

AN ORDINANCE CHANGING THE ZONE FROM A SINGLE FAMILY RESIDENTIAL (R-1C) ZONE TO A PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE, FOR 0.525 NET (0.737 GROSS) ACRES, FOR PROPERTY LOCATED AT 1847 NICHOLASVILLE ROAD. (SOUTHERN & JONES PROPERTIES, LLC; COUNCIL DISTRICT 3).

WHEREAS, at a Public Hearing held on December 13, 2018, a petition for a zoning ordinance map amendment for property located at 1847 Nicholasville Road from a Single Family Residential (R-1C) zone to a Planned Neighborhood Residential (R-3) zone for 0.525 net (0.737 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change by a vote of 9-0; 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 1847 Nicholasville Road from a Single Family Residential (R-1C) zone to a Planned Neighborhood Residential (R-3) zone for 0.525 net (0.737 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: February 21, 2019



MAYOR

ATTEST:



CLERK OF URBAN COUNTY COUNCIL

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Published: February 28, 2019 1-T

BOUNDARY DESCRIPTION

Southern & Jones Properties, LLC

Zone Change from R-1C to R-3

1847 Nicholasville Road

Lexington, Fayette County, Kentucky

All that tract or parcel of land situated at the southwest corner of Nicholasville Road and Penmoker Park in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows:

Beginning at a point in the west right-of-way of Nicholasville Road, said point being corner to the Dick & Marilyn Jones Property (D.B. 2119, PG. 140); thence with the Dick & Marilyn Jones Property (D.B. 2119, PG. 140) N78°03'07"W 200.77 feet to a point corner to Ironhorse Investments, LLC (D.B. 3323, PG. 727); thence with Ironhorse Investments, LLC (D.B. 3323, PG. 727) N16°01'20"E 130.52 feet to a point in the south right-of-way of Penmoken Park; thence leaving the south right-of-way of Penmoken Park N19°54'32"E 25.00 feet to the center line of Penmoken Park; thence with the center line of Penmoken Park S69°53'07"E 225.32 feet more or less to the center line of Nicholasville Road; thence with the center line of Nicholasville Road S11°56'53"W 122.94 feet more or less to a point; thence leaving the center line of Nicholasville Road N78°03'07"W 35.00 feet more or less to the beginning and containing 0.737 acres gross and 0.525 acres net.

Rec'd by KA

Date: 1/25/19

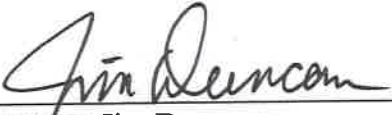
RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: **PLN- MAR-18-00026: SOUTHERN & JONES PROPERTIES, LLC** - petition for a zone map amendment from a Single Family Residential (R-1C) zone to a Planned Neighborhood Residential (R-3) zone, for 0.525 net (0.737 gross) acres, for property located at 1847 Nicholasville Road. (Council District 3)

Having considered the above matter on **December 13, 2018**, at a Public Hearing, and having voted **9-0** 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 Planned Neighborhood Residential (R-3) zone is in agreement with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
 - a. The R-3 zone allows for a mix of housing types and densities within the broader neighborhood (Theme A, Goal #1).
 - b. The Comprehensive Plan supports infill and redevelopment (Theme A, Goal #1.b. and Goal #2), that increases the density of the neighborhood, which will help to uphold the Urban Service Area concept (Theme E, Goal #1).
 - c. The proposal also promotes the use of underutilized or vacant land in a way that enhances the existing urban form (Theme E, Goal #1.a and 1.b) by incorporating development that is similar in size and scale to the existing neighborhood.
 - d. The proposed development will provide well-designed neighborhoods and communities that will enable existing neighborhoods to flourish through expanded opportunities for mixed-type housing (Theme A, Goal #3.a).
2. This recommendation is made subject to the approval and certification of **PLN-MJDP-18-00095: Penmoken Park, Lot P-104 (Southern & Jones Properties LLC)**, 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 25th day of January, 2019.


Secretary, Jim Duncan

WILLIAM WILSON
CHAIR

Note: The corollary development plan, **PLN-MJDP-18-00095: PENMOKEN PARK, LOT P-104 (SOUTHERN & JONES PROPERTIES, LLC)** was approved by the Planning Commission on December 13, 2018 and certified on December 27, 2018.

K.R.S. 100.211(7) requires that the Council take action on this request by March 13, 2019.

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

OBJECTORS

- Juliette Symons, attorney representing the Pensacola Park neighborhood
- Jessica Boyd, private architect 1859 Nicholasville Road
- Jodi McKee, 128 Penmoken Park
- Gerry Gillespie, 164 Penmoken Park
- Peggy Williams, 123 Penmoken Park
- Hanley Loller, 197 Rosemont Garden
- Val Stansfield, 135 Penmoken Park
- Chris Shotwell, 131 Penmoken Park
- Rebecca Glasscock, 145 Wabash Drive
- Michael Stansfield, 135 Penmoken Park
- Barbara Subinska, 104 Wabash Drive
- Dave Alford, 131 Suburban Court
- Candice Wallace, 130 Goodrich Avenue
- Peggy Somsel, 127 Penmoken Park
- Carol Hulse, 120 Wabash
- Dennis Webb, 120 Suburban Court
- Nicole Gauthier, 157 Suburban Court
- Tenlee Tarrier, 99 Goodrich Avenue

OBJECTIONS

- Concerned that a 93 year old home is being demolished in favor of a development that has poor design, doesn't fit with the Comprehensive Plan and doesn't clearly meet the R-3 or, R-1T zone requirements or Article 15 of the Zoning Ordinance. Also concerned about increased traffic and drainage issues.
- Concerned about the idea of density recommended by the Comprehensive Plan, without thinking of what is appropriate in this area.
- Concerned with erosion of the fabric of the neighborhood, increased traffic, and about the proposed design not matching the existing neighborhood.
- Didn't receive notification of this zone change and agrees with their professional representative.
- Didn't receive notification of this zone change.
- Believes that this development is insulting to the neighborhood.
- Would like the new development to match the historical era of the neighborhood.
- Doesn't believe the proposed development is in character with the existing neighborhood.
- Development needs to protect our horse farms, provide decent housing for Lexington, and preserve the character and history of the city.
- Concerned about increased traffic.
- Believes this proposal will damage the character of the neighborhood and that it is against the recommendations of the Comprehensive Plan. Concerned that there will be a chain reaction of cookie cutter developments in this area.
- Believes that this is a demolition project and that the existing structure could be restored.
- The developer needs to be held to a higher standard when profit is the guiding factor for how their neighborhood is changing. Believes this is not positive for the city of Lexington and what needs to be done in this area.
- Agrees with their professional representative.
- Concerned about where the ten 10 people currently living at the boarding house will go.
- Does not feel that this proposal will fit in the existing neighborhood both in function and aesthetics.
- Concerned about the increased traffic and the walkability of their neighborhood.
- Want development and to restore present buildings. Concerned that there hasn't been a study of the sewer and stormwater capacity in the area.

- Amy Clark, 628 Kastle Roa
- Anne Rhoten, 165 Rosemont Garden
- Joe Miller, 141 Goodrich Avenue
- Garret Hansen, 135 Suburban Court
- 2018 Comprehensive Plan's Goals and Objectives should not be used to decide this zone change because it is not comprehensive, still in draft form and has not been approved yet.
- Agrees with their professional representative and believes that building a \$250,000 townhouse couldn't buy the quality and charm of the neighborhood and won't fit in with the character of their homes.
- Believes that it is not done appropriately and will not enhance the neighborhood. Concerned that this will set a negative precedent for the neighborhood.
- This is a friendly and supportive community.

VOTES WERE AS FOLLOWS:

AYES: (9) Berkley, Brewer, Forester, Mundy, Nichol, Owens, Penn, Plumlee, and Wilson

NAYS: (0)

ABSENT: (2) Bell and Pohl

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-18-00026** carried.

Enclosures: Application
Plat
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:	SOUTHERN & JONES PROPERTIES LLC, PO BOX 8265, LEXINGTON, KY 40533
Owner(s):	SOUTHERN & JONES PROPERTIES LLC PO BOX 8265, LEXINGTON, KY 40533
Attorney:	BRUCE SIMPSON, 300 WEST VINE STREET, LEXINGTON, KY 40507

2. ADDRESS OF APPLICANT'S PROPERTY

1847 NICHOLASVILLE ROAD, LEXINGTON, KY 40503
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3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
R-1C	R-1C Boarding House	R-3	R-3 Townhouses	0.525	0.737

4. EXISTING CONDITIONS

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input checked="" type="checkbox"/> YES <input 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 checked="" type="checkbox"/> NO

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

Roads:	LFUCG
Storm Sewers:	LFUCG
Sanity Sewers:	LFUCG
Refuse Collection:	LFUCG
Utilities:	<input checked="" type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas <input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Phone <input type="checkbox"/> Cable





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

November 5, 2018

Mr. William Wilson
Lexington-Fayette Urban County Planning Commission
101 East Vine Street
Lexington, KY 40507

Re: Zone Map Amendment Request (1847 Nicholasville Rd.)

Dear Chairperson Wilson:

I represent Southern & Jones Properties, LLC in this application for a zone map amendment request for property located at 1847 Nicholasville Rd. This request is for a change in existing zoning, R-1C (Single Family Residential) to R-3 (Planned Neighborhood Residential). The subject property has been used as a nonconforming boarding type house for many decades. This house provides bedrooms for 10 unrelated people who must share a kitchen and the bathrooms. Although, the rooms in this house have been available to rent for both men and women, it has almost always been occupied by men.

This proposal is to remove the existing house and construct eight (8) townhomes each with a two car garage. As reflected in the attached renderings, these townhomes are handsomely designed and will be a compliment to the existing neighborhood. These townhomes will face either Nicholasville Road or Penmoken Park. This is in keeping with the pertinent provisions of the Comprehensive Plan and good planning which encourage, to the extent possible, that the fronts of new residences be oriented towards the street.

One of the principal reasons that this proposed development is in compliance with the 2018 Goals and Objectives of the Comprehensive Plan is that it increases residential housing density along a major corridor, Nicholasville Rd. Increasing housing density along major corridors in Lexington is an important policy of the Comprehensive Plan. Doing so helps to avoid an unnecessary expansion of the Urban Services Area. It also furthers the Comprehensive Plan policy of encouraging compact and contiguous development within the boundaries of the existing Urban Services Boundary.

This application is supported by the following Goals and Objectives of the 2018 Comprehensive Plan:

I. THEME A GROWING SUCCESSFUL NEIGHBORHOODS

Goal 1: Expand housing choices.

Objectives:

- a. Pursue incentives and regulatory approaches that encourage creativity and sustainability in housing development.
- b. Accommodate the demand for housing in Lexington responsibly, prioritizing higher-density and mixture of housing types.
- c. Plan for safe, affordable and accessible housing to meet the needs of older and/or disadvantaged residents.

Goal 2: Support infill and redevelopment throughout the Urban Service 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.

Goal 3: Provide well-designed neighborhoods and communities.

Objectives:

- a. Enable existing and new neighborhoods to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expand options for mixed-use and mixed-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.

II. THEME E: MAINTAIN A BALANCE BETWEEN PLANNING FOR URBAN USES AND SAFEGUARDING RURAL LAND

Goal 1: Uphold the Urban Services Area Concept.

Objectives:

Mr. William Wilson
November 5, 2018
Page 3

- a. Continue to monitor the absorption of vacant and underutilized land within the Urban Service Area.
- 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.
- c. Emphasize redevelopment of underutilized corridors.
- d. Maximize development on vacant land within the Urban Service 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 completion of Theme E, Goal 4, Objective D.

In addition to complying with the above cited provision of the 2018 Comprehensive Plan, the approval of this zone map amendment request will also advance the long standing policy of the Lexington Fayette Urban County Government, as set forth in Article 4-2 of the Zoning Ordinance, to "not encourage the survival" of nonconformities to the zoning ordinance. In this instance, the subject property is currently zoned, R-1C (Single Family Residential). However, the current use of the subject property as a boarding home type facility would not be allowed under its current zoning. This is because this boarding home use was legally permitted and in existence many years before the subject property was rezoned to R-1C. While nonconforming uses are allowed, they cannot be expanded and sound land use policy does not favor their continued existence. Rezoning this property to R-3 (Planned Neighborhood Residential) would eliminate this nonconforming use.

I will be pleased to expand upon the justifications for this application when it is heard by the Planning Commission.

Very truly yours,



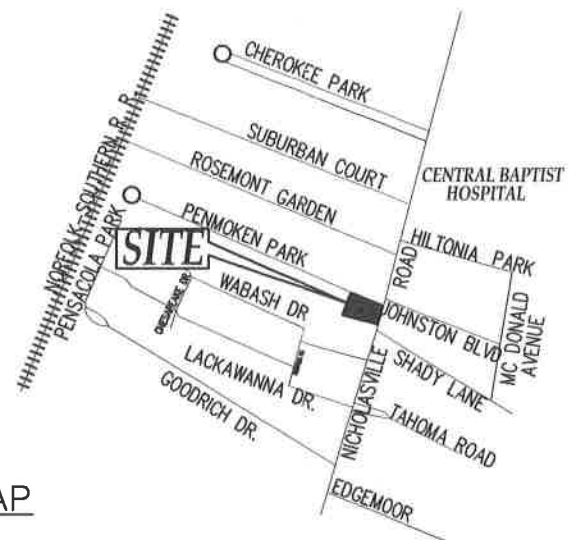
T. Bruce Simpson, Jr.

TBS:lc
cc: Mr. David Jones



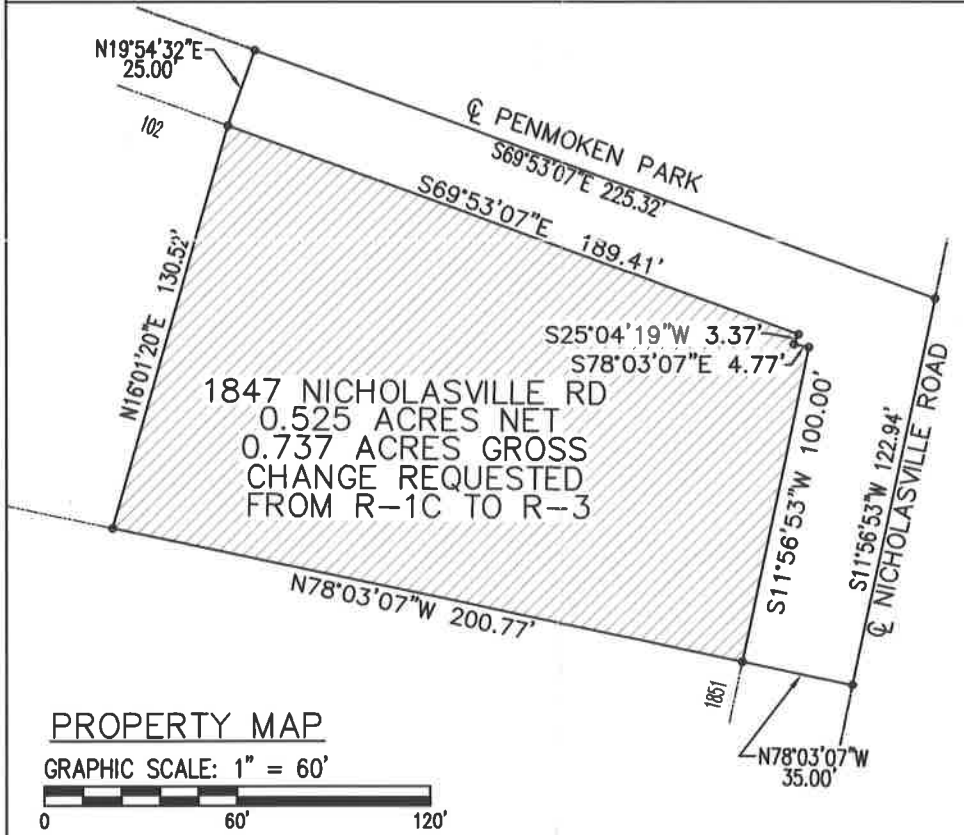
NOTIFICATION MAP

GRAPHIC SCALE: 1" = 200'



VICINITY MAP

N.T.S.



PROPERTY MAP

GRAPHIC SCALE: 1" = 60'



	TITLE: SOUTHERN & JONES PROPERTIES, LLC	FROM	TO	NET	GROSS
	PROPERTY ADDRESS: 1847 NICHOLASVILLE ROAD	R-1C	R-3	0.525 AC.	0.737 AC
	APPLICANT NAME/ADDRESS: SOUTHERN & JONES PROPERTIES, LLC P.O. BOX 8265, LEXINGTON, KY 40533				
	OWNER: SOUTHERN & JONES PROPERTIES, LLC				
	DATE FILED OR AMENDED: OCT. 01, 2018				

DATE: 08/10/2018



Engineers Consultants Scientists International
340 S BROADWAY LEXINGTON, KY 40508
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www.enrgservices.com

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-18-00026: SOUTHERN & JONES PROPERTY, LLC

DESCRIPTION

Zone Change: **From:** Single Family Residential (R-1C) zone
 To: Planned Residential (R-3) zone

Acreage: 0.525 net (0.737 gross) acres

Location: 1847 Nicholasville Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	R-1C	Boarding House / Residential
To North	R-1C	Residential
To East	R-1C / R-2	Residential
To South	R-1C	Residential
To West	R-1C	Residential

URBAN SERVICES REPORT

Roads – Nicholasville Road (US-27) is a five-lane urban arterial roadway at this location, with variable lanes to control traffic congestion. Nicholasville Road experiences approximately 33,000 daily vehicle trips for this section of the roadway, and serves as a major commuter corridor for Lexington-Fayette Urban County. Penmoken Park is a local street that intersects Nicholasville Road along the subject property's north side. Access for the proposed townhome development is from Penmoken Park. There is a proposed road widening of Nicholasville Road by the state, which would allow for bus rapid transit (BRT).

Curb/Gutter/Sidewalks – Nicholasville Road has curb, gutter and sidewalk improvements typical of an urban arterial. Penmoken Park also has curb and sidewalk improvements along the subject property's frontage.

Storm Sewers – The subject property is located within the Wolf Run watershed. Currently, no storm water facilities exist on the subject property; however, due to the size of the property the petitioner will need to address stormwater quality and potentially alleviate some of the current stormwater issues. Any new development will need to adequately manage any stormwater impacts created by the proposed redevelopment.

Sanitary Sewers – The subject property is located in the Wolf Run sewershed. The property is served by the Town Branch Sewage Treatment Facility, located on Old Frankfort Pike, east of New Circle Road, approximately 5 miles from the subject property.

Refuse – The Urban County Government serves residential properties in this area with refuse collection on Mondays; however, multi-family residential developments often contract with private haulers for supplemental service.

Police – The nearest police station is located at the Police Headquarters, approximately 3 mile to the northeast of the subject property, on East Main Street.

Fire/Ambulance – The closest fire station (#12) is located less than one mile to the northwest at the Southland Drive intersection with Cherrybark Drive.

Utilities – All utilities, including gas, electric, water, phone, and internet currently serve the area and could be reconfigured to serve the proposed redevelopment on 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 Plan's mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

The petitioner proposes a rezoning to the Planned Neighborhood Residential (R-3) zone to construct eight townhouse dwelling units at a residential density of 10.85 units per acre.

CASE REVIEW

The petitioner has requested a zone change from a Single Family (R-1C) zone to a Planned Residential (R-3) zone for approximately 0.7 acres of property, located at the intersection of Nicholasville Road (US-27) and Penmoken Park. Nicholasville Road forms the eastern edge of the property and is a five-lane urban arterial roadway at this location. At peak hours of traffic flow, the Urban County utilizes variable lanes to control traffic congestion along this corridor. Nicholasville Road experiences approximately 33,000 daily vehicle trips for this section of the roadway, and serves as a major commuter corridor for Lexington-Fayette Urban County. Penmoken Park forms the northern edge of the property and is a local street that serves the residents of the street. There is a second ingress and egress point to Penmoken Park from Rosemont Gardens through Sophia Alley, a public alleyway. Penmoken Park currently experiences a maximum vehicular daily trip of approximately 796. The total carrying capacity of a local street this size is approximately 1,000 daily trips. The proposed redevelopment of the site will add approximately 24 daily trips to the roadway.

The subject property is bounded on all sides by residential development. With the exception of a Two-Family Residential (R-2) zone located to the northeast of the subject property, all residential units surrounding the property are located within the Single Family (R-1C) zone. Historically, this area has been zoned for single family residential, an aspect that will be continued by this development.

The petitioner opines that the zone change is consistent with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan, as it adds to the density of housing within Lexington, while also supporting the maintenance of the Urban Service Boundary. The petitioner indicates that the rezoning of the site will accommodate the demand for housing in Lexington responsibly, prioritizing higher-density and a mixture of housing types (Theme A, Goal #1). The proposed development also supports infill and redevelopment throughout the Urban Service Area (Theme A, Goal #1.b. and #2). In addition, through the incorporation of single family townhouse residential along a major arterial corridor, the applicant is able to add dwelling units to the neighborhood, which will help to uphold the Urban Service Area concept (Theme E, Goal #1). This proposal also promotes use of underutilized land in a way that enhances the existing urban form (Theme E, Goal #1.a and 1.b). The petitioner posits that the proposed development will provide well-designed neighborhoods and communities that will enable existing neighborhoods to flourish through expanded opportunities for neighborhood character preservation, and public commitment to expand options for mixed-type housing (Theme A, Goal #3.a).

The staff generally concurs with the applicant's justification and supports context sensitive redevelopment. The proposed dwelling units are similar in size and scale to the adjoining residential neighborhoods, yet may offer some variety in housing choices.

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

1. The Planned Neighborhood Residential (R-3) zone is in agreement with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
 - a. The R-3 zone allows for a mix of housing types and densities within the broader neighborhood (Theme A, Goal #1).
 - b. The Comprehensive Plan supports infill and redevelopment (Theme A, Goal #1.b. and Goal #2), that increases the density of the neighborhood, which will help to uphold the Urban Service Area concept (Theme E, Goal #1).
 - c. The proposal also promotes the use of underutilized or vacant land in a way that enhances the existing urban form (Theme E, Goal #1.a and 1.b) by incorporating development that is similar in size and scale to the existing neighborhood.
 - d. The proposed development will provide well-designed neighborhoods and communities that will enable existing neighborhoods to flourish through expanded opportunities for mixed-type housing (Theme A, Goal #3.a).
2. This recommendation is made subject to the approval and certification of PLN-MJDP-18-00095: Penmoken Park, Lot P-104 (Southern & Jones Properties LLC), 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

11/29/18

Planning Services/Staff Reports/MAR/2018/PLN-MAR-18-00026 Southern Jones Property LLC.doc

3. SOUTHERN & JONES PROPERTIES, LLC ZONING MAP AMENDMENT & PENMOKEN PARK, LOT P-104 (SOUTHERN & JONES PROPERTIES, LLC) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-18-00026: SOUTHERN & JONES PROPERTIES, LLC (2/3/19)*- a petition for a zone map amendment from a Single Family Residential (R-1C) zone to a Planned Neighborhood Residential (R-3) zone, for 0.525 net (0.737 gross) acres, for property located at 1847 Nicholasville Road.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The Plan's mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

The petitioner proposes a rezoning to the Planned Neighborhood Residential (R-3) zone to construct eight townhouse dwelling units at a residential density of 10.85 units per acre.

The Zoning Committee Recommended: Approval to the full Commission.

The Staff Recommends: Approval, for the following reasons:

1. The Planned Neighborhood Residential (R-3) zone is in agreement with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
 - a. The R-3 zone allows for a mix of housing types and densities within the broader neighborhood (Theme A, Goal #1).
 - b. The Comprehensive Plan supports infill and redevelopment (Theme A, Goal #1.b. and Goal #2), that increases the density of the neighborhood, which will help to uphold the Urban Service Area concept (Theme E, Goal #1).
 - c. The proposal also promotes the use of underutilized or vacant land in a way that enhances the existing urban form (Theme E, Goal #1.a and 1.b) by incorporating development that is similar in size and scale to the existing neighborhood.
 - d. The proposed development will provide well-designed neighborhoods and communities that will enable existing neighborhoods to flourish through expanded opportunities for mixed-type housing (Theme A, Goal #3.a).
 2. This recommendation is made subject to the approval and certification of PLN-MJDP-18-00095: Penmoken Park, Lot P-104 (Southern & Jones Properties LLC), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. PLN-MJDP-18-00095: PENMOKEN PARK, LOT P-104 (SOUTHERN & JONES PROPERTIES, LLC) (2/3/19)* - located at 1847 NICHOLASVILLE ROAD, LEXINGTON, KY.
Project Contact: ECSI, LLC

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

1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Addition of street cross-sections to plan.
6. Denote existing and proposed easements.
7. Discuss access to Penmoken Park.

Staff Zoning Presentation – Mr. Baillie stated that he circulated to the Planning Commission twenty-five letters of opposition and three letters of support. He said that within one of the letters of opposition, there is both, opposition and support. He also said that there is a letter and a presentation from the representative of the neighborhood association on the front of the packet. He then presented the staff report and recommendations for the zone change. He displayed photographs of the subject property and aerial photographs of the general area. He said that the applicant is proposing to construct eight townhouse units with a residential density of 10.85 units per acre. He said the subject property is currently a non-conforming use in this zone, existing as a boarding house. Boarding houses were removed from all single family residential zones, connecting to issues regarding the definition of "family." He said that the subject property is more contextually associated with the lotting patterns of Nicholasville Road, than of Penmoken Park, which exemplifies large lots with larger structures.

Mr. Baillie said the petitioner opines that the zone change is consistent with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan, as it adds to the density of housing within Lexington, while also supporting the maintenance of the Urban Service Boundary. The petitioner indicates that the rezoning of the site will accommodate the demand

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

for housing in Lexington responsibly, prioritizing higher-density and a mixture of housing types. The proposed development also supports infill and redevelopment throughout the Urban Service Area. In addition, through the incorporation of townhouse residential along a major arterial corridor, the applicant is able to add dwelling units to the neighborhood, which will help to uphold the Urban Service Area concept. This proposal also promotes use of underutilized land in a way that enhances the existing urban form. The petitioner posits that the proposed development will provide well-designed neighborhoods and communities that will enable existing neighborhoods to flourish through expanded opportunities for neighborhood character preservation, and public commitment to expand options for mixed-type housing. He said that the staff and the Zoning Committee recommended approval of this zone change.

Development Plan Presentation – Mr. Martin presented a rendering of the preliminary development plan associated with the zone change and said that the applicant is proposing eight townhouses on this site. He said that they had originally planned to utilize an existing access point, but this revised plan has located the access point at the rear of the property. He said that this access was a concern of staff to avoid any traffic conflicts at Nicholasville Road and Penmoken Park. He said that they are proposing a potential future connection to the adjoining property should it develop to allow for traffic flow between the properties, without having to access Nicholasville Road.

Mr. Martin said that the townhouses are approximately a 700 square foot footprint, three stories high, which is thirty-five feet high and the development will have a total of nineteen bedrooms. He said that this revision indicates that the applicant will subdivide these properties, which changes the evaluation of the standards. He said that the applicant will need to file a combination final development plan and preliminary subdivision plan. He said that there are standards for design feature requirements that need to be met in the Infill and Redevelopment Area, which will be noted on the final development plan. He said that there is a reservation in the front of the property for potential expansion of Nicholasville Road, based on the 2040 Transportation Plan, which includes a rapid transit lane. He added that the Subdivision Committee recommended approval of this plan. He said that condition #7 could be removed since this access has been relocated to the rear of the property.

Applicant Presentation – Mr. Bruce Simpson, attorney representing the petitioner, gave a brief history of the property. He opines that the property has been unable to develop as zoned. He said he met with staff and was encouraged to increase the density at this location. He said that the single family house, as staff had mentioned, is a non-conforming use in an R-1C zone. He said that it is an 8,000 square-foot lot, which is above the minimum for an R-1C lot. He added that for the last fifty years this property has been a boarding house, with rooms to rent to ten single men. There is a shared kitchen and bathroom, which is no longer a permissible use in this zone; however, it was already being used as such when this property was rezoned in 1969 and was grandfathered in.

Mr. Simpson said the property owner proposed the townhomes with an estimated price of \$250,000 with amenities primarily designed to serve the professional medical community. He said that letters were sent to the neighbors, before the zone change was filed, to introduce them to the concept. He met with these neighbors in September and the reaction was not favorable then. The neighbors would prefer that the house remain as it is. He added that they are concerned with increased traffic and the proposed conceptual design of the townhomes. He said that he had met with staff and presented to the Technical Review Committee, the Subdivision and Zoning Committees and received approval recommendations at all stages. He added that there were not any citizens present in opposition at any of those meetings.

Mr. Simpson said that increasing density is a large part of the 2013 Comprehensive Plan and the 2018 Comprehensive Plan's Goals and Objectives. He said that he believes that these eight townhomes will fit in with the neighborhood. They will have one story below ground and one story above ground, and each will have a two car garage. The development will be screened with an eight-foot wood fence and ten-foot trees. He said that the staff gave positive comments and that this conceptually fits in with the design of the neighborhood. He added that he shared with the neighbors, back in September, that they were open to alternative design concepts and haven't received any. He then displayed photographs of the existing structure and the parking lot. He also displayed photos of other structures in the area that are similar to the type of structure that is being proposed, as well the proposed design. He added that the stone wall on Nicholasville road will remain as part of the development. He said that he believes that this is good alternative to the subject property and is willing to make adjustments to make the design work with the neighbors.

Note: Mr. Headley Bell left the meeting at 4:02.

David Jones, property owner since 2005, said that he cares deeply how this property is developed. He said that in the past thirteen years, he has seen Nicholasville Road and other major arterial roadways in Lexington expand and he respects the protection of the Urban Service Area boundary by increasing density. He said that he sees an opportunity to have eight homeowners live on this property. It will be a walkable community to the nearby medical centers. This will be an asset and an improvement, not only to this neighborhood, but to the entire Nicholasville Road corridor. He said that this land use is between high density apartments and single family residential. He noted that which many families don't want the high traffic of Nicholasville Road. He said that the townhouses will be all brick, will sell for approximately \$250,000, and will be 1,500 square feet in size, with a full basement with two car garage. He said that he distributed preliminary color renderings, to give the idea of the

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streetscape. He said that at the initial meeting with the neighbors, there was concern with the architectural style and they want the neighborhood to have a craftsman style. He said that he was open to other ideas. He said that they were present at the Subdivision Committee and the Zoning Committee meeting and there were no representatives of opposition present at any of those meetings nor any feedback received since they met with the neighbors in September. He added that projects work best when everyone is comfortable with the changes. He understands that some are opposed to any change.

Mr. Simpson added that one of the concerns that the neighbors expressed at the meeting was that this proposal would devalue their property. He referenced the applicant's exhibit materials, which listed the average PVA assessed value of the houses and the square footage of the homes located on Penmoken Park and the average home value is approximately \$145,000. He added that the lots on Penmoken Park don't conform to the 8,000 minimum requirement of the R-1C zone. He said that the Zoning Ordinance in respect to the non-conforming uses states to "permit non-conformities established in Article 4.1, to continue until they are removed, but not to encourage their survival." He added that there was an email submitted in favor of this proposal, which he read to the Planning Commission.

Citizens in Favor – David Hensen, graduate student at University of Kentucky, said that he wrote the letter that was just read into the record, in support of this development. He added that he had reviewed the Comprehensive Plan and he believes that this project fits into that plan. He said that having density on urban corridors and along urban public transit routes promotes the use of that route. He believes that the city should invest in having density on the major corridors and have people live in places where they can access the University of Kentucky and the downtown area.

T.L. Wise, 1855 Nicholasville Road, said that he appreciates what Mr. Jones is proposing. He said that it is removing an eyesore, a danger zone with transient residents staying in the rooms. He said that he respects the knowledge of the staff, the Subdivision Committee and the Zoning Committee, who have all recommended approval of this proposal. He said that he believes that this meets the Comprehensive Plan for infill and redevelopment, and that it will enhance his property, as well the city as a whole.

Citizen's in Opposition - Juliette Symons, attorney representing the Pensacola Park neighborhood. She said that the neighbors are concerned that a 93 year old home is being demolished in favor of a development that has poor design and doesn't fit with the Comprehensive Plan. She said that one of the citizens that spoke before her that is in favor of this development, stands to benefit financially from this development. She said that on the site plan that was submitted on December 10, 2018, there is a future connection allowed that will presumably be to a future development on the neighboring property, which could eventually be a row of townhouses on the block. She said that a revised plan was submitted after they had submitted their response, which was on December 10, 2018. Some of these changes are recommendations made by the Subdivision Committee. She added that the proposed development plan doesn't clearly meet R-3, R-1T zones or Article 15 of the Zoning Ordinance, which are all applicable to this property. She said that there hasn't been a lack of input from the citizens for this proposal. She said that the neighborhood was told that their opportunity to be heard was at this meeting. She said that there were representatives at the Subdivision Committee and the Zoning Committee meetings. She displayed a chart, Figure 5 of the response, highlights that this proposal doesn't meet any of the sections of the Zoning Ordinance. She said that the main one is the setbacks, that this proposal doesn't meet any of the requirements, it is nonconforming to the surrounding neighborhood, and is not appropriate for single family neighborhood. She said that the design doesn't have any contextual sensitivity for the existing neighborhood and will change the fabric of the neighborhood. She displayed photographs of area.

Ms. Symons said that the residents are against the push for infill and high density from the Comprehensive Plan. She said that if a development is going to remove a home like this, then it should fit the Comprehensive Plan and employ an architect and use smart design. She said that this neighborhood has flourished because of the setback requirements. The existing structure is housing ten men, who will be displaced, in exchange for approximately 370 more square feet, according to an old site plan and with full occupancy, nine more residents. She said that this isn't clear as to how it will promote high density. She believes that this isn't environmentally sustainable and that the existing property could be rehabilitated to reach the same level of occupancy. She also said that this will not preserve neighborhood character and doesn't bring any unique or creative architectural elements. The proposed development is just like other Southern & Jones properties that are located along Bates Creek Road that are beginning to look dilapidated after only three years. She also mentioned other problems with the plan, for example, the slopes of the property, not being ADA compliant and drainage issues. She said that the subject property also has drainage issues that the Subdivision Committee requested more information on the accommodations of the stormwater sewers.

Ms. Symons said that this proposal is not adding any affordable housing, because there is reason to believe that these will be renter occupied because the owner's other properties are mostly renter occupied. These will not be assessable for the elderly since they will be multi-story townhomes. She said that Penmoken Park is a cul-de-sac with an outlet to Nicholasville Road and there is a one-way alley with access to Rosemont Garden, which does have a traffic signal at its intersection with Nicholasville Road. This proposal will increase traffic on Rosemont Garden, and no traffic study was submitted with this proposal. She said that they are requesting a postponement of this zone change until they have the opportunity to create a Small Area Plan so that the neighborhood could weigh in on what is an appropriate design. She added that there was no evidence that the neighborhood was offered this option. She said that they would also like to request design elements that the developer must meet to ensure that it is appropriate for the neighborhood and contextually sensitive. She would also like them to employ an architect who can

complete a site plan, a feasibility study with water mitigation, describe how the balconies and garages will work and a form, height, slope and soil studies. A tree plan was already recommended at the Subdivision Committee.

Jessica Boyd, private architect and resident of 1859 Nicholasville Road. She is a former resident of California and said that she is familiar with correct infill and redevelopment. She said that she is concerned with the idea of density of the Comprehensive Plan without thinking of what is appropriate. She displayed the proposed development plan and said that this proposal has not investigated the integration of this development into this historic neighborhood. She said that all design features of the existing site shouldn't be abandoned. She said there are identity markers that need to be acknowledged in the density of the area, which are the historic homes. She asked why this area needs to be densified, and change the identity. She said that this proposal pushes the pedestrian up against the road. She said that the Comprehensive Plan is redefining the boundaries and Nicholasville Road to be progressive and asked how developments are being proposed that don't address the pedestrian from a neighborhood or walkable standpoint. She said that Mr. Jones said that he can't afford to rehabilitate the existing home, and that is why the neighborhood has asked for an architect and feasibility study. She said that this proposed design is the same as his other properties, which the neighbors don't want; she opined that they want uniqueness. She displayed a photo of progressive townhomes in other locations nationally and internationally. She asked for a postponement of this zone change so that the developer can hire a professional architect.

Note: Mr. Graham Pohl left the meeting at 4:33.

Jodi McKee, 128 Penmoken Park, said she is concerned with erosion of the fabric of the neighborhood and the increased traffic. She said that this is a pedestrian friendly street, with limited open space and kids play in the street. She is also concerned about the proposed design matching their existing neighborhood and that the townhomes will be rental units, not owner occupied.

Gerry Gillespie, 164 Penmoken Park, agree with Ms. McKee and added that Sophia Ally is one lane and dangerous. He asked the developer to present the neighbors other options. He said that Mr. Simpson stated that the residents within 500 feet were notified, but not the homeowners at the far end of the street and the cul-de-sac, who will also be affected. He said that his lot is not conforming to the current zone either. He added that he isn't opposed to infill and development as long as it fits the continuity of the existing neighborhood.

Peggy Williams, 123 Penmoken Park, said she also didn't receive any written notification of the zone change or the meetings.

Hanley Loller, 197 Rosemont Garden, said he invested in his home located in this neighborhood, and he believes that this development is insulting to them. He requested that the Planning Commission postpone the application

Val Stansfield, 135 Penmoken Park, said that there are young families with children in this neighborhood. She said that she isn't opposed to redeveloping the existing home, but would like it to stay with the historical architect style of the neighborhood.

Chris Shotwell, 131 Penmoken Park, said that he believes that this is a comical proposal for this neighborhood and that the architectural renderings are very bland. He added that Mr. Jones doesn't respect the neighborhood enough to develop a good project, and that he should find another buyer. He said that he doesn't believe this neighborhood will support this proposal.

Rebecca Glasscock, 145 Wabash Drive, said she does support infill and redevelopment, such as what was constructed on Angliana Avenue. She said that it needs to protect our horse farms and provide decent housing for Lexington, but also needs to preserve character and the history of the city. She gave a brief history of the existing house and asked for disapproval of this zone change.

Michael Stansfield, 135 Penmoken Park, said that he has rehabilitated his property and would like the rest of the neighborhood to do the same. He urged the Planning Commission to take the advice of the neighborhood representatives. He is also concerned about increased traffic.

Barbara Subinska, 104 Wabash Drive, said she chose this neighborhood because it is safe and close to shops and restaurants, and walkable. She believes that this proposal will damage the character of the neighborhood, is against the recommendations of the Comprehensive Plan, and will add a chain reaction of cookie cutter developments in this area. She also said that she is isn't against the development, but opposes a project that will harm their neighborhood and would welcome a project that would remodel the existing structure into a multi-family structure.

Dave Alford, 131 Suburban Court, said that he respects the Planning Commission's intent of infill and redevelopment and protecting the Urban Service Area boundary, but that does not mean there is a blanket approval for multifamily developments to be constructed anywhere. He also believes that this is a demolition project, and that the existing structure could be restored.

Candice Wallace, 130 Goodrich Avenue, said she would like have on the record that unlike Mr. Simpson has characterized their neighborhood, they are not being territorial and possessive and that is not their purpose for being present at today's hearing.

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She also said that this property was a single family home initially. She said that they do allow development into their neighborhood, but the developer needs to be held to a higher standard because when profit is the guiding factor for how their neighborhood is changing, it is not positive for the City of Lexington and not what needs to be done in this area.

Peggy Somsel, 127 Penmoken Park, said that this neighborhood is like a family to her and supports the statements of their representative.

Carol Hulse, 120 Wabash, said that the ten men currently living at the house are very heavily screened, low income, and subsidized. She added that some have disabilities. She is concerned about where will they go.

Dennis Webb, 120 Suburban Court, read a statement from Linda Whitely, which stated that she is not opposed to infill and redevelopment, but does not feel that this proposal will fit in the existing neighborhood both in function and aesthetics. He added that the proposal from Dennis Anderson, that was presented earlier, looks just like Pensacola Park. He read from the 2018 Comprehensive Plan, "to build owner occupied, higher density, and multifamily dwellings, designed by architects so they are functional and attractive and worth owning."

Nicole Gauthier, 157 Suburban Court, said that walkability is important to her, but she does not walk to work because the sidewalk is too close to Nicholasville Road. She is concerned about the increased traffic exiting their neighborhood to make a left turn onto Nicholasville Road.

Tenlee Tarrier, 99 Goodrich Avenue, wanted to thank Mr. Owens for his comment, on an earlier case, regarding how the applicants worked with the neighbors. She said that is what they are asking for. They want development, but also want to restore the buildings that are already present. She added that there hasn't been a study of the sewer and stormwater capacity in the area.

Amy Clark, 628 Kastle Road, said that in a zone change the question is how much density shall be allowed on this lot. She said that the findings of fact prepared by the staff are quoted exclusively from the 2018 Comprehensive Plan's Goals and Objectives. She said that the entire Plan is still in draft form and has not been approved yet. She added that the 2018 Comprehensive Plan states that "old is not necessarily historic." She said that the 2018 Comprehensive Plan's Goals and Objectives should not be used to decide this zone change because it is not complete yet. She referenced the 2013 Comprehensive Plan regarding density.

Anne Rhoten, 165 Rosemont Garden, said that she and her neighbors are in opposition of this proposal. She said that building a \$250,000 townhouse couldn't buy the quality and charm of the neighborhood and won't fit in the character of their homes. She said that the townhomes across the street are rentals and are an eyesore in her opinion.

Joe Miller, 141 Goodrich Avenue, said that he is not opposed to change, but is opposed to this project because he believes that it is not done appropriately and will not enhance the neighborhood. He is concerned that this will set a precedent for the neighborhood.

Garret Hansen, 135 Suburban Court, said that this is a friendly and supportive community.

Applicant Rebuttal – Mr. Simpson said that he appreciates the neighbors and their participation, but it's not about the citizens supporting development but not here. This body appointed a Small Area Plan in 2007 to study the northern Nicholasville Road area, but the neighbors refused to participate and that plan failed. He said that he met with the staff regarding this zone change and increased density was proposed. He said that when this proposal was submitted there was no negative feedback from the staff and that it did meet the conceptual guidelines of scale, massing and size to the surrounding buildings. He said that he is following the guidelines and believes they have complied with the Comprehensive Plan and are entitled to an approval recommendation to the council.

Citizen Rebuttal – Ms. Symons said that this zone change is not appropriate because the development plan does not meet the Zoning Ordinance regulations and that it is not supported by the Comprehensive Plan. She thanked the Planning Commission for listening to all of the citizens present.

Staff Rebuttal – Mr. Martin said that the development plan does meet the Zoning Ordinance and wouldn't be here with their recommendation of approval if it didn't. He said that Sophia Alley got its name by the police and fire department.

Mr. Baillie said that through the 2013 and 2018 Comprehensive Plans, which staff has gained the knowledge from the public that said they do want densification along arterial roadways in Lexington and the staff agrees. He clarified that the citizens that didn't receive notification of the zone change reside outside of the 500-foot required notification area. He added that notification was posted on signs on the site, and the legal notice was published in the newspaper. He said that this proposal is for attached single-family dwellings.

Commission Question – Mr. Owens asked Mr. Simpson what kind of guarantee is there to prevent these townhomes from being rental units. Mr. Simpson said that 37% of Penmoken Park is currently rental and the developer's intent is to sell the units. Mr. Owens said that the plan depicts all brick, and asked if that change to vinyl. Mr. Simpson said that they will not submit a final development plan without it being all brick. This will be a well-designed project, and there will be an architect at the final development plan to be queried about all of that.

Ms. Mundy clarified that architects are not required at the zone change hearing phase. Mr. Simpson agreed and said that the law requires conceptual representation of the intent. Staff reviews these thoroughly.

Mr. Wilson asked Mr. Simpson what will happen to the ten men that will be displaced. Mr. Simpson said that Mr. Jones has met with them and notified them of this proposal. He has offered to make accommodations for them at his other properties.

Commission Comment - Mr. Penn said that the 2018 Comprehensive Plan is based on the fact that 10,000 citizens said that they do not want to expand the Urban Service Area boundary and that infill can be developed in many spaces. He said that the Final Development Plan will look like what the citizens are expecting. He said that it is not his intention to change the neighborhood; however it is his intention to change the density along the corridor of Nicholasville Road. He said that he will support this zone change because of that and that commitment has already been made in the Goals and Objectives. He added that he does not like the development plan and stated that this is a place holder and the plan will be returning before the Planning Commission again. He said that the citizens will be notified of those plan hearings.

Ms. Plumlee, thank citizens for attending. She said that she agrees with Mr. Penn. The goal is sustainable neighborhoods, but they are also bound by the 2018 Comprehensive Plan and their commitment to corridors. She said that the big picture of the area, which is to develop the corridors and not expand the Urban Service Area boundary. She said that she also supports this zone change.

Mr. Berkley, said that the community has been heading in this direction for some time. He said that this is a preliminary development plan and there is room for improvement. He also said that he is supporting this zone change.

Zoning Action – A motion was made by Mr. Berkley, seconded by Ms. Mundy, and carried 9-0 (Bell and Pohl absent) to approve PLN-MAR-18-00026: SOUTHERN & JONES PROPERTIES, LLC, for the reasons provided by the staff.

Development Plan Action – A motion was made Mr. Berkley, seconded by Ms. Mundy, and carried 9-0 (Bell and Pohl absent) to approve PLN-MJDP-18-00095: PENMOKEN PARK, LOT P-104 (SOUTHERN & JONES PROPERTIES, LLC), with the conditions provided by the staff, as follows:

1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Addition of street cross-sections to plan.
6. Denote existing and proposed easements.
7. ~~Discuss access to Penmoken Park.~~