian facilities through the site and connecting neighborhood for pedestrians and other modes of transportation and the removal of the current fence line along Judy Lane (Theme A, Goal #3.b).
 - e. The proposed rezoning will also allow for the creation of jobs and prosperity (Theme C, Goal #2), as an assisted living facility will generate more jobs than the current hotel.
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 development will re-utilize an older hotel property for a residential use, while providing amenities, increasing internal connectivity, and promoting the preservation and maintenance of natural features.
 - b. The proposed rezoning includes safe facilities for the potential users of the site by prioritizing the inclusion of safe pedestrian facilities and connecting the neighboring local street system. 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 will increase tree canopy coverage, decrease impervious surfaces, and increase the vegetative coverage on the site.
3. This recommendation is made subject to approval and certification of PLN-MJDP-22-00010: Hospitality Motor Inns, Inc. (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/TW
3/1/2022

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STAFF REPORT ON CONDITIONAL USE PERMIT REQUEST



The applicant is requesting to utilize of the property as an assisted living facility within the Planned Neighborhood Residential (R-3) zone.

The Planning Commission shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the planning area of uses which are specifically named in this Zoning Ordinance, which may be suitable only in specific locations in the zone only if certain conditions are met and which would not have an adverse influence on existing or future development of the subject property or its surrounding neighborhood.

ZONING ORDINANCE

Article 6-4(c) states that the Planning Commission may hear and act upon requested conditional uses and variances associated with a zone change. If the Planning Commission should choose to hear a conditional use or variance request, the Planning Commission shall have all of the powers and responsibilities of the Board of Adjustment, as defined in Sections 7-6(a) and 7-6(b) of the Zoning Ordinance. All conditional use and variance applications shall be acted upon by the Planning Commission within ninety (90) days from the date of the application, unless postponed further by the applicant.

Article 1-11 states that an assisted living facility means a residential facility, other than a nursing home, with multiple and separate living facilities, generally for persons who are fifty-five (55) years of age or over, meal preparation, laundry services, room cleaning, transportation, and/or recreation may also be provided, as well as some medical services, exclusively for the residents of the facility.

Article 8-12(d)(8) states that the BOA or Planning Commission can consider assisted living facilities of greater than eight (8) persons as a conditional use within the Planned Neighborhood Residential (R-3) zone.

CASE REVIEW

The applicant is requesting to utilize the property as an assisted living facility within the proposed Planned Neighborhood Residential (R-3) zone. Within their letter of justification, the applicant references the policies of the 2018 Comprehensive Plan, and a private study referencing the need for such facilities within the Urban County. The applicant opines that the assisted living facility is in agreement with the 2018 Comprehensive Plan, specifically that it will provide a needed community facility into a neighborhood with no active facilities (Theme A, Pillar III, Policy #7).

The applicant indicated that they have researched the demand for assisted living facilities within the Lexington market and specifically in the northeast section of the city. They indicate that the occupancy rates for assisted living facilities in Lexington was 94.8% in the first quarter of 2020, which was seven percent higher than national average. Additionally, they state that Lexington's elderly population is growing faster than comparable U.S. markets at 4.4% verse 3.9%. Finally, their review indicated a shortage of between 320-740 needed units for the Lexington area.

The applicant states that the proposed redevelopment of the hotel into 139 one-bedroom dwelling units will occur within the existing footprint, with a small addition for universal design access. The renovation will retain the architectural setting of the facility while significantly reducing the parking footprint. This adaptive reuse will provide the opportunity for an aging population to stay in the community and maintain a connection to the neighborhood. Furthermore the proposed adaptive reuse will enhance the established character of the area, adding vegetation and tree canopy coverage.

Staff agrees that the proposed assisted living facility of greater than eight individuals will provide a needed facility in the area and should not adversely affect the subject or adjoining/nearby properties. The proposed use would generally be less intense than the existing hotel use or the other allowable uses in the Interstate Service Business (B-5P) zone.

STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASON:



1. The proposed assisted living facility of greater than eight individuals will provide a needed facility in the area and should not adversely affect the subject or adjoining/nearby properties.

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

- a. Provided the Urban County Council approves the requested zone change to the R-3 zone, otherwise the requested conditional use shall be null and void.
- b. The development shall be constructed in accordance with the approved Final Development Plan, or as amended by the Planning Commission.
- 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.