

Abbreviated public hearings will be held on petitions meeting the following criteria:

- The staff has recommended approval of the zone change petition and related plan(s)
- The petitioner concurs with the staff recommendations
- Petitioner waives oral presentation, but may submit written evidence for the record
- There are no objections to the petition

1. **F2 COMPANIES ZONING MAP AMENDMENT & HAYNES BROTHERS PROPERTY, LLC ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-19-00014: F2 COMPANIES (11/21/19)*- a petition for a zone map amendment from a Wholesale and Warehouse Business (B-4) zone to a High Rise Apartment (R-5) zone, for 5.6 net (5.951 gross) acres, for property located at 840 Angliana Avenue.

COMPREHENSIVE PLAN AND PROPOSED USE

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.

The petitioner has requested a zone change from a Wholesale and Warehouse Business (B-4) zone to the High Rise Apartment (R-5) zone in order to construct a multi-family development for 5.6 net (5.91 gross) acres for the properties located at 840 Angliana Avenue. The proposed development includes five (5) multi-family apartment buildings, with a total of 385 dwelling units. The proposed development represents a density of 68.75 dwelling units per acre. Associated with the dwelling units, the petitioner is seeking to include resident amenities on-site. A variance is also requested to reduce the off-street parking requirements.

The Zoning Committee Recommended: **Postponement** to the full Commission.

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

1. The zone change application for the subject property, as proposed, does not completely address the development criteria for a zone change within the 2nd Tier Urban 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. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
 1. Site Planning.
 2. Open Space and Landscaping.
 3. Architectural Design
 - b. A-DS1-1: Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7).
 - c. A-DS1-2: Direct pedestrian linkages to transit should be provided.
 - d. E-ST3-1: Development along major corridors should provide for ride sharing pick up and drop off locations along with considerations for any needed or proposed park and ride functions of the area. (E-GR10, E-GR7).
- b. REQUESTED VARIANCE
 1. To reduce the number of required parking spaces from 491 to 387 within the Infill and Redevelopment Area.

The Zoning Committee recommended: **Approval** for the following reason.

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

1. Granting the requested variance should not adversely affect the public health, safety, or welfare; nor should it affect the character of the general vicinity. The property is located within the defined Infill & Redevelopment Area where parking variances of up to 50% may be granted. The general vicinity has adequate pedestrian facilities, on-street parking and public transportation is available.
2. The need for the variance arises from the special circumstances of the proposed development, which is a redevelopment of an already built out parcel at a higher level of density.
3. The project is unique in comparison to similar projects, as the applicant is proposing a high proportion of one-bedroom units, which substantially increases the amount of dwelling units on the site. This is reinforced by average bed count per dwelling unit of 1.12 beds per unit. The strict application of the off-street parking regulation would create an unnecessary hardship on the proposed development as it would reduce the available F.A.R. and the associated density for the site for parking that surrounding development has not needed.
4. The request is not a result of a willful violation of the Zoning Ordinance. The applicant has taken care to go through the necessary process for this project and has requested the variance prior to commencing construction.

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

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

- a. Provided the Planning Commission approves the requested zone change to the R-5 zone, otherwise the requested variance shall be null and void.
 - b. The development shall be constructed in accordance with the approved Final Development Plan, or as that plan is amended to address design requirements of the Divisions of Engineering, Traffic Engineering, or Building Inspection.
 - 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.
- c. PLN-MJDP-19-00045: HAYNES BROTHERS PROPERTY, LLC (11/21/19)* - located at 840 ANGLIANA AVE., LEXINGTON, KY.
Project Contact: Vision Engineering

Note: The purpose of this plan is to rezone the property.

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

1. Provided the Urban County Council rezones the property R-5; 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. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. United States Postal Service Office's approval of kiosk locations or easement.
7. Denote lot coverage and building height per Article 21 of the Zoning Ordinance.
8. Denote pool and pool courtyard dimensions.
9. Denote Building F open plaza dimensions and remove plus/minus (\pm) from the typical building layout on the plan.
10. Discuss access to Porter Place.
11. Discuss compliance with Article 15-7 of the Zoning Ordinance regarding Infill and Redevelopment requirements.
12. Resolve stormwater quantity and quality features at the time of the final development plan.
13. Discuss open space compliance.
14. Discuss requested parking variance.
15. Discuss compliance with Placebuilder criteria:
 - a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
 - b. A-DS1-1: Mass transit infrastructure, such as seating and shelters, should be provided/enhanced along transit routes.
 - c. A-DS1-2: Direct pedestrian linkages to transit should be provided.
 - d. E-ST3-1: Development along major corridors should provide for ride sharing pick up and drop off locations along with considerations for any needed or proposed park and ride functions of the area.

Staff Zoning Presentation – Mr. Baillie presented the revised staff report and recommendations for the zone change application. He displayed photographs of the subject property and aerial photographs of the general area. He said the applicant is proposing this zone change to allow for six multi-family apartment buildings, a total of 385 dwelling units, which will be a residential density of approximately 69 dwelling units per acre. He said that the petitioner is also requesting a variance for the subject property. The subject property is surrounded by residential zones to the west, and warehouse, light industrial, and heavy industrial zones to the east. He added that this property is located along the railway, therefore it was utilized in the past as warehousing. Over time, many of those properties have been rezoned to allow for the construction of multi-family residential. He said that the current building is a tobacco warehouse and covers most of the property. He pointed out Porter Place, a local street that connects to Porter Alley, which is primarily used for commercial use for the shops of specialty trade. He said that the staff is recommending approval of this zone change and directed the Planning Commission to the revised staff recommendation, as follows:

1. The requested High Rise Apartment (R-5) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning accommodates the demand for housing in Lexington responsibly, prioritizing higher density apartments, at a density of 68.75 dwelling units per acre, (Theme A, Goal #1), while also supporting infill and redevelopment of an underutilized property, and replacing a warehouse structure with modern, safe, and dense housing (Theme A, Goal #2).
 - b. The proposed development provides a well-designed neighborhood (Theme A, Goal #3) by varying the mobility patterns of potential residents, and promoting alternative modes of transportation, specifically focusing on the availability of transit services including Lextran Routes 8, 12, 13, and 15.
 - c. The proposed new transit stop along the frontage of the subject property will help reduce dependency on passenger vehicles in the area (Theme D, Goal #1.a and c).
 - d. The proposed development's proximity to the University of Kentucky's campus and the increased opportunities for various mobility patterns can reduce Lexington-Fayette County's reliance on automotive-centric mobility patterns and reduce our carbon footprint (Theme B, Goal #2).

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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 site creates a residential development that supports pedestrian mobility, while also providing access to focal points and private open space. Additionally, the proposed rezoning seeks to increase the intensity of use along a collector street, prioritizing a higher density residential development.
 - b. The proposed rezoning includes safe facilities for the potential residents of the site by prioritizing multi-modal connections and increasing bike and pedestrian facilities. 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 works with the current landscape, reduces the amount of impervious surfaces, limits the impacts on the surrounding environment, and provides new private amenities and access to open space.
3. This recommendation is made subject to approval and certification of PLN-MJDP-19-00045: Haynes Brothers 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.

Development Plan Presentation – Mr. Martin presented a revised rendering of the preliminary development plan associated with this zone change. He indicated that revised conditions were distributed to the Planning Commission, as follows:

1. Provided the Urban County Council rezones the property R-5; 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. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. United States Postal Service Office's approval of kiosk locations or easement.
7. Denote lot coverage and building height per Article 21 of the Zoning Ordinance.
- ~~8. Denote pool and pool courtyard dimensions.~~
- ~~9. Denote Building F open plaza dimensions and remove plus/minus (\pm) from the typical building layout on the plan.~~
- ~~10. Discuss access to Porter Place.~~
8. ~~11. Discuss Denote~~ compliance with Article 15-7 of the Zoning Ordinance regarding Infill and Redevelopment requirements shall be determined at time of Final Development Plan.
9. ~~12. Resolve~~ stormwater quantity and quality features at the time of the final development plan.
10. ~~13. Discuss Revise~~ open space compliance statistics to meet Group Residential requirements.
11. ~~14. Discuss Provided the Planning Commission grants the~~ requested parking variance.
12. ~~15. Discuss Resolve~~ compliance with Placebuilder criteria per the Zone Map Amendment Request (MAR) Staff Report:
 - a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
 - b. A-DS1-1: Mass transit infrastructure, such as seating and shelters, should be provided/enhanced along transit routes.
 - c. A-DS1-2: Direct pedestrian linkages to transit should be provided.
 - d. E-ST3-1: Development along major corridors should provide for ride sharing pick up and drop off locations along with considerations for any needed or proposed park and ride functions of the area.

Mr. Martin displayed a rendering of the proposed development. He said that there are four buildings oriented along the exterior of the property, and one larger building located in the center. He pointed to the location of the pool and the pool house. He also pointed out the access points onto Angliana Avenue and Porter Place. Mr. Martin then pointed out an access road located along the rear of the property that services the Red Mile Race Track. He said that the buildings are 4-stories in height, and will house 385 units. He said that they are required to have 491 parking spaces; however, they are requesting a variance to reduce the total parking required to 387 parking spaces. He said the total combined floor area of all these buildings is 312,432 sq. ft. He said that buildings C, D, and F will be built on platforms with parking below taking advantage of the grade of the property, which slopes down to the rear of the property. He pointed to an open courtyard and said that condition #10 is to revise the statistics to meet Group Residential requirements. He said in regards to Condition #8 there are some requirements for infill and redevelopment standards. These are for architectural issues that need to be met in order to be in compliance with Article 15-7 of the Zoning Ordinance. He added that compliance will need to be addressed on the final development plan. He said that the Subdivision Committee and the staff recommended approval with these revisions, as well as, resolving stormwater features and compliance with Placebuilder criteria per the Zone Map Amendment Request.

Variance Presentation – Mr. Baillie presented the variance associated with this zone change. He said that the applicant is requesting a reduction in the number of parking spaces for this development. He said that the Planning Commission must abide by the following criteria: 1) that the variance will not adversely affect the public health, safety or welfare; 2) will not alter the essential character of the general vicinity; and 3) will not allow an unreasonable circumvention of the site. He added that this this request arises from a special circumstance of the site. The current parking regulations for this zone require 0.9 spaces per bed, or 1.5 spaces per dwelling unit. The reduction for the Infill and Redevelopment Area include bike racks (up to 5% for lots that have greater than 50 parking spaces), and another 10% for a covered transit stop within 300 feet of the site. This a 15% reduction from the required per unit count, which is 577 parking spaces, to 490 parking spaces. He said that within the Infill and Redevelopment Area, the Planning Commission, may grant a variance to reduce the number of parking spaces by 50% of the otherwise required

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number in accordance with Article 16-10 for projects within the defined Infill & Redevelopment Area. He said that the Planning Commission can grant up to a 50% parking reduction.

Mr. Baillie said that the applicant is requesting to reduce the number of parking spaces to the required per the number of bedrooms, which is 0.9 spaces per bedroom (387 spaces). He said that the staff is recommending approval for this variance request. This development consists of more studio and one bedroom apartments rather than two and three bedroom apartments, which will benefit the student wants and needs, as well as those transitioning from college to young professionals.

Commission Questions – Mr. Wilson asked if the reduction of parking spaces has any impact on the required number of handicap spaces. Mr. Baillie replied that it doesn't affect that number.

Applicant Presentation – Mr. Jacob Walbourn, attorney representing the petitioner. He said they are in agreement with the staff's recommendations and findings. He expressed his appreciation to the staff for working with them to get this approval. He said that this request for the R-5 zone is not for a high-rise building, but for the floor area ratio (FAR). He said that in regard to the variance, that the 0.9 parking spaces per bed requirement is being met before applying any reductions they are entitled to. However, because of the higher number of units, instead of the bed count, they are held accountable to the per unit requirement, which he believes would lead to over-parking of the development. He added that he and Matt Carter, Vision Engineering are available for any questions and that they are requesting the Planning Commission's approval.

Commission Question – Mr. Penn asked if this development is only for students. Mr. Walbourn said that is the intent of the development, but it is not only for them.

Zoning Action – A motion was made by Mr. Penn, seconded by Mr. Forester, and carried 10-0 (Brewer absent) to approve PLN-MAR-19-00014: F2 COMPANIES, for the reasons provided by the staff.

Variance Action – A motion was made by Mr. Penn, seconded by Mr. Forester, and carried 10-0 (Brewer absent) to approve the VARIANCE REQUEST, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Penn, seconded by Mr. Forester, and carried 10-0 (Brewer absent) to approve PLN-MJDP-19-00045: HAYNES BROTHERS PROPERTY, LLC, for the revised recommendations presented by the staff.

C. FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS - Following abbreviated hearings, the remaining petitions will be considered.

The procedure for these hearings is as follows:

- Staff Reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) Proponents (10 minute maximum OR 3 minutes each)
 - (b) Objectors (30 minute maximum) (3 minutes each)
- Rebuttal & Closing Statements
 - (a) Petitioner's comments (5 minute maximum)
 - (b) Citizen objectors (5 minute maximum)
 - (c) Staff comments (5 minute maximum)
- Hearing closed and Commission votes on zone change petition and related plan(s)

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the hearing. The Chair will announce its decision at the outset of the hearing.

1. APTITUDE DEVELOPMENT ZONING MAP AMENDMENT & LYNDBURST SUBDIVISION BLK D LOTS 2-7 (THE MARSHALL LEXINGTON) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-19-00013: APTITUDE DEVELOPMENT (11/21/19)*- a petition for a zone map amendment from a High Density Apartment (R-4) zone to a Downtown Frame Business (B-2A) zone, for 1.810 net (2.274 gross) acres, for properties located at 201, 207, 209, 211, 215, 221, 225, 227, & 231 E. Maxwell Street, and 245, 247, & 251 Stone Avenue.

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