

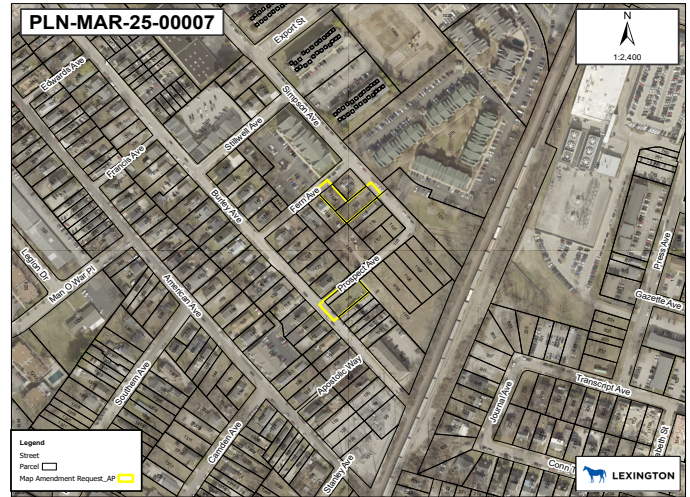
STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-25-00007: ANDERSON CAMPUS RENTAL PROPERTIES, LLC

DESCRIPTION OF ZONE CHANGE

Zone Change: From a Single Family Residential (R-1D) zone and Townhouse Residential (R-1T) zone To a Medium Density Residential (R-4) zone

Acreage: 0.431 net (0.508 gross) acres

Location: 119 Burley Avenue, 109 Simpson Avenue (A Portion of), 122 Simpson Avenue, 1104 Fern Avenue



EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	R-1D/R-1T	Residential/Vacant
To North	R-4/R-1D	Residential
To East	R-4/R-1D	Vacant
To South	R-1D	Residential
To West	R-4/R-1D	Residential

URBAN SERVICE REPORT

Roads - The subject properties have frontage along Simpson Avenue, Fern Avenue and Burley Avenue. Fern Avenue is a short, local street that serves as a connector between Simpson Avenue and Burley Avenue. Both Burley Avenue and Simpson Avenue connect to South Broadway (US 68) at the western end and terminate at the Norfolk Southern rail-line at the eastern end. South Broadway is a major arterial roadway and is identified as one of Lexington's urban corridors. The roadway experiences approximately 25,950 average daily trips.

Curb/Gutter/Sidewalks - The frontages of the property are representative of the historical development of the area. The property frontages do not have curb, gutters, or sidewalks at this location. These improvements will be required within the site.

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 Wolf Run watershed. Storm sewers are currently located along the right-of-way in areas more recently developed; however, the developer will be required to address stormwater management on the site in accord with the adopted Engineering Manuals. There are no special flood hazard areas in this location; however, flooding issues are prevalent further towards South Broadway. Additionally, staff is aware that portions of the site slated for development currently serve as stormwater retention for areas adjoining the railroad to the rear.

Sanitary Sewers - The subject properties are located within the Wolf Run sewershed, which is served by the Town Branch Wastewater Treatment Facility, located on Lisle Industrial, inside New Circle Road. Sanitary sewer capacity will need to be verified prior to certification of the final development plan for the proposed redevelopment.

Refuse - The Urban County Government serves this area with refuse collection on Mondays.

Police - The nearest police station is the main headquarters, located approximately two miles to the northeast on East Main Street.

Fire/Ambulance - Fire Station #11 is the nearest station to this site. It is located approximately one mile to the southwest on Harrodsburg Road between St. Joseph Hospital and Picadome Elementary School.

Transit - LexTran service is available within the area along South Broadway. Outbound and inbound service for the South Broadway Route (#13) are within approximately ¼ mile of the subject property. Outbound and inbound service for the Red Mile Route (#15) is available within roughly ½ mile of the subject property.

Parks - Burley Park, located on Burley Avenue, is located 900 feet west of the subject property.

SUMMARY OF REQUEST

The applicant is seeking to rezone the subject properties from a Single-Family Residential (R-1D) zone and Townhouse Residential (R-1T) zone to the Medium Density Residential (R-4) zone in order to expand an existing multi-family development. Additionally, the applicant is seeking a variance with this request to reduce the required landscape buffer at 122 Simpson Avenue from 8 feet to 3 feet.

PLACE-TYPE

ENHANCED NEIGHBORHOOD
Enhanced Neighborhoods are existing residential areas to be enhanced with additional amenities, housing types, and neighborhood-serving retail, services, and employment options. Development should be context-sensitive to surrounding areas and should add to the sense of place. Incorporating multimodal connections is crucial to neighborhood success and viability.

DEVELOPMENT TYPE

MEDIUM DENSITY RESIDENTIAL
Primary Land Use, Building Form, & Design
Primarily attached and multi-family units, with interspersed single-family detached dwellings. Multi-family units should complement and enhance existing development through quality design and connections.
Transit Infrastructure & Connectivity
Nearby commercial/employment uses and greenspace should be easily accessible, and bicycle and pedestrian modes should be maximized to connect residents to destinations.
Quality of Life Components
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 intended to provide for medium to medium-high density multi-family dwellings and supporting uses. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population. The medium to medium-high density residential uses should be located along collector and arterial streets. Where lower density development occurs in this zone, it should be located along local streets. Adequate multi-modal connections should be available to all residents. Development should be in areas of the community where necessary services and facilities will be adequate to serve the anticipated population.

PROPOSED USE



The applicant is seeking to rezone the subject properties in order to expand an existing multi-family development located at 201 Simpson Avenue. The expansion plan would add an additional 220 units, bringing the total to 507 units for a total residential density of 40.53 units per acre.

APPLICANT & COMMUNITY ENGAGEMENT



The justification letter states that the applicant has met with several individual property owners in the area; however, no information has been provided about larger-scale engagement efforts.

PROPERTY & ZONING HISTORY



Prior to 1969, the subject properties were zoned Mixed Low Density Residential (R-2). During the comprehensive rezoning of the City of Lexington in 1969, the city reviewed the built environment to look for either consistency with the zoning, up-zoning and down-zoning certain properties to more accurately comply with the 1969 Zoning Ordinance. The residential parcels, including the properties along Simpson, Fern and Burley Avenues, were down-zoned from the R-2 District to the Single Family Residential (R-1D) zone. More recently, the odd numbered Burley Avenue properties, from 99 to 119, were rezoned to R-1T in 2012 (MAR-2012-9).

The surrounding properties are fairly evenly split between R-1D and R-4 (low density and medium density residential) with the previously mentioned area of R-1T along Burley Avenue. Areas of R-4 zoned properties have increased incrementally and include the following map amendments: MAR 95-17, MAR 2012-19, MAR 2013-20, PLN-MAR-17-00039.

COMPREHENSIVE PLAN COMPLIANCE



GOALS & OBJECTIVES

The 2045 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The applicant opines that the proposed rezoning for the subject property is in agreement with the 2045 Comprehensive Plan. In staff's review, the overall project is consistent with the applicant's suggested Place-Type and Development Type and would facilitate a substantial increase in housing density in the area by making use of vacant and underutilized parcels (Theme A, Goal #1.b and #1.d; Theme A, Goal #2.a). The justification letter states that accessible units would be provided (Theme A, #1.c) but it is unclear how many of the proposed 220 units fit into this category. The proposed layout includes greenspace elements (Theme A, Goal #2.c) as well as a context sensitive design (Theme A, Goal #2.b) for the structure slated to front on Burley Avenue.

Finally, the applicant indicates that the proposed project will improve sidewalk connections between new and existing development (Theme A, Goal #3.e). While staff agrees that the plan shows internal pedestrian improvements, it fails to provide connectivity to Burley Avenue or Fern Avenue (Theme A, Goal #3.b and #3.e, Theme B, Goal #2.d and Theme D, Goal #1.b).

POLICIES

Within the letter of justification, the applicant opines that the project is meeting the 2045 Comprehensive Plan policy which illustrates the Multi-Family Design Standards (Design Policy #3), providing development that is sensitive to the surrounding context (Design Policy #4), providing walkability with vehicular use areas behind the structures (Design Policy #5 & #7), providing varied housing choice (Design Policy #8) and providing on-site open space (Design Policy # 9). While staff agrees that these policies could be met with this request, there are several policies that the applicant should expand on further:

Design Policy #5: Provide pedestrian-friendly street patterns & walkable blocks to create inviting streetscapes.

The applicant's request shows pedestrian accommodations from parking areas and other structures internal to the development. Staff suggests that more connections to adjacent areas would help to satisfy the following requirements of the Multi-Family Design Standards:

Site Planning #5: Encourage access to surrounding uses through a continuous pedestrian network.

Site Planning #10: Connect to adjacent subdivisions and neighborhoods through an integrated street network with opportunities for multi-modal facilities; anticipate future connections to adjacent parcels to provide for



future opportunities; and provide adequate emergency vehicle access.

Site Planning #13: Pedestrian and bike paths should be used where street connections to adjacent neighborhoods are infeasible.

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 properties. 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 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, which is described in the Comprehensive Plan with the following statement: Enhanced Neighborhoods are existing residential areas to be enhanced with additional amenities, housing types, and neighborhood-serving retail, services, and employment options. Development should be context-sensitive to surrounding areas and should add to the sense of place. Incorporating multi modal connections is crucial to neighborhood success and viability. Based on the surrounding uses, staff finds that the suggested Place-Type is appropriate in this context. The Medium Density Residential Development Type and R-4 zone are recommended for the Enhanced Neighborhood and could be appropriate with enhanced connectivity to surrounding areas.



MULTI-FAMILY DESIGN STANDARDS

In connection with the proposed multi-family uses, the applicant submitted an annotated site plan, renderings of the proposed design, and a supplemental justification to demonstrate compliance with the Multi-Family Design Standards. Below, staff discusses the respective criteria:

Site Design:

The request meets the criteria for site design as the request uses the buildings to help reinforce the streetscape(SP.1). The design maintains existing setback patterns (SP.4). The proposal locates the parking areas internally, and breaks the lots into smaller sections to limit their visual impact (SP.8).

Open Space

Staff finds that the request meets the standards for Open Space, as the open space areas are located centrally to the site (OS.1), and are accessible for residents in each of the development's housing types (OS.2). These spaces are delineated and separated from the private open space (OS4).

Architectural Design.

The development uses a context sensitive approach to the structure fronting on Burley Avenue in terms of overall mass and scale (AS.2). The site plan follows a size and spacing pattern similar to the existing multi-family development. The proposed building design uses windows and alternating materials to avoid blank wall faces (AD.4; AD.5).



PARKING DEMAND MITIGATION STUDY

Under the requirements of the Parking and Landscaping Zoning Ordinance Text Amendment, all “Significant Developments,” or developments with over 5,000 square-feet of building coverage that require a Zoning Map Amendment, shall provide a Parking Demand Mitigation Study for the project that details the following information:

1. Review of national best practices for parking calculations for the project, including the current ITE Manual Parking ranges or the ranges produced by the ITEParkGen Report;
2. The anticipated parking demand for the project;
3. How the anticipated parking demand will be satisfied on-site or off-site;
4. The methods and strategies to be implemented in order to reduce vehicle trips by site users;
5. The methods and strategies to be implemented in order to promote transportation options by site users;
6. The projected mode share by site users from the utilization of the study’s strategies.

A parking demand mitigation study was not included with the submitted material. The applicant should provide this information so that staff can evaluate this aspect of the proposal.



DEVELOPMENT CRITERIA

The criteria for a zone change are the distillation of the adopted Goals and Objectives, as well as the policies put forth in the 2045 Comprehensive Plan. The criteria for development represent the needs and desires of the members of the Lexington-Fayette Urban County community in hopes of developing a better built environment. The criteria are refined by the applicant based on the proposed Place-Type and development type. The applicant has indicated that the site is located within the Enhanced Neighborhood Place-Type and is seeking to create a medium density residential development.

While staff agrees with much of the justification provided by the applicant, there are several areas of concern as to how the applicant has applied, not applied, or not addressed the criteria. The following reviews the various Placebuilder criteria as provided to staff in the Letter of Justification, the associated plan, and the supplementary review of the Multi-Family Design Standards. The following list contains several criteria that require further explanation or justification:

1. LAND USE

Staff finds that the proposed medium-density residential component of the development is in agreement with the criteria for Land Use as it increases the density on-site (A-DN2-1), and is in close proximity to neighborhood level commercial areas (A-DS12-1).

2. TRANSPORTATION, CONNECTIVITY, AND WALKABILITY

Staff finds that while the request meets several of the Transportation, Connectivity, and Walkability criteria, the following criteria require further discussion:

A-DS4-1: A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided; D-CO4-2: Provide multiple route options (grid type structure) to alleviate congestion in lieu of additional lanes upon existing roadways.

The applicant’s proposed development plan changes several aspects of the site’s access. Currently, the townhomes located along Burley Avenue can access their parking areas from the same roadway. Under the revised proposal, no vehicular connections are present between the larger development and Burley Avenue. This results in the parking for the townhomes being accessed from Simpson Avenue instead, and would require the residents to navigate throughout the entire site in order to access their parking areas. The applicant should maintain the existing connection to Burley Avenue in order to disperse traffic and increase connectivity.

3. ENVIRONMENTAL SUSTAINABILITY AND RESILIENCY

While the request meets several of the criteria for Environmental Sustainability and Resiliency, Staff finds there are several criteria that warrant further discussion:

B-PR2-1: Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site; B-SU9-1: Green Stormwater Infrastructure (GSI) should be implemented in new development.

While the subject properties do not have any areas of FEMA designated floodplain, staff is aware that there are stormwater and drainage issues associated with the area. The applicant's proposal places buildings where the site's existing detention basin is located. While exact final site engineering is not expected at the preliminary stage, staff requests the applicant provide greater detail about how they anticipate the increased stormwater will be mitigated.

4. SITE DESIGN

Staff finds that the proposed residential development is in agreement with the criteria for Site Design criteria as the development is in walking distance from a park (A-DS9-2), parking is located to the interior of the site (A-DS7-1), and the development provides accessible and delineated open spaces (A-EQ9-2).

5. BUILDING FORM

Staff finds that the proposal meets the criteria for Building Form, as the building orientation maximizes connections with the street (A-DS5-3), comply with the Multi-Family Design Standards (A-DS3-1), and do not result in development that is out of scale with the general vicinity (A-DN2-2).

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



1. The zone change application for the subject property necessitates a Parking Demand Mitigation Study in accordance with Article 16-14 of the Zoning Ordinance.
2. The zone change application for the subject property, as proposed, does not completely address the development criteria for a zone change within the Enhanced Neighborhood Place Type, and the Medium-Density Residential Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. D-PL7-1: Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
 - b. A-DS4-1: A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided.
 - c. D-CO4-2: Provide multiple route options (grid type structure) to alleviate congestion in lieu of additional lanes upon existing roadways.
 - d. B-PR2-1: Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.
 - e. B-SU9-1: Green Stormwater Infrastructure (GSI) should be implemented in new development.

STAFF REPORT ON VARIANCE REQUEST



As part of their application, the petitioner is also seeking a dimensional variance to reduce the required landscape buffer between 122 Simpson Avenue and 1106 Fern Avenue from eight (8) feet to three (3) feet.

Before any variance is granted, the Planning Commission must find the following:

- a. The granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Planning Commission shall consider whether:
 1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone.
 2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
 3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
- b. The Planning Commission shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

ZONING ORDINANCE

Article 6-4(c) states that the Planning Commission may hear and act upon requested variances associated with a zone change. In such cases, they may assume all of the powers and responsibilities of the Board of Adjustment, as defined in Article 7-6(b) of the Zoning Ordinance.

Article 18-3(a) states that the landscaping buffer along the border of R-4 and R-1D properties has a minimum width of 8 feet.

CASE REVIEW

The applicant is seeking a dimensional variance for the Perimeter Landscaping Requirements 18-3 for the area between 122 Simpson Avenue and 1106 Fern Avenue. The ordinance requires varying levels of landscaping where certain dissimilar zones meet. The applicant wishes to reduce this requirement to three feet to create a drive-aisle for three additional parking spaces. The applicant opines in their letter of justification that a reduced landscaping requirement will not adversely affect public health, safety or welfare and would not facilitate an unreasonable circumvention of the ordinance.

In staff's review of the applicant's justification, there does not appear to be any unique circumstances surrounding the property that would justify the need for the requested variance. The subject properties, while modest in size, are part of a much larger redevelopment. Additionally, the applicant has not demonstrated that meeting the 8-foot requirement would limit their utilization of the property. It appears that there is sufficient room to meet the landscaping requirement by shifting the location of the parking spaces. Due to the lack of special circumstances and the overall flexibility the applicant has with the design, staff cannot support the variance request as proposed.

STAFF RECOMMENDS: DISAPPROVAL FOR THE FOLLOWING REASONS:



1. The applicant has not provided sufficient justification to meet the requirements of Article 7 of the Zoning Ordinance or KRS 100.243. There do not appear to be special circumstances that are unique to the subject property that do not generally apply to other property in the vicinity or in the same zone that justify the need for the variance. The property is a large redevelopment site that does not feature any environmental constraints.
2. The applicant has not provided any information that demonstrates that meeting the 8-foot required landscape buffer would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant. It appears that the requirement could be met by relocating three parking spaces.