

2. RML CONSTRUCTION, LLP, ZONING MAP AMENDMENT & CADENTOWN SUBDIVISION, LOTS 3 & 4 (AMD.) ZONING DEVELOPMENT PLAN

- a. MAR 2016-3: RML CONSTRUCTION, LLP (2/21/16*) - petition for a zone map amendment from a Single Family Residential (R-1D) zone to a High Density Apartment (R-4) zone, for 0.31 net (0.38 gross) acre, for property located at 836 Campbell Lane.

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.

The Comprehensive Plan encourages expanding housing choices (Theme A, Goal #1), locating higher density development near greenways and public parks, and creating neighborhood nodes of commercial development to support residential neighborhoods.

The petitioner proposes a High Density Apartment (R-4) zone for the subject property to allow for expansion of the "Brighton 3050" (formerly "The Summit") apartment complex. The petitioner proposes to incorporate the subject property and the rear portion of 2833 Liberty Road, which was recently rezoned, into the apartment complex and construct two buildings, with a total of 56 residential dwelling units. Overall, the Brighton 3050 site is planned to have 372 dwelling units, for a density of approximately 19.9 dwelling units per net acre.

The Zoning Committee Recommended: **Approval**, for the reasons provided by staff.

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

1. Even though the requested High Density Apartment (R-4) zone is not in agreement with the 2013 Comprehensive Plan, it is appropriate and the existing Single Family Residential (R-1D) zone is inappropriate, for the following reasons:
 - a. Although single-family residential development is possible at this location, the surrounding zoning and proposed land use suggest that a more intense use of the property is more appropriate, especially since the subject property is bounded on three sides by R-4 zoning.
 - b. The proposed rezoning of the subject property will be compatible with and sensitive to the character of the immediate area, especially since the parcel across Campbell Lane was rezoned to R-4 in December 2015. Also, the proposed closure of Campbell Lane and construction of a residential building straddling the right-of-way will effectively complete the Brighton 3050 complex because additional expansion along Campbell Lane will be difficult.
 - c. The proposed R-4 expansion will create a more typical zoning boundary (extending straight from a shared property boundary with the Kennedy Landing development across Campbell Lane), rather than having a "notch" around an existing single-family home. This will improve the transition between zones and will allow for a solid and consistent landscape screen and buffer area between uses.
 - d. The proposed multi-family residential land use is considered a compatible and complementary land use that can support the established neighborhood-oriented development (Brighton Place Shoppes) because of its higher density.
2. This recommendation is made subject to the approval and certification of ZDP 2016-5: Cadentown Subdivision, Lots 3 and 4, 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 use restriction is recommended via conditional zoning for the subject property:
 - a. Any lighting installed on the subject property shall be directed downward and shall be directed away from any single-family residential zone.

This restriction is appropriate in order to protect the adjacent low density residential properties to the southwest of the subject property from the possible light pollution associated with the proposed apartment building and its off-street parking area.

- b. ZDP 2016-5: CADENTOWN SUBDIVISION, LOTS 3 & 4 (AMD) (2/21/16)* - located at 836 and 852 Campbell Lane and 2833 Liberty Road (a portion of). **(EA Partners)**

Note: The purpose of this amendment is to rezone additional property and add apartment buildings to the existing residential development.

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

1. Provided the Urban County Council rezones the property R-4; 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.

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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. Denote record plat designation or current deed information on plan.
7. Dimension buildings on plan.
8. Clarify compliance with lot coverage requirements of the proposed R-4 zone.
9. Discuss the timing of merging the subject property with the amended final development plan for the Brighton 3050 area, per the note on the Preliminary Development Plan.
10. Dimension building "Type 1" & "Type 2" details, exclusive of garage spaces.
11. Document compliance with floor area ratio requirements of the proposed zone on plan.
12. Discuss timing of the closure of right-of-way for Campbell Lane.
13. Discuss compliance with perimeter yard setbacks, per Article 9 requirements.
14. Discuss zone-to-zone screening proposed along adjacent B-4 and R-1D properties.

Zoning Presentation: Ms. Wade presented the staff report on this rezoning request, briefly orienting the Commission to the location of the subject property. The property is located at the end of Campbell Lane, which is an existing rural road, off of Liberty Road, inside of Man o' War Boulevard. Campbell Lane is located to the north of the major Liberty Road/Todds Road intersection. Much of the development in this portion of Lexington-Fayette County has occurred in the past 20 years, including the Liberty Road widening project, completed in 2008. That project took a few homes near the Campbell Lane/Liberty Road intersection, and the developers of the Brighton 3050 apartment development purchased several parcels at the end of Campbell Lane since that time.

Ms. Wade said that the larger portion of the Brighton 3050 complex is zoned R-3; the expansion proposed by the petitioner has been in the R-4 zone. Other zoning in the vicinity includes the Kennedy Landing townhouse development, which is also zoned R-3; single family homes along Campbell Lane and in the Cadentown Historic District, across Liberty Road; and a vacant B-4 site for a kennel and veterinary clinic, just to the northwest of the subject property. A commercial zoning node is located at the Man o' War Boulevard/Liberty Road/Todds Road intersection. The subject property has been single-family residential in the past, but is currently vacant. Referring to an aerial photograph, Ms. Wade noted the existing apartment complex on the former Adams Property, to the east of the subject property. The apartment complex is primarily accessible from Helmsdale Place, with an additional access point in the Brighton Place Shoppes to the south.

Ms. Wade stated that, in 2014, the petitioner rezoned two parcels at the corner of Old Todds Road and Liberty Road; in 2015, they rezoned a parcel across Campbell Lane from the subject property. This proposed rezoning will complete the apartment complex development. The petitioner is proposing to construct one building on the subject property, which would cross the right-of-way of Campbell Lane. That would effectively end Campbell Lane, which would then contain eight single-family residences and provide a closure for the apartment development. Ms. Wade displayed several photographs of the subject property, noting the location of the existing single-family homes on Campbell Lane; the parcel that was rezoned in late 2015; and the proximity of one of the existing apartment buildings to the property line.

Ms. Wade said that the petitioner contends that the proposed rezoning is in agreement with the 2013 Comprehensive Plan, because it proposes a variety of housing types; locates multi-family residential development near parks and greenways; and encourages developing neighborhood nodes to serve surrounding residential areas. The staff does not agree with the petitioner's contention that the proposed zone change is in agreement with the Comprehensive Plan; however, they believe that the proposed R-4 zone is appropriate, and the R-1D zone is no longer appropriate, for the reasons as listed in the staff report and on the agenda.

Ms. Wade stated that the staff is recommending one conditional zoning restriction, to require that exterior lighting on the subject property be shielded and directed away from the single-family residential area. The staff believes that, with the rear of a building facing the single-family residences, parking lot lighting should not affect the residents. Ms. Wade said that the staff and the Zoning Committee recommended approval of this request.

Commission Questions: Mr. Drake asked if the closure of Campbell Lane would isolate any other property. Ms. Wade answered that it would not. Referring to the aerial photograph, she noted that the apartment complex will use their two existing access points, while the single-family residences will continue to only use Campbell Lane.

Ms. Mundy asked if a turnaround would be provided on Campbell Lane, since it is very narrow. Ms. Wade responded that, currently, the development plan does not depict a public street termination for Campbell Lane. The issue might need to be addressed with the Final Development Plan for the property.

Development Plan Presentation: Mr. Jarman presented the corollary zoning development plan, explaining that the petitioner is proposing to add two apartment buildings to the existing Brighton 3050 residential development. He noted that the petitioner filed a revised version of the plan a few days prior to this hearing, which considerably expanded the original submittal and integrated it with the existing Brighton 3050 plan, in response to a recommendation by the Subdivision Committee. Referring to the rendered development plan, Mr. Jarman noted the location of the proposed new buildings, as

well as existing features of the development, including the two access points and a large detention basin. He stated that the staff is recommending approval of this plan, subject to the following revised conditions:

1. Provided the Urban County Council rezones the property R-4; 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. Denote record plat designation or current deed information on plan.
7. ~~Dimension buildings on plan.~~
8. ~~Clarify compliance with lot coverage requirements of the proposed R-4 zone.~~
9. ~~Discuss the timing of merging the subject property with the amended final development plan for the Brighton 3050 area, per the note on the Preliminary Development Plan.~~
10. ~~Dimension building "Type 1" & "Type 2" details, exclusive of garage spaces.~~
11. ~~Document compliance with floor area ratio requirements of the proposed zone on plan.~~
- 7.42. Discuss Denote that the timing of the closure of right-of-way for Campbell Lane will be resolved at the time of the Final Development Plan.
- 8.43. Discuss Denote: Compliance with perimeter yard setbacks, per Article 9 requirements, will be demonstrated at the time of the Final Development Plan.
- 9.44. Discuss Denote that compliance with zone-to-zone screening proposed along adjacent B-4 and R-1D properties will be documented at the time of the Final Development Plan.

Mr. Jarman stated that condition #7 refers to the closure of Campbell Lane, and the need to denote that the timing will need to be resolved at the time of the Final Development Plan for the property. Condition #8 is related to the perimeter yard setbacks for Group Residential Projects, while #9 refers to the need to document the zone-to-zone screening at the Final Development Plan stage.

Commission Questions: Mr. Drake asked if the portion of Campbell Lane proposed for closure is public right-of-way. Mr. Jarman answered that it is public right-of-way from Liberty Road to its terminus.

Mr. Owens asked if condition #7 would be sufficient to address the need for a turnaround on Campbell Lane, per Ms. Mundy's earlier question. Mr. Jarman responded that a solution could be proposed at the time of the Final Development Plan.

Mr. Berkley asked if there is currently a termination or turnaround on Campbell Lane, which Mr. Jarman answered in the negative. Mr. Berkley asked if the construction of a turnaround could affect the location of one of the proposed buildings. Mr. Jarman agreed that the building layout could be affected. Ms. Wade noted that there is evidence on Campbell Lane that cars currently turn around in the grass at the end of the roadway. Mr. Berkley noted that that activity is on private property. He added that he would be concerned about requiring the construction of a turnaround, because it could impact the location of the building. Ms. Wade commented that it could cause the location of the new building to shift. She noted that there are approximately 100 extra parking spaces on the property, so that could possibly accommodate any necessary relocation of the building.

Mr. Owens asked if there was some question about the status of Campbell Lane. Ms. Wade answered that, at this point, the staff believes that it is a public street.

Mr. Drake asked if the petitioner could be required to provide a turnaround for public right-of-way that they do not own. Mr. Sallee answered that, because the Commission will have the opportunity to review a Final Development Plan for this property, they will be able to consider if any such facility should be developed at the end of Campbell Lane. He said that the status of Campbell Lane is still in question; the staff understands that LFUCG has been maintaining it, but it might be a private street. The staff encountered a similar situation on Woodward Lane during a zone change process a couple of years ago. Campbell Lane and Woodward Lane were both old county roadways, developed many years prior to the local government merger, and records are very poor. Mr. Sallee said that, at the time of the Final Development Plan, the staff would want to know definitively the status of the street, and the Commission could consider whether a more typical turnaround should be provided at its terminus. Ms. Jones noted that the provision of a turnaround by the property owner would not be out of the ordinary; it would just need to be ensured that the cost of the improvements be proportional to the scope of the petitioner's development. She added that she believed that it should be considered as a Final Development Plan issue.

Petitioner Representation: Dick Murphy, attorney, was present representing the petitioner. He expressed his appreciation for the work done by Rory Kahly, of EA Partners, in revising this plan to show how this proposed rezoning would relate to the lot coverage for the whole development. He said that there were concerns at the Subdivision Committee meeting that the development plan included only the two proposed new buildings.

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Mr. Murphy said that this rezoning request is a "follow-up" to the rezoning of the Gentry property in December 2015. During the process of that zone change, the petitioner's company entered into discussions to purchase the subject property. However, the petitioner could not hold up the Gentry zone change in order to allow the sale of the subject property to take place, so this request was filed separately. Mr. Murphy stated that the petitioner contends that the proposed R-4 zone is appropriate, since the property is surrounded by R-3 and R-4 zoning. He noted that the petitioner is in agreement with the staff's recommendations.

With regard to the questions about the status of Campbell Lane, Mr. Murphy said that the deeds on Campbell Lane refer to an 18' easement, rather than a road. The roadway has approximately 14' of pavement, with only one lane, and it is not well maintained. The Division of Traffic Engineering staff believes that Campbell Lane is public right-of-way. The petitioner is committed to continuing their investigation into whether the right-of-way is public; if it is determined to be so, the petitioner will request closure from the Urban County Council. Mr. Murphy said that the petitioner does not see the need for a turnaround on Campbell Lane at this point, but they would discuss the issue at the time of a Final Development Plan for the property. Most drivers, he opined, do not drive to the end of Campbell Lane to turn around, due to the poor quality of the pavement. The petitioner is also providing a new fire gate into the apartment development on a portion of the Gentry property, which should increase the public safety situation for the complex.

Citizen Comment: There were no citizens present to comment on this request.

Zoning Action: A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 9-0 (Brewer and Penn absent) to approve MAR 2016-3, and the conditional zoning restriction, for the reasons provided by staff.

Development Plan Action: A motion was made by Mr. Cravens, seconded by Ms. Richardson, and carried 9-0 (Brewer and Penn absent) to approve ZDP 2016-5, subject to the nine conditions as listed in the revised staff recommendation.