

ORDINANCE NO. 115 -2017

AN ORDINANCE CHANGING THE ZONE FROM A SINGLE FAMILY RESIDENTIAL (R-1E) ZONE TO A PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE, FOR 13.84 NET (17.76 GROSS) ACRES, FOR PROPERTY LOCATED AT 1975 RUSSELL CAVE ROAD. (ELKHORN SPRINGS DEVELOPMENT, LLC; COUNCIL DISTRICT 1).

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WHEREAS, at a Public Hearing held on June 8, 2017 a petition for a zoning ordinance map amendment for property located at 1975 Russell Cave Road from a Single Family Residential (R-1E) zone to a Planned Neighborhood Residential (R-3) zone for 13.84 net (17.76 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 8-1; 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 1975 Russell Cave Road from a Single Family Residential (R-1E) zone to a Planned Neighborhood Residential (R-3) zone for 13.84 net (17.76 gross) acres, being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - That the granting of this zone change is made subject to the following use restrictions as conditions of granting the zone change:

Under the provisions of Article 6-7 of the Zoning Ordinance, the following land use restrictions shall apply for the subject property via conditional zoning:

- a. A landscape buffer shall be provided and maintained adjacent to I-64/I-75 that is to consist of a solid fence eight (8') feet in height, trees located thirty feet (30') on center and a solid hedge.
- b. All pole lighting on this site (exclusive of street lights provided on Ward Drive) shall be limited to a maximum of twelve feet (12') in height.

These restrictions are necessary and appropriate for the subject property to ensure greater compliance with the specific Winburn-Russell Cave Neighborhoods Small Area Plan

recommendations, and to mitigate the noise impact that the I-64/I-75 expressway would have on a new residential development at this location.

Section 3 - 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 4 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: July 11, 2017

MAYOR



ATTEST:



CLERK OF URBAN COUNTY COUNCIL

Published: July 18, 2017-1t

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I move to place on the docket for first reading an ordinance changing the zone from a Single Family Residential (R-1E) zone to a Planned Neighborhood Residential (R-3) zone, for 13.84 net (17.76 gross) acres, for property located at 1975 Russell Cave Road. (ELKHORN SPRINGS DEVELOPMENT, LLC; COUNCIL DISTRICT 1).

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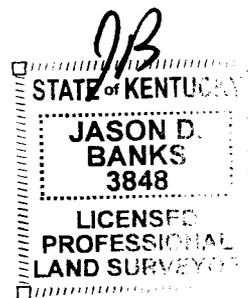
Councilmember

(To be made at the Council meeting on July 6, 2017.)

LEGAL DESCRIPTION  
HUTSON-SIRK, LLC PROPERTY  
Zone Change from R-1E to R-3  
1975 Russell Cave Road  
Lexington, Fayette County, Kentucky

A TRACT OF LAND BEING SITUATED IN THE SOUTHWESTERLY QUADRANT OF THE INTERSECTION OF INTERSTATE 75 AND RUSSELL CAVE ROAD IN LEXINGTON, FAYETTE COUNTY, KENTUCKY AND MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

Beginning at a point in the centerline of Russell Cave Road, said point being the approximate centerline intersection of Interstate 75 and Russell Cave Road, thence with the centerline of Russell Cave Road, S 16°52'38" W – 675.54' to a point, thence leaving the centerline of Russell Cave Road, N 47°09'36" W – 1381.30' to a point, thence N 34°27'24" E – 171.83' to a point, thence S 47°09'36" E – 19.56' to a point, thence N 43°01'52" E – 474.45' to a point in the approximate centerline of Interstate 75, thence with the approximate centerline of Interstate 75, S 45°12'40" E – 1090.09' to the beginning and containing a gross area of 17.76 acres and a net area of 13.84 acres, more or less.



2-16-17

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

IN RE: **PLN-MAR-17-00008: ELKHORN SPRINGS DEVELOPMENT, LLC** - a petition for a zone map amendment from a Single Family Residential (R-1E) zone to a Planned Neighborhood Residential (R-3) zone, for 13.84 net (17.76 gross) acres, for property located at 1975 Russell Cave Road.  
(Council District 1)

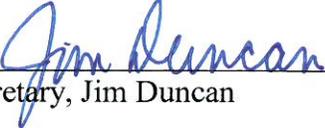
Having considered the above matter on **June 8, 2017**, at a Public Hearing, and having voted **8-1** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter for the following reasons:

1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2013 Comprehensive Plan, and the adopted 2016 *Winburn-Russell Cave Neighborhoods Small Area Plan* (WRCN SAP), for the following reasons:
  - a. The 2013 Comprehensive Plan's Goals and Objectives encourage expanded housing choices (Theme A, Goal #1); support opportunities for infill, redevelopment and adaptive reuse that respect an area's context and design features (Theme A, Goal #2a.); encourage the development of underutilized and vacant land in a compact, contiguous and/or a mixed-use sustainable manner within the Urban Service Area (Theme E, Goals #1b. and #3); encourage providing for well-designed neighborhoods (Theme A, Goal #3); and support creating safe, affordable and accessible housing for all citizens (Theme A, Goal #1c.).
  - b. The 2016 *Winburn-Russell Cave Neighborhoods Small Area Plan* (SAP) identifies seven guiding planning principles to increase transportation connectivity; increase equity for residents; promote strategies to increase home ownership and improve housing conditions; optimize the use of land to promote mixed housing types; ensure infill is well designed and sensitive to existing neighborhoods; improve existing parks and improve public safety.
  - c. The requested zone change and proposed development will utilize vacant land inside the Urban Service Area, expand housing choices within the immediate area and provide a development pattern that respects the character of the immediate area.
  - d. The petitioner's proposal addresses the necessary transportation connection of Ward Drive from Russell Cave Road into the Winburn neighborhood, and several many of the design guidelines that ensure such infill is sensitive to the surrounding neighborhood.
  - e. As part of the SAP planning process, a set of design standards was developed for multi-family developments that provide a framework for evaluating the proposed development. The site planning guidelines have been partially met, based on preliminary design work, and any of the open space, landscaping, and architectural design guidelines will also be met.
  - f. Adherence to the design standards should ensure a context sensitive development and therefore, agreement with many of the goals established in the 2013 Comprehensive Plan and principles of the *Winburn-Russell Cave Neighborhood Small Area Plan*.
2. This recommendation is made subject to approval and certification of **PLN-MJDP-17-00017: Winburn Estates Subdivision, Unit 3** prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. **Under the provisions of Article 6-7 of the Zoning Ordinance, the following land use restrictions shall apply via conditional zoning:**
  - a. A 15' landscape buffer shall be provided and maintained adjacent to I-64/I-75 that is to consist of at a solid fence eight feet (8') in height, trees located thirty feet (30') on center and a solid hedge.

- b. All pole lighting on this site (exclusive of street lights provided on Ward Drive) shall be limited to a maximum of twelve feet (12') in height.

These restrictions are necessary and appropriate for the subject property to ensure greater compliance with the specific Winburn-Russell Cave Neighborhoods Small Area Plan recommendations, and to mitigate the noise impact that the I-64/I-75 expressway would have on a new residential development at this location.

ATTEST: This 16<sup>th</sup> day of June, 2017.

  
Secretary, Jim Duncan

WILLIAM WILSON  
CHAIR

K.R.S. 100.211(7) requires that the Council take action on this request by September 6, 2017.

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

**OBJECTORS**

- None

**OBJECTIONS**

- None

**VOTES WERE AS FOLLOWS:**

AYES: (8) Berkley, Cravens, Drake, Mundy, Richardson, Brewer, Plumlee and Wilson

NAYS: (1) Penn

ABSENT: (1) Owens

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **CONDITIONAL APPROVAL** of **PLN-MAR-17-00008** 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.)**

<b>Applicant:</b> ELKHORN SPRINGS DEVELOPMENT, LLC, 2240 Executive Drive, Ste. 102, Lexington, KY 40505
<b>Owner(s):</b> HUTSON-SIRK II, LLC, 508 FIELD CREST CT, RICHMOND, KY 40475
<b>Attorney:</b> Bruce Simpson, Stoll Keenon Ogden, PLLC, 300 West Vine, Ste. 2100, Lexington, KY 40507

**2. ADDRESS OF APPLICANT'S PROPERTY**

1975 RUSSELL CAVE RD, LEXINGTON, KY
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**3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY**

Zoning	Existing		Requested		Acreage	
		Use	Zoning	Use	Net	Gross
R-1E		Vacant	R-3	Multi-Family Residential	13.84	17.76

**4. EXISTING CONDITIONS**

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

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

Roads:	Private
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 checked="" type="checkbox"/> Cable





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**T. BRUCE SIMPSON, JR.**  
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bruce.simpson@skofirm.com

February 8, 2017

Mr. William Wilson, Chairperson  
Lexington Fayette Urban County Planning Commission  
200 East Main Street  
Lexington, Kentucky 40507

Re: Zone Map Amendment Application for property located at  
1975 Russell Cave Rd. from R-1E to R-3

Dear Chairperson Wilson,

I am pleased to represent Elkhorn Springs Development, LLC in connection with this application to rezone the property located at 1975 Russell Cave Road from its existing R-1E Single Family Residential Zone to the R-3 Planned Neighborhood Residential Zone. The property consists of 13.84 net and 17.76 gross acres. Although the property has been rezoned on several prior occasions, it has remained vacant and substantially underutilized for more than 50 years. The site of the proposed development is adjacent to the Winburn neighborhood. There will be pedestrian and vehicular connectivity to this neighborhood. Nearby public transportation is also available.

The focus of this residential development is to meet the housing needs of those households which are at or below 60% of the Area's Median Income for Lexington/Fayette County. This application seeks approval to construct 130 affordable housing apartments consisting of 98 2-bedroom units and 32 3-bedroom units. The 2-bedroom units will be approximately 1,000 square feet and the 3-bedroom units will be approximately 1,200 square

feet. There will also be a 3,000 square foot clubhouse on site. There will be a full time property manager onsite. This development will be handsomely designed and landscaped as reflected in the renderings which will be tendered during the hearing of this application.

This proposed development has been previously shared with the Kentucky Housing Corporation and the Lexington-Fayette Urban County Government's Affordable Housing Program. These housing units will serve affordable income level households and will comply with the income restrictions required to qualify for Kentucky's Low Income Housing Tax Credit Program. The site of the proposed development is adjacent to the Winburn neighborhood.

The need for affordable housing has been much discussed in Fayette County for many years. It has consistently been one of the goals or objectives of every Comprehensive Plan. In addition to providing affordable housing, this application is in conformity with the following provisions of the 2013 Comprehensive Plan:

## **1. 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. Plan for housing that addresses the market needs for all of Lexington-Fayette County residents, including, but not limited to, mixed-use and housing near employment and commercial areas.
- c. Plan for safe, affordable and accessible housing to meet the needs of older and/or disadvantaged residents.
- d. Create and implement housing incentives that strengthen the opportunity for economic development, new business and jobs, including, but not limited to, higher density and housing affordability.

### **Goal 2: Support Infill And Redevelopment Throughout the Urban Services Area As A Strategic Component Of Growth.**

#### Objectives:

- a. Identify areas of opportunity for infill, redevelopment and adaptive reuse that respect the area's context and design features whenever possible.

b. Implement innovative programs, such as the land bank, to facilitate sustainable development, including but not limited to, affordable housing and commercial and economic activity.

**Goal 3: Provide Well Designed Neighborhoods and Communities.**

Objectives:

a. Enable existing and new neighborhoods to flourish through improved regulation and expanded opportunities for neighborhood character preservation and public commitment of expanded options for mixed-use and mixed-type housing throughout Lexington-Fayette County.

b. Strive for positive and safe interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians and various modes of transportation.

**THEME E: MAINTAINING A BALANCE BETWEEN PLANNING FOR URBAN USES AND SAFEGUARDING RURAL LAND**

**Goal 1: Uphold the Urban Services Area Concept.**

Objectives:

a. Continue to monitor the absorption of vacant and underutilized land within the Urban Services Area.

b. Encourage compact contiguous and/or mixed-use sustainable development within the Urban Services Area as guided by market demand to accommodate future growth needs.

**Goal 3: Maintain The Current Boundaries Of The Boundaries Of The Urban Services Area and Rural Activity Centers; And Create No New Rural Activity Centers.**

There has been a glaring need for affordable housing for many years. This application will help to address this need by constructing a well-designed and professionally managed residential community. I look forward to making a full presentation of this application to the Planning Commission.

Very truly yours,



T. Bruce Simpson, Jr.



**STOLL**  
**KEENON**  
**OGDEN**  
PLLC

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May 2, 2017

Mr. William Wilson, Chairperson  
Lexington Fayette Urban County Planning Commission  
200 East Main Street  
Lexington, Kentucky 40507

Re: Zone Map Amendment Application for property located at  
1975 Russell Cave Rd. from R-1E to R-3

Dear Chairperson Wilson,

I am pleased to represent Elkhorn Springs Development, LLC in connection with this application to rezone the property located at 1975 Russell Cave Road from its existing R-1E Single Family Residential Zone to the R-3 Planned Neighborhood Residential Zone. The property consists of 13.84 net and 17.76 gross acres. Although the property has been rezoned on several prior occasions, it has remained vacant and substantially underutilized for more than 50 years. The site of the proposed development is adjacent to the Winburn neighborhood. There will be pedestrian and vehicular connectivity to this neighborhood. Nearby public transportation is also available.

The focus of this residential development is to meet the housing needs of those households which are at or below 60% of the Area's Median Income for Lexington/Fayette County. This application seeks approval to construct 160 affordable housing apartments consisting of 2 and 3-bedroom units. The 2-bedroom units will be approximately 1,000 square feet and the 3-bedroom units will be approximately 1,200 square feet. There will also be a 3,000

square foot clubhouse on site. This residential community will be staffed with an on-site property manager. Security will also be provided.

This proposed development has been previously shared with the Kentucky Housing Corporation and the Lexington-Fayette Urban County Government's Affordable Housing Program. These housing units will serve affordable income level households and will comply with the income restrictions required to qualify for Kentucky's Low Income Housing Tax Credit Program.

The need for affordable housing has been much discussed in Fayette County for many years. It has consistently been one of the goals or objectives of every Comprehensive Plan. In addition to providing affordable housing, this application is in conformity with the following provisions of the 2013 Comprehensive Plan and the 2016 Winburn/Russell Cave Small Area 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. Plan for housing that addresses the market needs for all of Lexington-Fayette County residents, including, but not limited to, mixed-use and housing near employment and commercial areas.
- c. Plan for safe, affordable and accessible housing to meet the needs of older and/or disadvantaged residents.
- d. Create and implement housing incentives that strengthen the opportunity for economic development, new business and jobs, including, but not limited to, higher density and housing affordability.

### **Goal 2: Support Infill and Redevelopment Throughout the Urban Services Area as a Strategic Component Of Growth.**

#### Objectives:

- a. Identify areas of opportunity for infill, redevelopment and adaptive reuse that respect the area's context and design features whenever possible.

b. Implement innovative programs, such as the land bank, to facilitate sustainable development, including but not limited to, affordable housing and commercial and economic activity.

**Goal 3: Provide Well Designed Neighborhoods and Communities.**

Objectives:

a. Enable existing and new neighborhoods to flourish through improved regulation and expanded opportunities for neighborhood character preservation and public commitment of expanded options for mixed-use and mixed-type housing throughout Lexington-Fayette County.

b. Strive for positive and safe interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians and various modes of transportation.

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

**Goal 1: Uphold the Urban Services Area Concept.**

Objectives:

a. Continue to monitor the absorption of vacant and underutilized land within the Urban Services Area.

b. Encourage compact contiguous and/or mixed-use sustainable development within the Urban Services Area as guided by market demand to accommodate future growth needs.

**Goal 3: Maintain the Current Boundaries of the Boundaries of the Urban Services Area and Rural Activity Centers; and Create No New Rural Activity Centers.**

**III. COMPLIANCE WITH THE WINBURN/RUSSELL CAVE NEIGHBORHOODS SMALL AREA PLAN**

This proposed zone change is also in compliance with the 2016 Winburn/Russell Cave Neighborhoods Small Area Plan. As recited in the "Executive Summary", "this plan provides a development framework that guides both infrastructure and private investment efforts to revitalize the area to a more livable and sustainable place." One of the most important long standing needs of the Winburn Neighborhood, if not the most important, has been the need to connect Ward Drive to Russell Cave Road. Since the Winburn Neighborhood was developed in

Mr. William Wilson, Chairperson

May 2, 2017

Page 4

the 1960's there has been only one means of ingress and egress (Winburn Drive) to serve 1,456 residents, 597 school children who attend Winburn Middle School and patrons who visit Martin Luther King Park.

The extremely limited access serving so many people in the Winburn Neighborhood has been a primary complaint of the residents for decades. This singular means of ingress and egress has also compromised the health, safety and welfare of the residents. In the late 1980's, a motor vehicle accident at the entrance to Winburn Drive prevented emergency vehicles from reaching residents trapped in an apartment building fire at the corner of Winburn and Gerald Drive. There were several deaths and serious injuries. The proposed development will, for the first time, provide another access from the Winburn Neighborhood to Russell Cave Road. In addition to the Ward Drive connection, this proposed development will also have an emergency vehicle access connection to the subject property and pedestrian connectivity to Winburn Drive. This expanded access will be an important and much needed public safety improvement for the entire Winburn Neighborhood.

This development is also consistent with the planning principles referenced in the small area plan which focus on well-designed mixed housing types to accommodate diverse needs and affordability levels. This \$18 plus million dollar residential community will create 160 handsome and affordable housing units. As reflected in attached Exhibit A, these residential units are designed to be compatible and complimentary to the existing neighborhood and in conformity with the 2016 Winburn/Russell Cave Small Area Plan.

I look forward to presenting this development application to the full Planning Commission during its May 25<sup>th</sup> meeting.

Very truly yours,



T. Bruce Simpson, Jr.

EXHIBIT "A"



PROJECT SUMMARY

Rental Dwelling Unit Type	Number Each Type	Unit Area	Total Dwelling Area
2 Bedroom Units	120	1,047 SF	125,640 SF
3 Bedroom Units	40	1,172 SF	46,880 SF
<b>Total Rental Dwelling Area</b>	<b>160</b>		<b>172,520 SF</b>

Building Types	Total Area Per Building	Total Number	Total Area
1-story, Office, Laundry, Maintenance, Community Room	3,000 SF	1	3,000 SF
2-story, (C) 2 BR Dwelling Units	1,328 SF	15	19,920 SF
2-story, (D) 3 BR Dwelling Units	2,892 SF	5	14,460 SF

NET	13.6 ACRES
Building	1
201 SPACES (1.3 Spaces/Unit)	
200 SPACES (Childcare)	
<b>200 TOTAL</b>	



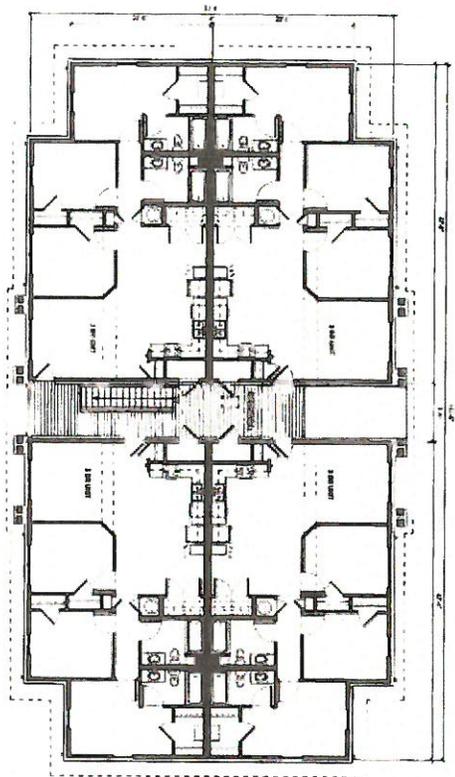
SCHEME B FRONT ELEVATION - 2 BR BLDG

SCHEME A FRONT ELEVATION - 2 BR BLDG

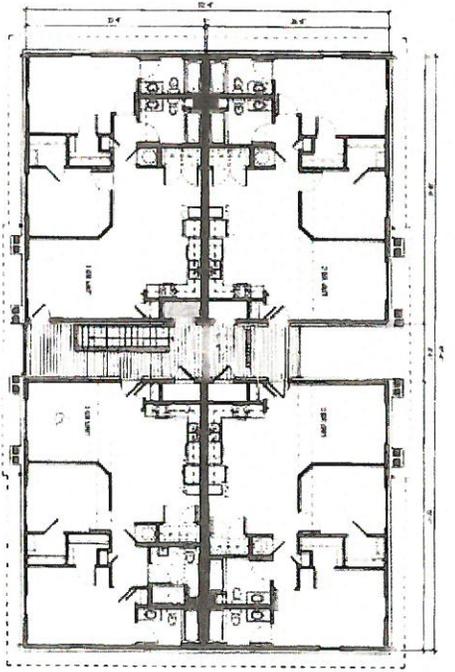
ELKHORN SPRINGS

1975 RUSSELL CAVE ROAD  
LEXINGTON, COUNTY, KENTUCKY

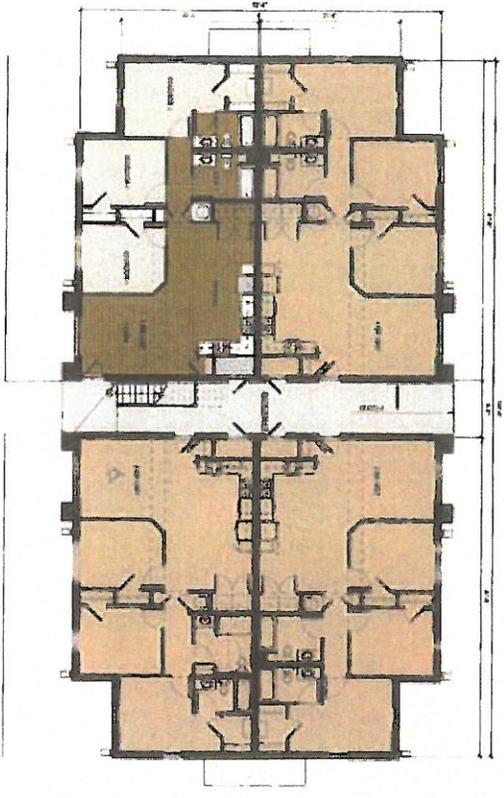
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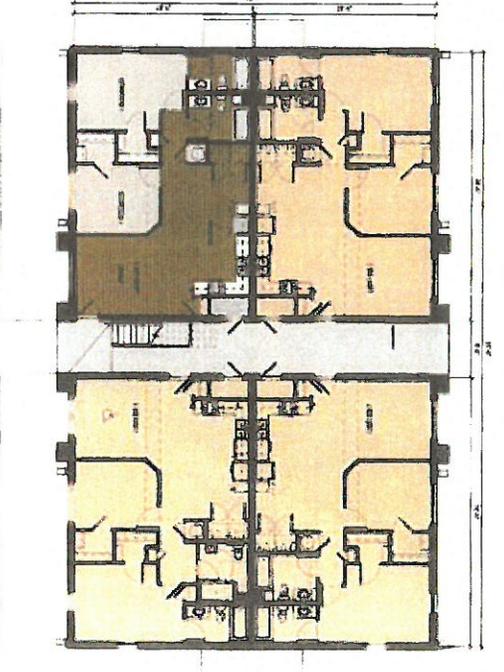
**4** 3 BR BLDG: 2ND FLOOR PLAN



**2** 2 BR BLDG: 2ND FLOOR PLAN



**3** 3 BR BLDG: 1ST FLOOR PLAN



**1** 2 BR BLDG: 1ST FLOOR PLAN

**ELKHORN SPRINGS**

1975 RUSSELL CAVE ROAD  
LEXINGTON, COUNTY, KENTUCKY

**WILLIAMS & DEAN**  
ARCHITECTURE | INTERIOR DESIGN  
1800 BROADWAY | SUITE 2000  
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Justification for Rezoning of former Bluegrass Baptist School from R-1D to P-1  
May 28, 2017



This rezoning is in support of the redevelopment and adaptive re-use of the existing church school, which will cease operations at the end of this year due to bankruptcy. This is a substantial economic change in the neighborhood. However, this developer has chosen to work with the school and to adaptively re-use the facility in a way that honors their past good works. The developers have owned the property since the late fall and have allowed the school to finish out the school year rent-free. After a few months of getting the right professionals together, a plan was carefully composed and the name Afton Gardens was chosen.

As a first step, the developer met with the city twice to tweak their intended elder care project. Next, they planned an additional on-site neighborhood meeting with yard signs and letters hand delivered to residents. Attendance sign-in and meeting minutes are also included with this rezoning packet. As the neighborhood was in support of this elder care project, this rezoning is submitted to move the project along. The attached meeting minutes go into greater detail as to the vision and programming of the assisted living facility, community center, child/elder day care, medical office space, gardens, and senior apartments.

The existing perimeter tree buffer is to remain, and the playgrounds will be open to the community during unused hours as has been the custom with the school. A sidewalk connection and related pedestrian easement to the park are shown on the proposed site plan. The developer is glad to restrict the lighting to be Dark Sky friendly or cut-off type fixtures. We expect that 2 detention areas will be required due to keeping the large building and bucking grades (and we understand that costs us more money).

A traffic report is provided with additional information even though the LFUCG MPO Planning staff did not require a study because it is below the threshold (meaning it is not perceived as a problem by another part of the city staff).

- 1) A Professional (P-1) zone is appropriate and the existing single family residential (R-1D) zone is inappropriate, for the following reasons:
  - a) Site is not existing duplexes; it is an existing church-school with gym.
  - b) If restricted via a development plan, the proposed P-1 zone will be no more intensive a land use than the existing zoning or use would allow
  - c) The existing church campus is maintained as redevelopment occurs.
  - d) P-1 provides for primary uses which match the church campus for: assisted living, clinic, child care center, and community center.
  
- 2) P-1 is the more appropriate zoning, as compared to the staff-suggested R-3 or R-4 for the following reasons:
  - a) The site has historically provided neighborhood employment, which is desired by the neighborhood. Under R-1D, R-3, or R-4 no long-term employment would occur.
  - b) The well-attended neighborhood meeting we held did not want an R3 or R4 zone. Those are uses the neighborhood does not want. See the longer minutes for exact responses.
  - c) R-3 is a close but not fully adequate zone as the medical office space would not be acceptable as a business entity leasing from a business entity. Even though the rates for the clinic are to be reasonable, they will not be subsidized.

- d) The single medical office, being of a small size and non-chain proprietorship, is unlikely to cause increased traffic. In fact, including a small medical office would likely keep traffic low, since much of the clientele is likely to come from on-site and within the neighborhood. This clinic is envisioned to be a walk-in type of general practice.
- 3) Project agrees with Comp Plan in Goal #1, A, B, C and D.
- a) "Pursue incentives and regulatory approaches that encourage creativity and sustainability in housing development" – This project creatively re-develops an existing school and church into something new for middle income persons at various life stages. This project has Redevelopment Opportunities of the Comp Plan on page 72 by reusing the existing school and gym facilities for assisted living and day care. This element also agrees with the Infill Strategy of the Comp Plan on page 99.
- b) "Plan for housing that addresses the market needs for all of Lexington-Fayette County's residents, including, but not limited to, mixed-use and housing near employment and commercial areas." – This project will provide middle-income rental units for different life stages near housing units where someone could be close to an aging parent. An integrated medical office is a necessary part of providing this type of care. By having varied housing choices, this project meets the Comp Plan as described on page 40.
- c) "Plan for safe, affordable, and accessible housing to meet the needs of older and/or disadvantaged residents." – This project directly addresses this need in middle-income elderly housing for assisted living and apartments as well as day care. The family-minded perspective of the facility will be far better than other institutional facilities without being a high priced option many cannot afford. This project also agrees with the Affordable Child Care of the Comp Plan on page 65 for the day care portion of this project.
- d) "Create and implement housing incentives that strengthen the opportunity for economic development, new business, and jobs, including, but not limited to higher density and housing affordability." – This project will create jobs where some have been lost by the closing of the church and school. By maintaining a neighborhood employer, there will continue to be an anchor for economic stability in the neighborhood. Project agrees with the Local Assets for Job Creation of the Comp Plan on page 61 and Adaptive Reuse, and Live where you work of the Comp Plan on page 74, 97.
- 4) The Armstong Mill West Small Area Plan coordinates with the vision of this project in the following ways and on the pages listed:
- a) Pg 12: "Lastly, the baby boomer generation (ages 50 to 69) also remains a large population and would prefer to age in place." This development provides precisely this goal.
- b) Pg 14 "There are very few resources and services such as grocery stores and medical offices in close proximity to neighbors". Our project includes the medical office. We removed the grocery component we desired in our early meetings with the city. It is interesting that small grocery stores are highly desired by everyone but considered mini-marts in the existing code, which are unacceptable to most zones. The graph on this page shows that most residents own one vehicle, which highlights the importance of having a in-neighborhood medical office as a walkable option for medical care.

- c) Pg 27 Shows the high rental in this area which would be a part of R3 or R4 as an alternate, which the neighborhood does not want more of.
- d) Pg 30-31 Shows the need for low to middle income housing mix. This is a middle to low income development
- e) Pg 32 "Nearly 28 percent of the current population is 65 or older almost 10 percent live alone), and in the next decade another 10 percent of the population will turn 65. Over half (54 percent) of the population has a disability, with seniors accounting for a large portion. Both an aging and disabled population present issues of accessibility, as many units may not have the facilities to accommodate their mobility needs." This directly speaks to the need for this development.
- f) Pg 47 Suggests that we should celebrate assets, which In this case is the church school (Rather than tear down and build all new R3 R4)
- g) Pg 49 Poor access to healthcare, which will be provided by the medical office.
- h) Pg 50 Need healthcare/medical, community garden, community garden, and desire to reduce crime around the park. Our project includes all of these items, especially by having 24/7 employment with eyes on the ground in the neighborhood.
- i) Pg 51 Rental properties, code enforcement and public housing rental concentration are all of great concern to the neighborhood. This is one of two main reasons why the developer is proposing P1 instead of R3 or R4.
- j) Pg 53 84% of respondents travel 1-10 miles for healthcare with a top neighborhood dislike of too many rentals.
- k) Pg 54 Summary is completely in line with our vision:
  - A safe, modernized, progressive neighborhood that presents attractive opportunities for businesses and families to grow and flourish and instill community pride.*
  - A more walkable neighborhood that is safe by design with interconnected parks and green areas.*
  - Our neighborhood will be easy and safe to travel by car, bike and foot. It will be well connected, well lit and safe at night, well-kept with quiet and friendly neighbors. The neighborhood will have safe activities for kids and teens. It will be green and visually appealing, convenient for shopping, medical services and healthy food.*

The developer has done many things that are above and beyond the city's arduous requirements to prove this is a project which is good for the community. Furthermore, the developer's team has met with staff several times to try to come to agreement for the many unique parts of this project. The development team has convinced the actual neighbors and looks forward to showing the same to those who will vote on this case.





**STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT**

**PLN-MAR-17-00008: ELKHORN SPRINGS DEVELOPMENT, LLC**

**DESCRIPTION**

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

**Acreeage:** 13.84 net (17.76 gross) acres

**Location:** 1975 Russell Cave Road

**EXISTING ZONING & LAND USE**

<b><u>Properties</u></b>	<b><u>Zoning</u></b>	<b><u>Existing Land Use</u></b>
Subject Properties	R-1E	Vacant
To North	ED & A-R	Vacant, Agricultural
To East	R-2	Single-Family Residential
To South	R-1D	Single-Family Residential
To West	R-4	Single-Family, Duplexes, & Multi-Family Residential

**URBAN SERVICES REPORT**

**Roads** – Russell Cave Road (KY 57) is a minor arterial roadway, extending from Loudon Avenue to the Bourbon County line, and beyond. This section of Russell Cave Road transitions from a five-lane roadway (south of the subject property at its intersection with Winburn Drive and Radcliffe Road) to a two-lane rural highway at the bridge over Interstates 64 & 75. Replacement of the Russell Cave Road Bridge over the Interstates has recently been scheduled as part of the state’s six-year highway improvement plan. The bridge will most likely be widened at that time. Ward Drive, a collector street in the Winburn Subdivision, stubs into the rear of the subject property. The corollary development plan now depicts a public street connection from Ward Drive to Russell Cave Road, through the subject site.

**Curb/Gutter/Sidewalks** – Russell Cave Road does not have curb, gutter and sidewalks along the frontage of the subject property. Any proposed streets will need to be constructed with curb, gutter and sidewalks. Access easements may need similar treatments as well. Ward Drive was constructed with these improvement decades ago.

**Storm Sewers** – The subject property is located within the Cane Run watershed. The applicant will be responsible for constructing the storm sewer system required for the subject property, in conformance with the Division of Engineering Stormwater Manual. There are no known flooding issues on the subject property, although a natural spring exists on the property. A drainage swale also exists parallel to the Interstate, at the northern edge of the property.

**Sanitary Sewers** – The subject property is located within the Cane Run sewershed, which is served by the Town Branch Wastewater Treatment Plant, located about 3½ miles to the southwest of the site. The Capacity Assurance Program (CAP) data indicates that the site has a “grandfathered” preliminary subdivision plan for 71 dwelling units from 2007. Since the corollary development plan exceeds that density, additional review by the CAP office is warranted. There is an existing pump station on the subject property, which will be removed at some future date when a larger regional pump station is constructed outside of the Interstates in the vicinity. That construction is expected in 2018. Any sanitary sewer improvements on this property will need to be accepted by the Division of Engineering and constructed in accordance with the adopted LFUCG Engineering Manuals.

**Refuse** – The Urban County Government currently serves this area with collection on Thursdays. It is common practice that additional private waste removal services are provided for apartment complexes.

**Police** – The nearest police station is the Central Sector Roll Call Center, located off Winchester Road near the Eastland Shopping Center, approximately 2½ miles to the southeast of the subject property.

**Fire/Ambulance** – Fire Station #8 is located on North Broadway, about one mile to the southeast of this location.

**Utilities** – All utilities, including gas, electric, water, phone, and cable television service should be easily extended to serve the proposed residential development of the 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 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 to the Comprehensive Plan mission statement, the Goals and Objectives of the Plan also encourage growing successful neighborhoods (Theme A), which includes the following elements or characteristics: inviting landscape; variety of housing choices; abundant private and public open space; neighborhood focal points; and quality connections with parks, schools and stores. The Comprehensive plan also encourages upholding the Urban Service Area concept through compact and contiguous development, and absorption of vacant and/or underutilized land (Theme E).

The subject property is located within the boundary of the recently adopted *Winburn-Russell Cave Neighborhoods Small Area Plan* (WRCN SAP), which is generally south of Interstate 64 & 75, west of Newtown Pike, north of New Circle Road and east of Russell Cave Road. The Plan identifies seven guiding principles and adopted multi-family residential design guidelines for the area that should be further considered by the Planning Commission.

The petitioner proposes the rezoning in order to construct a multi-family residential development with a total of 160 dwelling units, with 360 bedrooms, a clubhouse and associated off-street parking. This development proposes a residential density of 11.6 dwelling units per net acre.

### **CASE REVIEW**

The petitioner has requested a zone change from a Single Family Residential (R-1E) zone to a Planned Neighborhood Residential (R-3) zone for property located at 1975 Russell Cave Road.

The subject property is about 14 acres in size, and is located on the west side of Russell Cave Road, adjacent to Interstates 64 & 75. It is located east of the Winburn Subdivision, and across Russell Cave Road from the Marlboro Neighborhood. The Winburn Subdivision is comprised of several different housing types, at varied densities (R-1D, R-1T, R-2, R-3 and R-4). The entire subdivision is accessed by a single entry point off Russell Cave Road. Ward Drive stubs into the rear of the subject property from the Winburn Subdivision.

The area is characterized primarily by residential land use, with some institutional uses such as a middle school, several churches, a public library a community center and park within the adjacent Winburn neighborhood. Across the Interstate from the subject property, is land that is located within Expansion area 3, and zoned for Economic Development (ED), although vacant.

The subject property has been the subject of several zone change requests in the past. Initially, the property was rezoned in 1969 to the Professional Office (P-1) zone, then later requested for the Planned Neighborhood Residential (R-3) zone twice (2000 and 2005). These two requests were both unsuccessful, and were followed by the successful rezoning to the existing R-1E zone in 2006. Formerly, the 2007 Comprehensive Plan's Land Use Element recommended a Medium Density Residential (MD) land use for the subject property, defined as 5-10 dwelling units per net acre, which was consistent with the most recent zone change approved the subject property in 2006. The 2013 Comprehensive Plan no longer makes a specific land use recommendation for the subject property. The petitioner contends that the proposed rezoning is in agreement with the 2013 Comprehensive Plan, and specifically the Goals and Objectives, as well as the adopted Small Area Plan for this area of the Urban Service Area.

The petitioner cites the following goals and objectives of the Plan: encourage expanding housing choices including planning for housing that addresses all market needs and safe, affordable and accessible housing (Theme A, Goals #1b. and #1c.); support opportunities for infill, redevelopment and adaptive reuse that respect an area's context and design features (Theme A, Goal #2a.); provide well-designed neighborhoods, including options for mixed-type housing within a neighborhood and positive and safe interactions within neighborhoods (Theme A, Goals #3a. and #3b.); and encouraging the development of underutilized and vacant land in a compact, contiguous and/or a mixed-use sustainable manner within the Urban Service Area (Theme E, Goals #1b. and #3).

The subject property is located within the boundaries of the *Winburn-Russell Cave Neighborhoods Small Area Plan* (WRCN SAP). The Small Area Plan boundaries were established to reach from Russell Cave Road to Newtown Pike, and from the Interstate to New Circle Road. Following a 9-month planning process, the Planning Commission held a public hearing and adopted the Plan as an element of the 2013 Comprehensive Plan on June 30, 2016. The SAP was recommended by the 2013 Comprehensive Plan (pages 45-46) in order to guide growth or development within the vacant or underutilized properties in the area, to promote neighborhood stabilization and revitalization, and to establish improved connectivity for the area.

The seven guiding Planning Principles of the Winburn-Russell Cave Neighborhoods SAP provides some guidance for the Planning Commission in considering a zone change request and provides more detailed information than the 2013 Plan did for this vicinity. The SAP identifies the following guiding planning principles: (1) to increase transportation connectivity; (2) increase equity for residents; (3) promote strategies to increase home ownership and improve housing conditions; (4) optimize the use of land to promote mixed housing types; (5) ensure infill is well designed and sensitive to existing neighborhoods; (6) improve existing parks and (7) improve public safety. Additionally, as part of the planning process, a set of design standards was developed for multi-family developments, and as such, this portion of the Plan directly informs the petitioner's zone change proposal.

Since this applicant is seeking a zone change to allow a multi-family development, the project should significantly meet the intent of the SAP planning principles and the adopted design standards. The corollary development plan depicts a mixture of two-story and three-story buildings at a residential density of 11.6 dwelling units per net acre.

Based upon the submitted corollary development plan, the staff finds that several of the planning principles and one of the four primary housing goals of the Plan have been met. Specifically, principle #1 to increase transportation connectivity, principle #3 to improve housing conditions, #5 to ensure infill development is well-designed and context sensitive, and housing goal #3 to "expand affordable and quality rental opportunities through the preservation of existing rental units and development of new units"(pages 9, 52 and 77). The corollary development plan, coupled with the developer's stated intent to provide affordable housing substantially addresses these goals and would serve a strong need in this community. However, given the concentration of affordable and/or subsidized housing in the Winburn neighborhood already, this further emphasizes the importance of addressing the specifics of the multi-family design guidelines.

Providing a range or variety of residential uses within a neighborhood is generally considered a positive quality, and the Goals and Objectives of the current Comprehensive Plan call for a balanced approach in doing so. The SAP took the 2013 Plan concept a step further, encouraging any proposed multi-family development to follow the recommended design guidelines that address site planning, open space and landscaping, and architectural design in order to more fully address the common concerns related to higher density land uses. Adherence to the design guidelines should ensure a context sensitive development, and therefore, agreement with many of the goals established in the 2013 Comprehensive Plan.

When looking at the *Multi-Family Design Standards* (SAP Appendix) in more detail, the staff again finds that some level of compliance with the SAP exists for the proposed development; however, additional review is needed at the final development plan stage to ensure significant compliance with the multi-family design standards. The following design standards are being met by the petitioner's submitted preliminary development plan:

- Connection and continuation of Ward Drive is in support of SP.10, connecting to adjacent neighborhoods via an integrated street network;
- Placement of parking behind buildings and away from public view is in support of SP.7, place parking lots at rear of the site to allow a majority of dwelling units to front on a public street;
- Provided private open space, including picnic area, playground, and clubhouse, are easily accessible which is in support of OS.1 to provide access physically and visually;
- Design has included architectural details to enhance building façades and relates to the human scale, which is support of AD.4, AD.5 AD.7, AD.8, and parts of AD.3.

The staff would suggest further consideration of the following design guidelines at the final development plan stage:

- Respect the street's character and design buildings and locate on the site so that they reinforce street frontages (SP.1)
  - Alter floor plan and elevations to break up building mass, especially along Ward Drive to improve its relation to the immediate neighborhood. Change in roof lines, setbacks and undulations of the façade will help ease the transition into the existing neighborhood. This development does not have to be the *same* as existing but should exhibit some presence and/or acknowledgment of similar building heights, proportions, and continuation of architectural shapes and lines, (AD.2, AD.3, and AD.9).
  - Align all buildings facing along Ward Drive at the 30-35' setback line to maintain existing setback patterns (SP.4).
  - Alter floor plans and elevations to include unit entries to face Ward Dr. and provide sidewalks to connect to the street pedestrian network (SP.3).
  - Where feasible, provide dwelling units on both sides of the public street to ensure a balanced street (SP.17).

- Enhance and connect the street to its surroundings, promote walkability, and ensure effective access and circulation from the project to the surrounding neighborhood.
  - Discuss approaches to street design that include traffic calming measures to reinforce the pedestrian system (SP.12 and SP.14).
- Ensure safe, active, and accessible gathering places. Public open space should be as thoughtfully designed as any other space within the development.
  - Develop a landscape plan that reinforces the site layout and buffers parking from public view (OS.4, OS.5, OS.6 and OS.12).
  - Alter plan so that pedestrian cross walks are provided, lighting, and other amenities within the open space allocated across Ward Drive (SP.9).
  - Consider altering plan to provide open space across Ward Dr. for use by residents in the development or by neighbors (OS.2).

The SAP has very specific recommendations for the treatment of the intersection of Ward Drive and Russell Cave Road that should be addressed through the development plan review (page 80). These recommendations should be addressed and noted on the development plan, with final details and KDOT District 7 approval to follow at the time a final development plan is under consideration. Additionally, the Plan calls for “extensive landscaping for effective buffering along the adjacent interstate corridor (page 80). To address this concern, a buffer is recommended by the staff established via a conditional zoning restriction.

Although further design review may be necessary through the development plan review process, the petitioner has substantially met the Goals and Objectives of the 2013 Comprehensive Plan, and the majority of the planning principles and goals of the SAP for this site. The staff hopes that even more can be documented at the time of a final development plan.

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

1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2013 Comprehensive Plan, and the adopted 2016 *Winburn-Russell Cave Neighborhoods Small Area Plan* (WRCN SAP), for the following reasons:
  - a. The 2013 Comprehensive Plan’s Goals and Objectives encourage expanded housing choices (Theme A, Goal #1); support opportunities for infill, redevelopment and adaptive reuse that respect an area’s context and design features (Theme A, Goal #2a.); encourage the development of underutilized and vacant land in a compact, contiguous and/or a mixed-use sustainable manner within the Urban Service Area (Theme E, Goals #1b. and #3); encourage providing for well-designed neighborhoods (Theme A, Goal #3); and support creating safe, affordable and accessible housing for all citizens (Theme A, Goal #1c.).
  - b. The 2016 *Winburn-Russell Cave Neighborhoods Small Area Plan* (SAP) identifies seven guiding planning principles to increase transportation connectivity; increase equity for residents; promote strategies to increase home ownership and improve housing conditions; optimize the use of land to promote mixed housing types; ensure infill is well designed and sensitive to existing neighborhoods; improve existing parks and improve public safety.
  - c. The requested zone change and proposed development will utilize vacant land inside the Urban Service Area, expand housing choices within the immediate area and provide a development pattern that respects the character of the immediate area.
  - d. The petitioner’s proposal addresses the necessary transportation connection of Ward Drive from Russell Cave Road into the Winburn neighborhood, and several many of the design guidelines that ensure such infill is sensitive to the surrounding neighborhood.
  - e. As part of the SAP planning process, a set of design standards was developed for multi-family developments that provide a framework for evaluating the proposed development. The site planning guidelines have been partially met, based on preliminary design work, and any of the open space, landscaping, and architectural design guidelines will also be met.
  - f. Adherence to the design standards should ensure a context sensitive development and therefore, agreement with many of the goals established in the 2013 Comprehensive Plan and principles of the *Winburn-Russell Cave Neighborhood Small Area Plan*.
2. This recommendation is made subject to approval and certification of PLN-MJDP-17-00017: Winburn Estates Subdivision, Unit 3 prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission’s approval.

3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following land use restrictions shall apply via conditional zoning:
- a. A 15' landscape buffer shall be provided and maintained adjacent to I-64/I-75 that is to consist of at a solid fence eight feet (8') in height, trees located thirty feet (30') on center and a solid hedge.
  - b. All pole lighting on this site (exclusive of street lights provided on Ward Drive) shall be limited to a maximum of twelve feet (12') in height.

These restrictions are necessary and appropriate for the subject property to ensure greater compliance with the specific Winburn-Russell Cave Neighborhoods Small Area Plan recommendations, and to mitigate the noise impact that the I-64/I-75 expressway would have on a new residential development at this location.

BB/CT/TLW/WLS

5/3/2017

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V. **ZONING ITEMS** - The Zoning Committee met on Thursday, June 1, 2017, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Patrick Brewer, Mike Cravens, Carolyn Richardson, and David Drake. The Committee members reviewed applications and made recommendations as noted.

A. **ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS**

The staff will call for objectors to determine which petitions are eligible for abbreviated hearings.

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

B. **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. **ELKHORN SPRINGS DEVELOPMENT, LLC ZONING MAP AMENDMENT & WINBURN ESTATES SUBDIVISION, UNIT 3 ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-17-00008: ELKHORN SPRINGS DEVELOPMENT, LLC (6/8/17)\* - petition for a zone map amendment from a Single Family Residential (R-1E) zone to a Planned Neighborhood Residential (R-3) zone, for 13.84 net (17.76 gross) acres, for property located at 1975 Russell Cave 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 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 to the Comprehensive Plan mission statement, the Goals and Objectives of the Plan also encourage growing successful neighborhoods (Theme A), which includes the following elements or characteristics: inviting landscape; variety of housing choices; abundant private and public open space; neighborhood focal points; and quality connections with parks, schools and stores. The Comprehensive plan also encourages upholding the Urban Service Area concept through compact and contiguous development, and absorption of vacant and/or underutilized land (Theme E).

The subject property is located within the boundary of the recently adopted *Winburn-Russell Cave Neighborhoods Small Area Plan* (WRCN SAP), which is generally south of Interstate 64 & 75, west of Newtown Pike, north of New Circle Road and east of Russell Cave Road. The Plan identifies seven guiding principles and adopted multi-family residential design guidelines for the area that should be further considered by the Planning Commission.

The petitioner proposes the rezoning in order to construct a multi-family residential development with a total of 160 dwelling units, with 360 bedrooms, a clubhouse and associated off-street parking. This development proposes a residential density of 11.6 dwelling units per net acre.

The Zoning Committee Recommended: **Approval.**

The Staff Recommends: **Approval.** for the following reasons:

1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2013 Comprehensive Plan, and the adopted 2016 *Winburn-Russell Cave Neighborhoods Small Area Plan* (WRCN SAP), for the following reasons:

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\* - Denotes date by which Commission must either approve or disapprove request.

- a. The 2013 Comprehensive Plan's Goals and Objectives encourage expanded housing choices (Theme A, Goal #1); support opportunities for infill, redevelopment and adaptive reuse that respect an area's context and design features (Theme A, Goal #2a.); encourage the development of underutilized and vacant land in a compact, contiguous and/or a mixed-use sustainable manner within the Urban Service Area (Theme E, Goals #1b. and #3); encourage providing for well-designed neighborhoods (Theme A, Goal #3); and support creating safe, affordable and accessible housing for all citizens (Theme A, Goal #1c.).
  - b. The 2016 *Winburn-Russell Cave Neighborhoods Small Area Plan* (SAP) identifies seven guiding planning principles to increase transportation connectivity; increase equity for residents; promote strategies to increase home ownership and improve housing conditions; optimize the use of land to promote mixed housing types; ensure infill is well designed and sensitive to existing neighborhoods; improve existing parks and improve public safety.
  - c. The requested zone change and proposed development will utilize vacant land inside the Urban Service Area, expand housing choices within the immediate area and provide a development pattern that respects the character of the immediate area.
  - d. The petitioner's proposal addresses the necessary transportation connection of Ward Drive from Russell Cave Road into the Winburn neighborhood, and several many of the design guidelines that ensure such infill is sensitive to the surrounding neighborhood.
  - e. As part of the SAP planning process, a set of design standards was developed for multi-family developments that provide a framework for evaluating the proposed development. The site planning guidelines have been partially met, based on preliminary design work, and any of the open space, landscaping, and architectural design guidelines will also be met.
  - f. Adherence to the design standards should ensure a context sensitive development and therefore, agreement with many of the goals established in the 2013 Comprehensive Plan and principles of the *Winburn-Russell Cave Neighborhood Small Area Plan*.
2. This recommendation is made subject to approval and certification of PLN-MJDP-17-00017: Winburn Estates Subdivision, Unit 3 prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
  3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following land use restrictions shall apply via conditional zoning:
    - a. A 15' landscape buffer shall be provided and maintained adjacent to I-64/I-75 that is to consist of at a solid fence eight feet (8') in height, trees located thirty feet (30') on center and a solid hedge.
    - b. All pole lighting on this site (exclusive of street lights provided on Ward Drive) shall be limited to a maximum of twelve feet (12') in height.

These restrictions are necessary and appropriate for the subject property to ensure greater compliance with the specific Winburn-Russell Cave Neighborhoods Small Area Plan recommendations, and to mitigate the noise impact that the I-64/I-75 expressway would have on a new residential development at this location.
- b. PLN-MJDP-17-00017: WINBURN ESTATES SUBDIVISION, UNIT 3 (6/8/17)\* - located at 1975 Russell Cave Road.  
**(Banks Engineering)**

Note: The Planning Commission postponed this item at their May 25, 2017, meeting.

The Subdivision Committee Recommended: Postponement. This plan is much improved, but several unresolved issued remain with this development,

Should this plan be approved, the following requirements should be considered:

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. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Correct plan title.
8. Remove "copyright" note from plan.
9. Addition of final record plat information in title block.
10. Denote construction access point location on plan.
11. Addition of purpose of amendment note and label as an "Amended" plan.
12. Correct note #9.
13. Discuss Small Area Plan's recommendations for Ward Drive and Russell Cave Road intersection, per the small area plan recommendation.
14. Denote: the Small Area Plan's design guidelines for multi-family dwellings, lighting, landscaping and open space will need to be reviewed at the time of a Final Development Plan proposed.
15. Discuss need for second access point for over 100 dwelling units for public safety.
16. Discuss capacity of existing pump station and timing for removal.
17. Discuss improvements along the Russell Cave Road frontage.
18. Discuss access to open space area on south side of Ward Drive.

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\* - Denotes date by which Commission must either approve or disapprove request.

19. Discuss maintenance of open space area on south side of Ward Drive.
20. Discuss pedestrian system per the Small Area Plan recommendations.

Staff Presentation - Ms. Wade presented the staff report on this zone change using a rendered zoning map to display the areas proposed for rezoning from a Single Family Residential (R-1E) zone to a Planned Neighborhood Residential (R-3) zone, for 13.84 net (17.76 gross) acres, as well as displayed a PowerPoint presentation of the subject property. She summarized the staff recommendations for the proposed zone change, noting that the petitioner was proposing to construct a multi-family residential development with a total of 160 dwelling units, with 360 bedrooms, a clubhouse and associated off-street parking.

Ms. Wade said that even though the 2013 Comprehensive Plan no longer makes a specific land use recommendation for the subject property, the Goals and Objectives, as well as the adopted Small Area Plan for this area of the Urban Service Area was referenced.

Ms. Wade then said that the subject property was located within the boundaries of the *Winburn-Russell Cave Neighborhoods Small Area Plan* (WRCN SAP), which was recently adopted and made part of the 2013 Comprehensive Plan on June 30, 2016. Additionally, since this project is a multi-family development, the *Multi-Family Design Standards* (appendix to the SAP) are relevant to this proposal and should be adhered to.

Ms. Wade said that the Small Area Plan has very specific recommendations for the treatment of the intersection of Ward Drive and Russell Cave Road that should be addressed through the development plan review. She explained that if the land use is proposed for higher intensity residential uses, that development should be located away from the existing single family properties located with Winburn neighborhood fabric and it should provide extensive landscaping for effective buffering along the adjacent interstate corridor. She said that the staff believes this proposed zone change could meet these two recommendations because there is no single family residential area that is adjacent to the proposed apartment complex, with Ward Drive right-of-way along the southern property boundary, it creates two large open space areas along the boundary of the Winburn Subdivision. She then said that the staff is recommending conditional zoning restriction to provide a larger buffer area along the interstate above and beyond what is required in Article 18 of the Zoning Ordinance in order to meet the recommendation of the Small Area Plan.

Ms. Wade said that the design standards are being met by the petitioner's submitted preliminary development plan, and generally, the staff believes that the goals and objectives of the 2013 Comprehensive Plan, as well as the goals and principals of the *Winburn-Russell Cave Neighborhoods Small Area Plan* are being met by the proposed R-3 zone and the proposed development plan. She indicated that the Zoning Committee did recommend approval, as did the staff, subject to the reasons listed on today's agenda.

Commission Question – Mr. Wilson asked, in terms of multi-family, is an apartment complex considered multi-family. Ms. Wade replied affirmatively and said that anything with 3 or more attached units is considered multi-family; whereas, anything that has two attached units are considered a duplex. The word "complex" means there are multiple structures.

Zoning Development Plan Presentation – Mr. Martin presented the staff report and a rendering of the corollary zoning development plan, and briefly explained the location of this subject property and the nearby street system.

Mr. Martin indicated that the Subdivision Committee had recommended postponement of this plan, due to several unresolved issues that remain with this development. Since that time, the applicant provided a revised submission to the staff addressing several conditions identified by the Subdivision Committee at their May 4<sup>th</sup> meeting. The staff can now offer the Planning Commission a revised recommendation for this zoning development plan.

The Staff Recommends: Approval, subject to the following revised 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. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Correct plan title.
8. Remove "copyright" note from plan.
9. Addition of final record plat information in title block.
10. ~~Denote construction access point location on plan~~ Correct FEMA floodplain note.
11. ~~Addition of purpose of amendment note and label as an "Amended" plan.~~
12. ~~Correct notes #9 & #12.~~
13. ~~Discuss Small Area Plan's recommendations for Ward Drive and Russell Cave Road intersection, per the small area plan recommendation~~ Depict area of plan subject to further environmental study.

13. ~~14. Denote: the addition of the words: "This plan's agreement with ...." before Note #14 Small Area Plan's design guidelines for multi-family dwellings, lighting, landscaping and open space will need to be reviewed at the time of a Final Development Plan proposed.~~
- ~~15. Discuss need for second access point for over 100 dwelling units for public safety.~~
14. 16. Discuss capacity of existing pump station and timing for removal.
15. 17. Discuss Denote improvements along the Russell Cave Road frontage in that road's cross-section(s).
16. 18. Discuss access to open space area on south side of Ward Drive.
- ~~19. Discuss maintenance of open space area on south side of Ward Drive.~~
17. 20. Discuss Denote that the pedestrian system per the Small Area Plan recommendations shall be resolved at Final Development Plan.

Mr. Martin indicated that the condition #14 should be changed to read: "Discuss Denote that capacity of existing pump station and timing for removal shall be resolved at Final Development Plan" and condition #16 should be changed to read; "Discuss Denote that access to open space area on south side of Ward Drive shall be resolved at Final Development Plan."

Petitioner Presentation – Bruce Simpson, attorney, was present representing the petitioner. He said the applicant was in agreement with the staff's recommendations.

Mr. Simpson said that this property has been inside the Urban Service Area for 48 years and it has remained undeveloped. He said that there have been two different zone changes granted on this property. He then said that this project is an infill project that is adjacent to a substantial neighborhood that has only one-way in and one-way out, which poses a safety problem for the residents of this area. This development proposal will provide an additional access in and out of the larger area, as well as offer more housing opportunity.

Mr. Simpson said that they reached out to the neighborhood, as well as Winburn Board of Directors and held two public meetings at the Wesley United Methodist Church. There were no objectors to this proposal because they have been transparent throughout this process in terms of the information, and they have also worked with the staff to resolve many of their questions.

Mr. Simpson said that this zone change was postponed at the May 25<sup>th</sup> hearing due to a preliminary report from Red Wing Ecological Services concerning the intermittent stream located on the property. He explained that this stream was predominantly supplied by a 48" storm sewer pipe that comes out of the Winburn neighborhood and empties on to the subject property. Water only flows on this property part of the year and the rest of the time, this land was dry. According to the Clean Water Act, the applicant will need to pay a fee to the Army Corp of Engineers in lieu of or find another property to perform on-site mitigation. He said that because of the stormwater fed stream the applicants are looking at paying 275,000 dollars to place the stream in the same type of stormwater pipe that currently exist in the Winburn neighborhood. He said that they looked at alternative design options, but since there would be no significant changes in the amount that would be paid, they would be keeping the design that was vetted with the neighborhood and the Subdivision Committee.

Mr. Simpson said that the Subdivision Committee inquired about the proposed access onto Russel Cave Road. They had met with the District 7 Office of the KTC in an effort to move the access further south, but with the need to have a left turn lane on Russel Cave Road that request was denied due to safety reasons. He then said that District 7 determined that the proposed location was the safest location for the access point.

Mr. Simpson said that they were in agreement with the staff's recommendations, and requested approval.

Commission Questions – Mr. Penn asked how many people live in apartments versus being a homeowner in the Winburn neighborhood. Mr. Simpson could not provide a breakdown of this type, but noted that there are 1,400 people who live in the area, and there are 500+ school children that attend the Winburn Middle School.

Mr. Penn then asked if the Small Area Plan specifically speaks to the need for developing more apartments. Mr. Simpson said that the Small Area Plan spoke to mixed housing units, more specifically affordable housing, which is what this project is. He then said that this project has been vetted through the Kentucky Housing Corporation and the LFUCG Affordable Housing Program.

Ms. Plumlee asked if the mitigation fee would remain or go away once the stream is piped. Mr. Simpson said that once the fee is paid then the stream can be piped.

Ms. Wade said that the Small Area Plan does speak to the housing types for the entire SAP area. She briefly explained the types of housing and the percentage of each of those types between the boundaries of Russell Cave Road, New Circle Road, Newtown Pike and the interstate.

Citizen Comment – There were no citizens present to speak to this application.

Zoning Action – A motion was made by Ms. Richardson, seconded by Mr. Brewer to approve **PLN-MAR-17-00008: ELKHORN SPRINGS DEVELOPMENT, LLC**, for the reasons provided by the staff.

Discussion of motion – Mr. Penn said that he was concerned with having more apartments in the Winburn neighborhood. He understands that these are newer apartments, which will be more attractive, and they will provide a place for people to live, but this proposal does not provide affordable housing for purchase. He then said that this area has morphed into something that was not envisioned in the beginning. This is not a reflection of the applicant’s development plan, but he was hoping this area would have more affordable housing so people could own their homes.

The motion carried 8-1 (Penn opposed; Owens absent)

Development Plan Action – A motion was made by Ms. Richardson, seconded by Mr. Brewer, carried 8-1 (Penn opposed; Owens absent) to approve **PLN-MJDP-17-00017: WINBURN ESTATES SUBDIVISION, UNIT 3**, as recommended by the staff.

**VI. COMMISSION ITEMS**

**A. WORK SESSION** – Mr. Sallee informed the Commission that the next Work Sessions were scheduled for Thursday, June 15<sup>th</sup> and June 29<sup>th</sup>, which will be located on the 3<sup>rd</sup> Floor Phoenix Building.

**B. NOMINATING COMMITTEE FOR COMMISSION OFFICERS**

Mr. Wilson said that according to the Commission’s By-Laws, at the first regular and official meeting in June, the Commission will elect three members to a nominating committee. This committee will present a slate of officers for consideration by the Planning Commission. The slate is to be presented at their work session in June.

Mr. Wilson indicated that he had asked Carolyn Plumlee, Mike Cravens and Mike Owens if they would like to volunteer to serve on the nominating committee, which they had agreed to do so.

Action - A motion was made by Mr. Penn, seconded by Ms. Mundy, and carried 9-0 (Owens absent) to appoint the nominating committee, as presented.

Mr. Wilson said that there are two work sessions in the month of June, the Nominating Committee can, at that time, discuss the options of the retaining the current slate of officers or take nominations for a new slate of officers. He indicated that the Commission’s By-laws state that at the first regular meeting in July, the Commission shall elect a Chairperson, Vice-Chairperson, Secretary, and Parliamentarian. At that time, the Nominating Committee would present its slate for consideration by the Planning Commission or nominations may also be made from the floor, ballot, mail or the Chairperson.

**VII. STAFF ITEMS** – There were none.

**VIII. AUDIENCE ITEMS** – There were none.

**IX. NEXT MEETING DATES**

Planning Commission Work Session, Thursday, 1:30 p.m., 3 <sup>rd</sup> Floor Phoenix Building .....	June 15, 2017
<b>Zoning Items Public Hearing</b> , Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers .....	<b>June 22, 2017</b>
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) .....	June 28, 2017
Planning Commission Work Session, Thursday, 1:30 p.m., 3 <sup>rd</sup> Floor Phoenix Building .....	June 29, 2017
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) .....	July 6, 2017
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building).....	July 6, 2017
<b>Subdivision Items Public Meeting</b> , Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers.....	<b>July 13, 2017</b>

**X. ADJOURNMENT** - There being no further business, the Chair adjourned the meeting at 3:27 PM.

\_\_\_\_\_  
William Wilson, Chair

\_\_\_\_\_  
Carolyn Plumlee, Secretary

\* - Denotes date by which Commission must either approve or disapprove request.