

ORDINANCE NO. 132 - 2024

AN ORDINANCE CHANGING THE ZONE FROM A NEIGHBORHOOD BUSINESS (B-1) ZONE TO PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE, FOR 0.075 NET (0.095 GROSS) ACRE, FOR PROPERTY LOCATED AT 223 EAST SEVENTH STREET (L.O.P.1, LTD.; COUNCIL DISTRICT 1).

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WHEREAS, at a Public Hearing held on October 24, 2024, a petition for a zoning ordinance map amendment for property located at 223 East Seventh Street from a Neighborhood Business (B-1) zone to a Planned Neighborhood Residential (R-3) zone for 0.075 net (0.095 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 9-0; and

WHEREAS, the Urban County 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 223 East Seventh Street from a Neighborhood Business (B-1) zone to a Planned Neighborhood Residential (R-3) zone for 0.075 net (0.095 gross) acres, being more fully described in Exhibit “A” which is attached hereto and incorporated herein by reference.

Section 2 – That under the provisions of Article 6-7 of the Zoning Ordinance, the following conditional zoning restriction shall apply to the subject property:

A. The following uses shall be prohibited:

1. Outdoor loudspeakers.

These conditions are appropriate and necessary in order to protect the single-family residential uses within the Springhurst neighborhood.

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: December 3, 2024

*Linda Gorton*

MAYOR

ATTEST:

*[Signature]*

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: December 13, 2024-1t

1145-24:TWJ:4869-5386-5209, v. 1

Rec'd by \_\_\_\_\_

Date: \_\_\_\_\_

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

**IN RE:** PLN-MAR-24-00016: L.O.P.1, LTD – a petition for a zone map amendment from a Neighborhood Business (B-1) zone to a Planned Neighborhood Residential (R-3) zone for 0.075 net (0.095 gross) acres for property located at 223 E Seventh Street. (Council District 1)

Having considered the above matter on **October 24, 2024**, at a Public Hearing, and having voted **9-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL** of this matter for the following reasons:

1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
  - a. The proposed project converts a commercial structure back into a single-family residence, providing additional housing stock within a lower and middle income area (Theme A, Goal #5.b).
  - b. The request promotes safe social interactions within neighborhoods by re-establishing a residential use on a parcel that is well connected to the existing pedestrian network (Theme A, Goal #3.b).
  - c. By retaining the existing structure, the request is in keeping with the low density neighborhood context of the surrounding area (Theme A, Goal #2.b).
2. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2045 Comprehensive Plan's Policies, for the following reasons:
  - a. The proposed rezoning is in keeping of the context of development along E Seventh Street, which is primarily comprised of single-family residential uses (Theme A, Design Policy #4).
  - b. The proposal will help address housing demand for low or middle income households (Theme A, Equity Policy #3).
  - c. The proposal features adaptive reuse of an existing commercial structure (Theme E, Growth Policy #2).
3. The justification and preliminary subdivision plan are in agreement with the policies and development criteria of the 2045 Comprehensive Plan.
  - a. The proposed rezoning meets the recommendations for Land Use, as the proposed zone change would allow for the potential for more dense redevelopment in the future (A-DN2-1), and is located in an area that features walkable connections to community anchors (C-LI7-1).
  - b. The proposed rezoning addresses the Transportation and Pedestrian Connectivity Development Criteria, as the proposal maintains existing sidewalk connections to nearby community businesses (A-DS4-1; A-DS10-1), and is a walkable route to nearby transit stops (A-DS1-2).
  - c. The proposed rezoning meets the criteria for Environmental Sustainability and Resiliency, as it does not impact any environmentally sensitive areas (B-PR2-1), does not propose any grading or soil disturbance (B-PR9-1), and will not overlight the site (B-PR10-1).
  - d. The request meets the requirements for Site Design, as the proposal is not overparked (C-PS10-2), and maintains the existing pedestrian network (C-LI8-1).
  - e. The request meets the criteria for Building Form, as the proposal is scaled appropriately to the surrounding neighborhood (A-DS4-2) and proposes the reuse of a viable existing structure (E-GR4-1).
4. This recommendation is made subject to approval and certification of PLN-MJSUB-24-00007: LANCASTER AND KEISER PROPERTY prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

ATTEST: This 8<sup>th</sup> day of November, 2024.

Jim Duncan  
Secretary, Jim Duncan *by Traci Wade*

LARRY FORESTER  
CHAIR

K.R.S. 100.211(7) requires that the Council take action on this request by January 22, 2025

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Chris Clendenen, applicant's attorney.**

**OBJECTORS**

**OBJECTIONS**

**VOTES WERE AS FOLLOWS:**

|               |     |                                                                           |
|---------------|-----|---------------------------------------------------------------------------|
| AYES:         | (9) | Barksdale, Forester, Michler, Nicol, Owens, Penn, Pohl, Wilson, and Worth |
| NAYS:         | (0) |                                                                           |
| ABSENT:       | (2) | J. Davis & Z. Davis                                                       |
| ABSTAINED:    | (0) |                                                                           |
| DISQUALIFIED: | (0) |                                                                           |

Motion for **APPROVAL** of **PLN-MAR-24-00016** carried.

- Enclosures:
- Application
  - Justification
  - Legal Description
  - Plat
  - Development Snapshot
  - Staff Reports
  - 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><br>L O P 1 LTD, 1904 DEAUVILLE DR, LEXINGTON, KY 40504                   |
| <b>Owner(s):</b><br>L O P 1 LTD 1904 DEAUVILLE DR LEXINGTON KY 40504                       |
| <b>Attorney:</b><br>Chris Clendenen, 250 West Main Street, Suite 2510, Lexington, KY 40507 |

### 2. ADDRESS OF APPLICANT'S PROPERTY

|                                   |
|-----------------------------------|
| 223 SEVENTH ST LEXINGTON KY 40508 |
|-----------------------------------|

### 3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY

| Zoning | Existing Use | Requested Use |             | Acreage |       |
|--------|--------------|---------------|-------------|---------|-------|
|        |              | Zoning        | Use         | Net     | Gross |
| B-1    | Commercial   | R-3           | Residential | 0.075   | 0.095 |

### 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?<br>If yes, how many units?<br>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:             | LFUCG                                                                                                                                                                                                              |
| Storm Sewers:      | LFUCG                                                                                                                                                                                                              |
| Sanity Sewers:     | LFUCG                                                                                                                                                                                                              |
| Refuse Collection: | LFUCG                                                                                                                                                                                                              |
| Utilities:         | <input checked="" type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas <input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable |



# MURPHY & CLENDENEN, PLLC

ATTORNEYS AT LAW

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Chris@MurphyClendenen.com

RICHARD V. MURPHY  
CHRISTOPHER M. CLENDENEN

Mr. Larry Forester, Chairman  
Members of the LFUCG Planning Commission  
200 E. Main Street  
Lexington, KY 40507

September 20, 2024

RE: Proposed Zone Change for 223 E. Seventh Street

Dear Mr. Chairman and Members:

The purpose of this letter is to supplement our previous submission in this matter dated September 2, 2024. It is designed to add a variance request pertaining to Section 18-3 of the Zoning Ordinance, in which perimeter landscaping buffering is required when a business zone adjoins a residential zone. After consulting with Planning Staff, our previous justification letter is hereby supplemented to read as follows:

Our firm represents the Applicant, LOP 1 LTD, in this matter before the Commission in which our client seeks a zone map amendment and approval of a preliminary subdivision plan for a property known and designated as 223 E. Seventh Street. The lot currently contains a vacant residential structure, previously utilized for a commercial use. The property is situated along East Seventh Street between Maple and Lancaster Avenues in what is primarily a residential neighborhood although zoned B-1 (Neighborhood Business).

LOP 1 LTD is requesting a zone change from the current B-1 (Neighborhood Business) to R-3 (Planned Neighborhood Residential). The proposed calls for no new construction but does propose extensive remodeling improvements to the property to make it habitable for either sale or rental housing. The rear of the property is adjoined by 705 Lancaster Avenue, which is zoned R-3. On either side of the property is 221 E. Seventh Street and 227 E. Seventh Street, both of which are zoned B-1.

The Applicant, LOP 1 LTD, also seeks a variance to the perimeter landscaping requirements under Section 18-3 of the zoning ordinance, on both side yards of the subject property, from the required fifteen (15) feet or five (5) feet, with the addition of fencing, to zero (0) feet. By requiring the Applicant to adhere to the perimeter landscaping requirements for the side yards, it would render the Applicant unable to obtain a zone map amendment for the following reasons:

1. The width of the side yard between 227 East Seventh Street and 223 East Seventh is significantly less than the required five feet, let alone 15 feet, with no room to plant any landscaping buffering. There is already a fence on the property line and the remnants of a previous one in place.

2. The width of the side yard between 223 East Seventh Street and 221 East Seventh Street is already set at zero feet due to the driveway that runs between the two properties. This paving takes up the entire side yard between the properties and there is no grass available in which to plant any landscape buffering.

The Planning Commission has the authority to grant this type of variance when being considered in connection with a zone map amendment.

By granting this variance the Planning Commission will enable the Applicant to expand the quantity and quality of much-needed rental housing in this area by bringing a vacant property up to code

In addition to the requested zone map amendment, the Applicant is requesting your approval of the variance for the following reasons:

1. Granting this variance will not adversely affect the public health, safety, or welfare, and will not alter the character of the general vicinity nor cause a hazard or nuisance to the public because the goal of requiring perimeter landscaping in a circumstance like this is to soften the effect of a residential zone being next to a more "intense" business zone. In this case, the adjoining property at 221 East Seventh, although zoned B-1, is actually a residential duplex that is occupied and fully rented as a legal non-conforming use rather than a B-1 use. Further, the Applicant also owns it. The B-1 zone property located next door at 227 E. Seventh Street, is vacant and will more likely transition to a residential use than a B-1 use. Granting of this variance will allow the Applicant to improve the existing lot rather than leave it vacant, and thus add to the neighborhood rather than detract from it. This will allow construction of a house either comparable or an upgrade to others in the neighborhood.

2. Granting of this variance will not allow an unreasonable circumvention of the requirements of the zoning ordinance because it allows for the addition of a single family detached home adding greater density to the neighborhood.

3. The special circumstances which apply to this property, and which do not generally apply to land in the general vicinity or in the same zone, is that the overall width of the subject property and the side yards is so narrow that it does not allow for the requisite perimeter landscape buffering.

4. Strict application of the regulations of the zoning ordinance would deprive the Applicant of a reasonable use of this land and create unnecessary hardship. The Applicant is unable to comply with the requirements of Section 18-3 of the zoning ordinance. The Applicant would be unable to remodel the subject property into a single family detached home consistent in character with those in the neighborhood without this variance and this would be a waste of an opportunity for additional housing in the area.

5. The circumstances surrounding the requested variance are not directly the result of the actions taken by the Applicant.

Thank you for your consideration for this zone change and variance request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. M. Clendenen", with a long horizontal flourish extending to the right.

Christopher M. Clendenen



# MURPHY & CLENDENEN, PLLC

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RICHARD V. MURPHY  
CHRISTOPHER M. CLENDENEN

Mr. Larry Forester, Chairman  
Members of the LFUCG Planning Commission  
200 E. Main Street  
Lexington, KY 40507

September 2, 2024

RE: Proposed Zone Change for 223 E. Seventh Street

Dear Mr. Chairman and Members:

Our firm represents the Applicant, LOP 1 LTD, in this matter before the Commission in which our client seeks a zone map amendment and approval of a preliminary subdivision plan for a property known and designated as 223 E. Seventh Street. The lot currently contains a vacant residential structure, previously utilized for a commercial use. The property is situated along East Seventh Street between Maple and Lancaster Avenues in what is primarily a residential neighborhood although zoned B-1 (Neighborhood Business).

LOP 1 LTD is requesting a zone change from the current B-1 (Neighborhood Business) to R-3 (Planned Neighborhood Residential). The proposed calls for no new construction but does propose extensive remodeling improvements to the property.

#### Description of Project:

This site is comprised of .075 net acres along E. Seventh Street. It runs parallel with both E. Sixth Street and E. Loudon Avenue. The zone change is requested to allow remodeling of a 1950s era home for use as a single-family residence.

#### Goals and Objectives of the 2045 Comprehensive Plan:

The proposed zone change to R-3 agrees with the Goals and Objectives of the 2045 Comprehensive Plan. It meets the criteria of the Themes and Goals as follows:

Theme A Goal 1(b) Accommodate the demand for housing in Lexington responsibility, prioritizing higher density and mixture of housing types.

The property is currently zoned for Neighborhood Business and is comprised of 075 net acres. This project takes a vacant unused property and transforms an abandoned business into a single-family housing opportunity.

Theme A Goal 2(a) Identify areas of opportunity for infill, redevelopment, adaptive reuse, and mixed-use development.

The property is currently zoned for Neighborhood Business and is comprised of .075 net acres. This project takes a vacant unused property and repurposes it for much needed housing in the neighborhood.

Theme A Goal 3(b) Strive for positive and safe social interactions in neighborhoods, including , but not limited to, neighborhoods that are connected for pedestrians and various modes of transportation.

The property readapts a vacant housing structure into an occupied housing unit and incorporates a pedestrian friendly sidewalk connecting the neighborhood with existing bus stops less than .5 miles either direction.

Theme A Goal 5(b.) Protect existing housing affordability for all and expand low-and middle-income housing across the city.

The project creates an additional housing opportunity in a low income/middle income neighborhood.

Theme B Goal 2(d.) Prioritize multi-modal options that de-emphasize single occupancy vehicles.

The project incorporates a pedestrian friendly sidewalk into access for LexTran in either direction along the E Seventh Street neighborhood.

Theme B Goal 3(f) Promote, maintain, and expand the urban forest throughout Lexington.

This project maintains existing trees to the property.

Theme E Goal 1(e) Maximize development on vacant land within the Urban Service Area and promote redevelopment of underutilized land in a manner that enhances existing urban form and or/historic features.

The project revitalizes a vacant and older structure by remodeling it consistent with the character of the neighborhood and creating a needed housing opportunity.

The Policies of the 2045 Comprehensive Plan

This project successfully addresses policies of the 2045 Comprehensive Plan.

Theme A: Growing and Sustaining Successful Neighborhoods

Design Policy 4: Provide development that is sensitive to the surrounding context.

This project remodels a vacant single-family home in a neighborhood that is a mixture of single family residential, duplexes and townhomes.

Design Policy 8: Provide various housing choices.

This project provides a choice of a single-family residence in a neighborhood that also provides a number of multi family options.

Density Policy 2: Infill residential can and should aim to increase density while enhancing existing neighborhood through context sensitive design.

The redesigning and remodeling of this older home helps to revitalize the neighborhood along with newer construction on the same street while providing infill replacing vacant business with housing.

Equity Policy 3: Meet the demand for housing across all income levels.

This project will provide housing opportunity for lower/middle income household.

Theme B: Protecting the Environment

Protection Policy 7: Protect the Urban forest and significant tree canopies.

This project protects exiting trees inside and adjacent to the property.

Theme D: Improving a Desirable Community

Connectivity Policy 2: Create multi-modal streets that satisfy all user needs and provide equitable multi-modal access for those who do not drive due to age, disability, expense, or choice.

This property will have a pedestrian friendly sidewalk that provides for close proximity access to LexTran in either direction.

Place Type/Development Type:

The proposed development fits within the Enhanced Neighborhood category and the LR (Low Density Residential) under the Placebuilder criteria of the Comprehensive Plan. Enhanced Neighborhood is the most appropriate type, because at tis core, the project involves adding a needed housing opportunity to an existing neighborhood and provides for pedestrian access to multi-modal transportation. The Applicant is seeking a zone change to R-3 which is a recommended zone for this place type.

The following are some of the criteria which are either not included on the preliminary subdivision plan or warrant further discussion:

A-DN2-1 Infill should aim to increase density.

Project is located in Infill and Redevelopment area. Utilizes vacant housing structure zoned for business which will be turned into a housing unit thereby increasing density.

A-DS1-1 Mass transit infrastructure such as seating and shelters should be provided/enhanced along mass transit routes.

Bus Stops located in either direction within less than .5 miles.

A-DS1-2 Accessible pedestrian linkages to transit should be provided.

There are linkages to LexTran stops accessible via pedestrian sidewalks from the property within less than ½ mile in either direction.

A-DS4-1 Safe multi-modal network to adjacent neighborhoods, greenspaces. Developments and complimentary uses should be provided.

Pedestrian friendly sidewalk for accessibility to adjacent neighborhoods and focal points is included in this project.

A-DS5-2 Developments should incorporate vertical elements, such as street trees and buildings, to create a walkable streetscape.

The existing vertical building located within 15 feet of the sidewalk activates pedestrian streetscape.

A-DS10-1 New Developments should incorporate clear and dedicated connections to nearby community anchors.

A-DS11-1 Street layouts should provide clear visible access to neighborhood focused open space and greenspaces.

D-CO2-1 Development should create and/or expand a connected multi modal transportation network that satisfies all users' needs.

Existing pedestrian sidewalk provides connections to the following community anchors, William Wells Brown Elementary School, Castlewood Park, George Washington Carver STEM Academy, Living Arts and Science Center Duncan Park.

D-CO4-2 Provide multiple route options (grid type structure) to alleviate congestion in lieu of additional lanes upon existing roadways.

Existing Street network is grid type.

D-CO4-3 Street Pattern and design should consider site topography and minimize grading where possible.

No new grading is taking place on the property.

D-CO5-1 Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.

The current street design is comprised of short blocks.

B-PR7-1 Developments should be designed to minimize tree removal and to protect and preserve existing significant trees.

No removal of any existing trees.

B-PR9-1 Minimize grading and topsoil disturbance by utilizing the existing topography to the greatest extent possible and preserving key natural features.

No new grading is taking place on the property.

B-PR10-1 Development should avoid over lighting and upward directed lighting.

Outdoor lighting will be minimal.

B-RE2-1 Lexington's green infrastructure network, including parks, trails, greenways, or natural areas should be highly visible and accessible.

Sidewalk system provides access to both Castlewood Par and Duncan Park

C-LI8-1 Development should enhance a well-connected and activated public realm.

Existing pedestrian and street network provides enhanced connectivity to adjacent neighborhoods and more.

C-PS10-2 Overparking of new developments should be avoided.

Existing single width driveway to remain. No additional parking spaces added.

A-DS5-3 Building orientation should maximize connections with the street and create a pedestrian friendly atmosphere.

The existing building is oriented toward street frontage along with a covered front porch activating pedestrian friendly sidewalk.

E-GR4-1 Developments should incorporate reuse of viable existing structures.

Existing buildings are being remodeled and repurposed from commercial use to single family residential.

Respectfully submitted,



Christopher M. Clendenen

Legal Description  
L.O.P.1, LTD.  
Zone Change From B-1 to R-3  
At 223 E. Seventh Street  
Lexington, Fayette County, Kentucky

ALL THAT TRACT OR PARCEL OF LAND SITUATED ON THE NORTH SIDE OF EAST SEVENTH STREET BETWEEN MAPLE AVENUE AND LANCASTER AVENUE IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

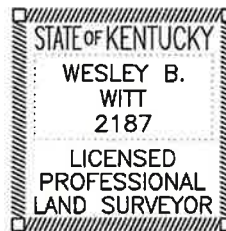
Beginning at a point in the centerline of East Seventh Street approximately 105 feet northwest of the intersection of the centerline of East Seventh Street and the centerline of Lancaster Avenue and having Kentucky state plane coordinates of 1,573,883.7 feet easting and 201,309.5 feet northing;

thence along the centerline of East Seventh Street north 42 degrees 00 minutes 31 seconds west 40.00 feet to a point;

thence leaving East Seventh Street north 48 degrees 30 minutes 40 seconds east 103.88 feet to a point;

thence south 42 degrees 00 minutes 31 seconds east 40.00 feet to a point;

thence south 48 degrees 30 minutes 40 seconds west 103.88 feet to the point of beginning and containing 0.095 gross acres and 0.075 net acres.



*Wesley B. Witt*



# L.O.P.1. LTD (PLN-MAR-24-00016)

223 E SEVENTH STREET

Rezone the property to allow for a single-family residential use.

## Applicant/ Owner

L.O.P.1. LTD.  
1904 Deauville Drive  
Lexington, KY 40504  
ATTORNEY: [chris@murphyclendenen.com](mailto:chris@murphyclendenen.com)

## Application Details

### Acreage:

0.075 net (0.095 gross) acres

### Current Zoning:

Neighborhood Business (B-1) Zone

### Proposed Zoning:

Planned Neighborhood Residential (R-3) zone

### Place-type/Development Type

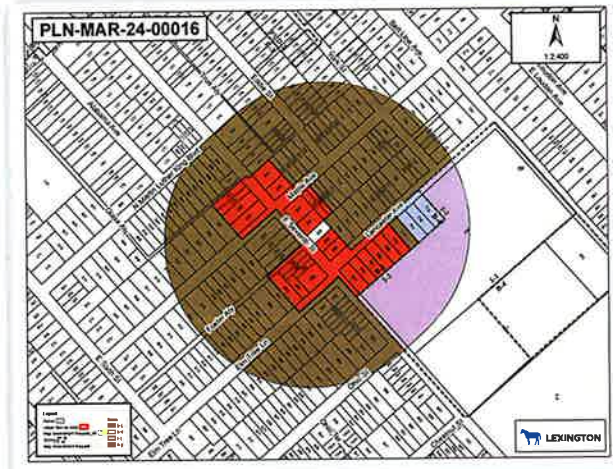
Enhanced Neighborhood

Low Density Residential

*For more information about the Enhanced Neighborhood Place-type see Imagine Lexington pages 328-337 . For more information on the Low Density Residential Development Type see page 270.*

### Description:

The applicant is seeking to rezone the subject property in order to utilize an existing building for a single-family residential use. Additionally, the applicant is seeking a variance in order to reduce the required property perimeter landscape buffer from 15 feet to zero feet where the property adjoins commercial zoned parcels to the east and west.



## Public Engagement

- The applicant has not indicated that any public engagement has occurred.

## Status

- Public Engagement
- Pre-Application Meeting
- Application Review
- Planning Staff Review
- Technical Review Committee
- Zoning/Subdivision Committee Meetings
- Planning Commission Hearing
- Urban County Council Meeting

DISCLAIMER: Plans are subject to change. Visit the Accela Citizen Portal ([lexingtonky.gov/plans](http://lexingtonky.gov/plans)) or contact Planning for the latest information.

# Preliminary Subdivision Plan



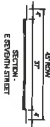
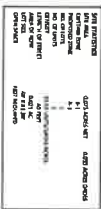
**UTILITY INFORMATION**  
 GAS MAINS (12")  
 WATER MAINS (12")  
 SANITARY MAINS (12")  
 SEWER MAINS (12")  
 POWER LINES (12")  
 TELEPHONE LINES (12")  
 CABLE TV LINES (12")  
 FIBER OPTIC LINES (12")  
 RAILROADS (12")  
 HIGHWAYS (12")  
 AIRPORTS (12")  
 CANALS (12")  
 DRAINAGE CANALS (12")  
 OTHER (12")

**THESE MEASUREMENTS SHALL BE:**

| MEASUREMENT                                         | BY | DATE |
|-----------------------------------------------------|----|------|
| 1. ALL MEASUREMENTS SHALL BE MADE BY THE SURVEYOR.  | BY | DATE |
| 2. ALL MEASUREMENTS SHALL BE MADE BY THE SURVEYOR.  | BY | DATE |
| 3. ALL MEASUREMENTS SHALL BE MADE BY THE SURVEYOR.  | BY | DATE |
| 4. ALL MEASUREMENTS SHALL BE MADE BY THE SURVEYOR.  | BY | DATE |
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| 15. ALL MEASUREMENTS SHALL BE MADE BY THE SURVEYOR. | BY | DATE |
| 16. ALL MEASUREMENTS SHALL BE MADE BY THE SURVEYOR. | BY | DATE |
| 17. ALL MEASUREMENTS SHALL BE MADE BY THE SURVEYOR. | BY | DATE |
| 18. ALL MEASUREMENTS SHALL BE MADE BY THE SURVEYOR. | BY | DATE |
| 19. ALL MEASUREMENTS SHALL BE MADE BY THE SURVEYOR. | BY | DATE |
| 20. ALL MEASUREMENTS SHALL BE MADE BY THE SURVEYOR. | BY | DATE |



- NOTES:**
1. THE SUBDIVISION SHALL BE MADE IN ACCORDANCE WITH THE KENTUCKY SUBDIVISION ACT AND THE KENTUCKY LAND SURVEYING ACT.
  2. THE SUBDIVISION SHALL BE MADE IN ACCORDANCE WITH THE KENTUCKY SUBDIVISION ACT AND THE KENTUCKY LAND SURVEYING ACT.
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LANCASTER and KEISER PROPERTY  
 223 E Seventh Street  
 Lexington, Kentucky

Date: September 3, 2024



Preliminary Subdivision Plan  
**PSP**  
 PLN-MJSUB-24-00007



# STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-24-00016: L.O.P.1. LTD

## DESCRIPTION OF ZONE CHANGE

Zone Change: From a Neighborhood Business (B-1) zone  
To a Planned Neighborhood Residential (R-3) zone  
Acreage: 0.075 net (0.095 gross) acres  
Location: 223 E Seventh Street



## EXISTING ZONING & LAND USE

| PROPERTIES       | ZONING | EXISTING LAND USE |
|------------------|--------|-------------------|
| Subject Property | B-1    | Vacant            |
| To North         | R-3    | Vacant            |
| To East          | B-1    | Residential       |
| To South         | R-3    | Residential       |
| To West          | B-1    | Vacant Commercial |

## URBAN SERVICE REPORT

**Roads** - The subject property is located on E Seventh Street, a two-lane local roadway. Maple Street and Lancaster Avenue are two-lane local roadways that intersect with E Seventh Street in the nearby vicinity.

**Curb/Gutter/Sidewalks** - Curb, gutter and sidewalks exist along E Seventh Street.

**Storm Sewers** - The subject property is located within the Cane Run watershed, and within the Royal Springs Aquifer Recharge Area, which provides drinking water to Georgetown, KY. There are no FEMA Special Flood Hazard Areas on the property or in the immediate vicinity. Storm sewers exist in this portion of the Urban Service Area.

**Sanitary Sewers** - The subject property is located within the Cane Run sewershed. The property is served by the Town Branch Waste Water Treatment Facility, located on Lisle Industrial Avenue, inside New Circle Road, and west of Leestown Road approximately 3 miles to the northwest of the subject property.

**Utilities** - All utilities, including natural gas, electric, water, phone, cable television, and Internet are available in the area.

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

**Police** - The subject property is located within the Central Sector and is served by the Central Sector Roll Call Center, located on Industry Road, approximately 1.3 miles southeast of the subject property. The downtown Police Headquarters is approximately less than a mile northwest of the subject property, on East Main Street

**Fire/Ambulance** - The closest station is Fire Station #1 and Headquarters, located on E. Third Street, between Elm Tree Lane and N. Martin Luther King Boulevard, located approximately 1/2 mile southwest of the subject property.

**Transit** - This area is served by Lextran Route #9, with service present on Breckenridge Street and Shropshire Avenue approximately 1/3 of a mile southeast of the subject property.

**Parks** - The subject property is located approximately 1/4 of a mile northeast of Duncan Park, and approximately 1/4 of a mile southwest of Castlewood Park.

## SUMMARY OF REQUEST

The applicant is seeking a zone change from the Neighborhood Business (B-1) zone to the Planned Neighborhood Residential (R-3) zone in order to utilize an existing structure for a single-family residential use. Additionally, the applicant is seeking variances to reduce the required property perimeter screening from 15 feet to zero (0) feet where the property adjoins B-1 zones to the east and west.

## PLACE-TYPE

ENHANCED  
NEIGHBORHOOD

The Enhanced Neighborhood Place-Type is an existing residential area to be enhanced with additional amenities, housing types, and neighborhood serving retail, services, and employment options. Development should be context sensitive to surrounding areas and should add to the sense of place. Incorporating multi-modal connections is crucial to neighborhood success and viability.

## DEVELOPMENT TYPE

LOW DENSITY RESIDENTIAL

### Primary Land Use, Building Form, & Design

Primarily attached and detached single-family homes of varying formats, including accessory dwelling units. Homogeneous neighborhoods that do not include a mix of housing types should be avoided. Low density residential is only appropriate as a component of “Enhanced Neighborhoods” and “New Complete Neighborhoods”, and should be supplemented by a variety of uses and housing options to create sustainable places.

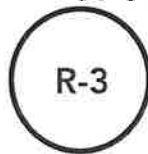
### Transit Infrastructure & Connectivity

Multi-modal network connections, including connected streets, are required to keep an efficient transportation network that provides viable options for all users.

### Quality of Life Components

These developments should include intentional open space designed to fit the needs of area residents, and be in walking distance of nearby neighborhood-serving commercial/employment uses.

## PROPOSED ZONING



The intent of this zone is to provide for medium density mixed residential development, including multi-family dwellings, group residential housing, compact housing types, attached and detached single family dwellings, and supporting uses. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population. This zone should provide a variety of housing options rather than a single type. The medium density residential uses should be located along local and collector streets, with lower density residential uses located along local streets. Adequate multi-modal connections should be available to all residents, so to allow for long term viability and incremental growth. Low and Medium density residential land uses should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

## PROPOSED USE



The petitioner is proposing the Planned Neighborhood Residential (R-3) zone in order to utilize an existing 1,250 square-foot commercial structure for a single-family residential use. The applicant is not proposing any physical changes to the site at this time.

## APPLICANT & COMMUNITY ENGAGEMENT



The applicant has not provided any information regarding their public outreach efforts. The applicant should provide further information on their attempts to engage the surrounding community.

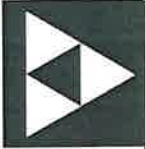
## PROPERTY & ZONING HISTORY



The subject property has been zoned Neighborhood Business (B-1) since before the 1969 comprehensive rezoning of the city and county. The subject property contains a 1,250 square foot structure that was built in 1951, and appears to originally used as a single-family residence before being converted into a commercial use as a store. The Division of Building Inspection records indicate that at one time portions of the structure were used as an accessory apartment. At this time, the property is vacant.

In the nearby vicinity, the properties at 220-228 E Seventh Street and 628 Maple Street were rezoned from the B-1 zone to the R-3 zone in order to establish townhouse uses (MAR-22-00026: Lexington Habitat For Humanity).

## COMPREHENSIVE PLAN COMPLIANCE



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

### GOALS, OBJECTIVES, & POLICIES

The applicant opines that they are in agreement with the adopted Goals and Objectives of the 2045 Comprehensive Plan. The applicant states that by converting the commercial structure back into a single-family residence, they are providing additional housing stock within a lower and middle income area (Theme A, Goal #5.b). The applicant opines that the request promotes safe social interactions within neighborhoods by re-establishing a residential use on a parcel that is well connected to the neighborhood's existing pedestrian network (Theme A, Goal #3.b). Additionally, by retaining the existing structure, the request respects the low density neighborhood context of the surrounding area (Theme A, Goal #2.b). Staff agrees that these Goals of the 2045 Comprehensive Plan can be met with the proposed rezoning.

Additionally, the applicant has identified several policies listed within the 2045 Comprehensive Plan that they opine are being met with this request. The applicant states that the proposal is in keeping of the context of development along this portion of E Seventh Street, which is primarily comprised of residential uses (Theme A, Design Policy #4). The applicant states that the proposed residential unit will help address housing demand for low or middle income renters (Theme A, Equity Policy #3). Additionally, the applicant states that the request supports policies relating to the promotion of adaptive reuse (Theme E, Growth Policy #2). Staff agrees that these Policies of the 2045 Comprehensive can be met with the proposed rezoning.

### PLACE TYPE, DEVELOPMENT TYPE, AND ZONE

In an effort to allow for the greatest contextual development of Lexington's Urban Service Area, applicants are asked to identify a Place-Type based on the location of the subject properties. Within each Place-Type





there are recommended Development Types based on the form and function of the proposed development. Based on the Place-Type and Development Type there are also several recommended zones that are most appropriate based on the Goals, Objectives, and Policies of the 2045 Comprehensive Plan. While these zones are the ideal zoning categories to develop within a specified area, other zones may be considered, provided there is an appropriate justification addressing the unique situation and provided the development is able to adequately meet the associated Development Criteria.

The applicant indicates that the project is located within the Enhanced Neighborhood Place-Type and is a Low Density Residential Development Type. The Enhanced Neighborhood Place-Type is an existing residential area to be enhanced with additional amenities, housing types, and neighborhood serving retail, services, and employment options. The Low Density Residential Development Type primarily consists of attached and detached single-family homes of varying formats, including accessory dwelling units. This Development Type should create context-sensitive neighborhoods and should be supplemented by a variety of uses and housing options to create sustainable places. The staff agrees that the subject property is located within an established neighborhood and the proposed development would provide a context-sensitive addition to the housing stock present in the area. The staff agrees that the Enhanced Neighborhood Place-Type and the Low Density Residential Development Type are appropriate for the subject property.

The Planned Neighborhood Residential (R-3) zone is a recommended zone for the applicant's chosen Place-Type and Development Type, and provides an avenue for increased residential density if the property is redeveloped in the future. Staff agrees that the Planned Neighborhood Residential (R-3) zone can be appropriate at this location.

#### **DEVELOPMENT CRITERIA**

The development criteria for a zone change are the distillation of the adopted Goals and Objectives, as well as the policies put forth in the 2045 Comprehensive Plan. The development criteria for development represent the needs and desires of the Lexington-Fayette Urban County community in hopes of developing a better built environment. The applicable criteria are defined based on the proposed Place-Type and Development Type.

##### 1. Land Use

While the request meets the majority of applicable criteria for Land Use, there was one criteria that warranted further discussion:

*D-PL7-1: Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application*

The applicant has not provided any information about attempts to engage with the neighborhood. The applicant should conduct further public outreach.

Otherwise, the Staff finds that the request meets the recommendations for Land Use, as the proposed zone change would allow for the potential for more dense residential redevelopment in the future (A-DN2-1), and is located in an area that features walkable connections to community anchors (C-LI7-1).

##### 2. Transportation and Pedestrian

Staff finds that this request meets the majority of the applicable Development Criteria for Transportation and Pedestrian Connectivity as the proposal maintains existing sidewalk connections to nearby community businesses (A-DS4-1; A-DS10-1), and is a walkable route to nearby transit stops (A-DS1-2).

##### 3. Environmental Sustainability and Resiliency

The proposed rezoning meets the criteria for Environmental Sustainability and Resiliency as the proposal does not impact any environmentally sensitive areas (B-PR2-1), does not propose any grading or soil disturbance (B-PR9-1), and will not overlight the site (B-PR10-1).

4. Site Design

Staff finds that this request meets the requirements for Site Design as the proposal is not overparked (C-PS10-2), and maintains the existing pedestrian network (C-LI8-1).

5. Building Form

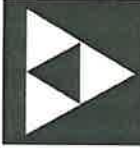
The request meets the criteria for Building Form, as the existing structure is scaled appropriately to the surrounding neighborhood (A-DS4-2) and proposes the reuse of a viable existing structure (E-GR4-1).

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



1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
  - a. The proposed project converts a commercial structure back into a single-family residence, providing additional housing stock within a lower and middle income area (Theme A, Goal #5.b).
  - b. The request promotes safe social interactions within neighborhoods by re-establishing a residential use on a parcel that is well connected to the existing pedestrian network (Theme A, Goal #3.b).
  - c. By retaining the existing structure, the request is in keeping with the low density neighborhood context of the surrounding area (Theme A, Goal #2.b).
2. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2045 Comprehensive Plan's Policies, for the following reasons:
  - a. The proposed rezoning is in keeping of the context of development along E Seventh Street, which is primarily comprised of single-family residential uses (Theme A, Design Policy #4).
  - b. The proposal will help address housing demand for low or middle income households (Theme A, Equity Policy #3).
  - c. The proposal features adaptive reuse of an existing commercial structure (Theme E, Growth Policy #2).
3. The justification and preliminary subdivision plan are in agreement with the policies and development criteria of the 2045 Comprehensive Plan.
  - a. The proposed rezoning meets the recommendations for Land Use, as the proposed zone change would allow for the potential for more dense redevelopment in the future (A-DN2-1), and is located in an area that features walkable connections to community anchors (C-LI7-1).
  - b. The proposed rezoning addresses the Transportation and Pedestrian Connectivity Development Criteria, as the proposal maintains existing sidewalk connections to nearby community businesses (A-DS4-1; A-DS10-1), and is a walkable route to nearby transit stops (A-DS1-2).
  - c. The proposed rezoning meets the criteria for Environmental Sustainability and Resiliency, as it does not impact any environmentally sensitive areas (B-PR2-1), does not propose any grading or soil disturbance (B-PR9-1), and will not overlight the site (B-PR10-1).
  - d. The request meets the requirements for Site Design, as the proposal is not overparked (C-PS10-2), and maintains the existing pedestrian network (C-LI8-1).
  - e. The request meets the criteria for Building Form, as the proposal is scaled appropriately to the surrounding neighborhood (A-DS4-2) and proposes the reuse of a viable existing structure (E-GR4-1).
4. This recommendation is made subject to approval and certification of PLN-MJSUB-24-00007: LANCASTER AND KEISER PROPERTY prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

## STAFF REPORT ON VARIANCE REQUEST



As part of their application, the petitioner is also seeking several dimensional variances that are requesting relief from the required property perimeter screening requirements for the portions of the property that abut Neighborhood Business (B-1) zoning. The applicant is seeking to reduce the minimum required property perimeter requirements as regulated in Article 18-3(a)(1) of the LFUCG Zoning Ordinance.

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

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

### ZONING ORDINANCE

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

Article 18-3(a)(1) states that for any office or business zone (except P-2), that adjoins any residential zone, there shall be a minimum buffer area of 15 feet adjacent to all common boundaries (located behind the building line) except street frontage, which will contain one tree per 40 feet of linear boundary, or fraction thereof, from Group A or B only, plus, 1) a double row of six feet high hedge or 2) a six feet high fence, wall or earth mound.

### CASE REVIEW

The applicant is seeking a dimensional variance from the property perimeter screening requirements. These requirements are for the portions of the property that abut the Neighborhood Business (B-1) zone to the east and west. The Zoning Ordinance requires buffering of a specific distance and regulated planting materials to provide screening between more intense commercial land uses and surrounding residential land uses.

The area between the proposed R-3 zone and the existing B-1 zones requires a minimum buffer area of 15 feet adjacent to all common boundaries (located behind the building line) except street frontage, to contain one tree per 40 feet of linear boundary, or fraction thereof, from Group A or B only, plus, 1) a double row of six feet high hedge or 2) a six feet high fence, wall or earth mound. The buffer can be reduced to 5 feet with the inclusion of a 6 foot tall solid fence.

The applicant states that they are unable to meet the necessary screening requirement, as there is there is less than five feet between the existing structure and the property line to the west, and installation of the required buffer to the east would result in the removal of the sole driveway for the property. The applicant opines that demolishing the structure or removing the sole driveway access to the site in order to accommodate the thin strip of required landscaping would create an unnecessary hardship.





Staff from the Division of Environmental Services evaluated the proposed landscape variance, and recommended approval of the request.

Staff finds the request will not negatively impact the health safety or welfare of the general public. The property adjoins a nonconforming residential use to the east that does not appear to ever have been used commercially, and there is sufficient distance to the commercial structure to the west to ensure that the residential and commercial uses are adequately separated. The subject property has a unique circumstance in that it is a narrow lot with an existing structure that predates the current zoning regulations that was developed in such a way that installing the required landscaping is not feasible.

**STAFF RECOMMENDS: APPROVAL FOR THE FOLLOWING REASONS:**



1. Approval of the landscape variances should not adversely affect the public health, safety, or welfare, nor should it create a hazard or nuisance to the public. The property adjoins a nonconforming residential use east, and there is sufficient distance to the commercial structure to the west to ensure that the commercial and proposed residential uses are adequately separated.
2. Providing landscaping within the narrow side yards would likely not thrive or grow to maturity to create the buffer prescribed by the ordinance.
3. The narrow lot shape and the location of the site's existing structure represent special circumstances unique to the subject property that justify the need for a variance.
4. Removing the existing structure present on the site to accommodate the required landscaping buffer would unreasonably restrict the applicant's use of the property.
5. The circumstances of this variance are not a result of actions taken by the applicant subsequent to the adoption of the Zoning Ordinance.

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

- a. Provided the Planning Commission and Urban County Council approve the requested zone change to the R-3 zone, otherwise the requested variance shall be null and void.
- b. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
- c. Action of the Planning Commission shall be noted on the Subdivision Plan for the subject property.

DAC/TLW

9/2/2024 Planning Services/Staff Reports/MAR/2024/PLN-MAR-24-00016 L.O.P1 LTD

1. L.O.P.1, LTD ZONING MAP AMENDMENT AND LANCASTER & KEISER PROPERTY DEVELOPMENT PLAN

- a. PLN-MAR-24-00016: L.O.P.1, LTD (12/24/24) \*– a petition for a zone map amendment from a Neighborhood Business (B-1) zone to a Planned Neighborhood Residential (R-3) zone for 0.075 net (0.095 gross) acres for property located at 223 E Seventh Street. The applicant is also seeking a variance to reduce the required property perimeter landscaping buffer from 15 feet to 0 feet where the property adjoins business zones.

COMPREHENSIVE PLAN AND PROPOSED USE

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

The petitioner is proposing the Planned Neighborhood Residential (R-3) zone in order to utilize an existing 1,250 square-foot commercial structure for a single-family residential use. The applicant is not proposing any physical changes to the site at this time.

The Zoning Committee Recommended: No Recommendation, due to lack of quorum.

The Staff Recommends: Approval, for the following reasons:

1. The requested Neighborhood Business (B-1) zone is in agreement with the 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
  - a. The proposal identifies the properties as an opportunity for reuse and future redevelopment (Theme A, Goal #2.a).
  - b. The proposal will give the subject properties the ability to intensify in the future in a manner that is still compatible with the neighborhood context along Springhurst Drive (Theme A, Goal #2.b).
  - c. The request will result in a well-designed neighborhood, that provides for safe connections to the adjoining residential areas.(Theme A, Goal #3.b).
  - d. The request would enhance the area with neighborhood-serving businesses (Theme A, Goal #3.b).
2. The requested Neighborhood Business (B-1) zone is in agreement with the 2045 Comprehensive Plan's Policies, for the following reasons:
  - a. The proposal provides an opportunity for redevelopment in the future that could increase utilization of the site without making the site incompatible with the adjoining single-family residential uses (Theme A, Design Policy #4).
  - b. The request will expand opportunities for neighborhood-serving businesses (Theme A, Design Policy #12)
  - c. Then request will be walkable from the adjoining neighborhood, and is pedestrian-friendly (Theme A, Design Policy #5).
3. The justification and corollary development plan are in agreement with the policies and development criteria of the 2045 Comprehensive Plan.
  - a. The proposed rezoning meets the criteria for Land Use, as the request would allow for neighborhood scale commercial uses and services (A-DS12-1; E-ST8-2), provides connections to nearby transit stops (A-DS1-2), and would allow for increased intensity and density with any future redevelopment of the site (D-CO3-1).
  - b. The proposed rezoning meets the majority of criteria for Transportation, Connectivity, and Walkability, as it provides pedestrian connections to nearby transit stops (A-DS1-2), utilizes shared parking arrangements (C-PS10-1), and is connected to the adjoining residential neighborhood (A-DS4-1).
  - c. The proposed rezoning addresses the Environmental Sustainability and Resiliency development criteria, as the proposal does not impact any environmentally sensitive areas (B-PR2-1), and maintains existing trees and tree canopy (B-PR7-1).
  - d. The proposal addresses the criteria for Site Design as it locates parking to the rear of the site (A-DS7-1), avoids overparking (C-PS10-2), and provides for connected neighborhood scale commercial development (C-LI8-1).
  - e. The proposed rezoning meets the criteria for Building Form, as the development's scale remains compatible with the adjoining single-family residential development to the rear (A-DN2-2), reuses existing buildings (E-GR4-1), and would allow for future redevelopment that could intensify the site while allowing for a compatible transition to the neighborhood (A-EQ5-1).
4. Under the provisions of Article 6-7, the following restriction is recommended via conditional zoning:

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



- a. Outdoor loudspeakers shall be prohibited.  
These conditions are appropriate and necessary in order to protect the single-family residential uses within the Springhurst neighborhood.

5. This recommendation is made subject to approval and certification of PLN-MJDP-24 00065: Springhurst Subdivision, Unit 2 (Brooke Properties, LLC) (AMD) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

- b. **VARIANCE** – The applicant is also requesting a dimensional variance to reduce the property perimeter screening requirement from 15 to 0 feet.

The Zoning Committee Recommended: No Recommendation, due to lack of a quorum.

The Staff Recommends: Approval of the requested variance for the following reasons:

1. Approval of the landscape variances should not adversely affect the public health, safety, or welfare, nor should it create a hazard or nuisance to the public. The property adjoins a nonconforming residential use east, and there is sufficient distance to the commercial structure to the west to ensure that the commercial and proposed residential uses are adequately separated.
2. Providing landscaping within the narrow side yards would likely not thrive or grow to maturity to create the buffer prescribed by the ordinance.
3. The narrow lot shape and the location of the site's existing structure represent special circumstances unique to the subject property that justify the need for a variance.
4. Removing the existing structure present on the site to accommodate the required landscaping buffer would unreasonably restrict the applicant's use of the property.
5. The circumstances of this variance are not a result of actions taken by the applicant subsequent to the adoption of the Zoning Ordinance.

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

- a. Provided the Planning Commission and Urban County Council approve the requested zone change to the R-3 zone, otherwise the requested variance shall be null and void.
- b. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
- c. Action of the Planning Commission shall be noted on the Subdivision Plan for the subject property.

- c. **PLN-MJSUB-24-00007: LANCASTER & KEISER PROPERTY, BLOCK 25, LOTS 22 & 24 (PORTIONS OF) (12/24/24) \*** - located at 223 EAST SEVENTH ST, LEXINGTON, KY.

Council District: 1

Project Contact: Barrett Partners Inc.

Note: The purpose of the plan is to depict a lot for a single-family dwelling unit, in support of the requested zone change from a Neighborhood Business (B-1) zone to a Planned Neighborhood Residential (R-3) zone.

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

1. Provided the Urban County Council approves the zone change to R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Urban Forester's approval of tree preservation plan.
5. Department of Environmental Quality's approval of environmentally sensitive areas.
6. Denote review and recommendation of the Royal Springs Aquifer Committee.
7. Discuss building line setback.
8. Discuss Placebuilder criteria.

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

Staff Presentation – Mr. Daniel Crum presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and the general area. He stated that the applicant was seeking a zone map amendment from a Neighborhood Business (B-1) zone to a Planned Neighborhood Residential (R-3) zone for 0.075 net (0.095 gross) acres for property located at 223 E Seventh Street. Mr. Crum indicated that the applicant is seeking to convert an existing structure for single-family residence use with the Enhanced Neighborhood Place-Type and the Low Density Residential Development Type. Mr. Crum indicated that Staff was in agreement with those selections.

Mr. Crum indicated that the majority of the neighborhood is zoned the requested R-3 and that the subject property began as a residential unit, before transitioning into a neighborhood business and now the applicant wished to bring back the original use. Mr. Crum indicated the applicant would renovate the subject property.

Mr. Crum concluded by stating that Staff is recommending approval of the subject application, and could answer any questions from the Planning Commission.

Mr. Michler asked if the B-1 zone requires ground level business and Mr. Crum confirmed that.

Subdivision Presentation – Ms. Cheryl Gallt stated that the applicant is showing a 20 foot building line and noted that there was a condition to discuss the building line and that can be resolved. Ms. Gallt indicated that the 20 foot building line is non-conforming and should this structure be removed, it must be rebuilt at that setback.

Ms. Gallt concluded by stating that Staff is recommending approval of the subject application, and could answer any questions from the Planning Commission.

Variance Presentation – Mr. Crum stated that the applicant was seeking a variance from a 15 foot landscape buffer to 0 foot buffer. Mr. Crum indicated that due to the built environment it would be detrimental to the applicant to not allow the variance and indicated that Staff is recommending approval of the variance and would not be detrimental to the health and safety of the community.

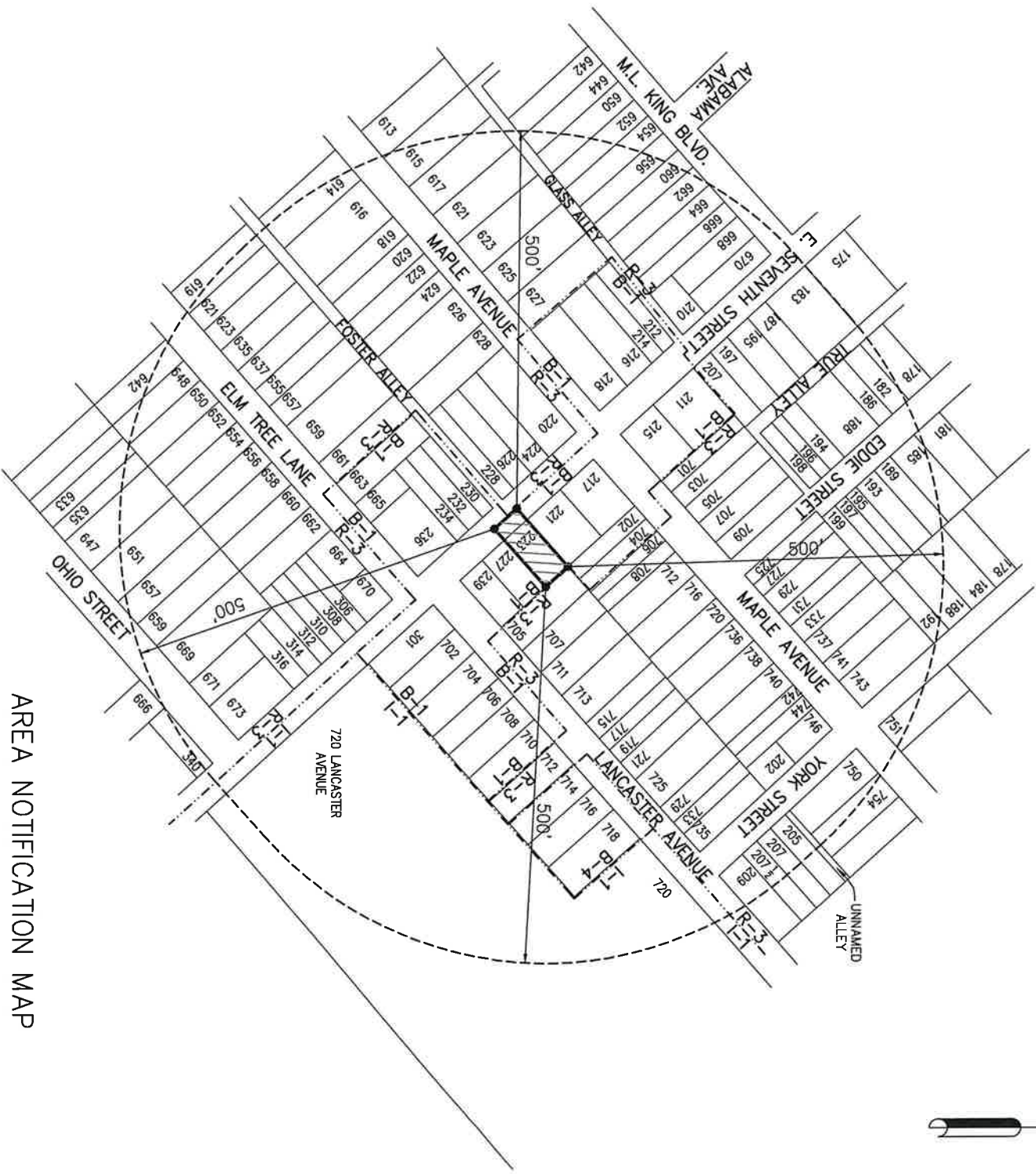
Mr. Crum concluded by stating that Staff is recommending approval of the variance, and could answer any questions from the Planning Commission.

Applicant Presentation – Mr. Chris Clendenen, attorney for the applicant, stated that they are in agreement with Staff's conditions and recommendations, and could answer any questions from the Planning Commission.

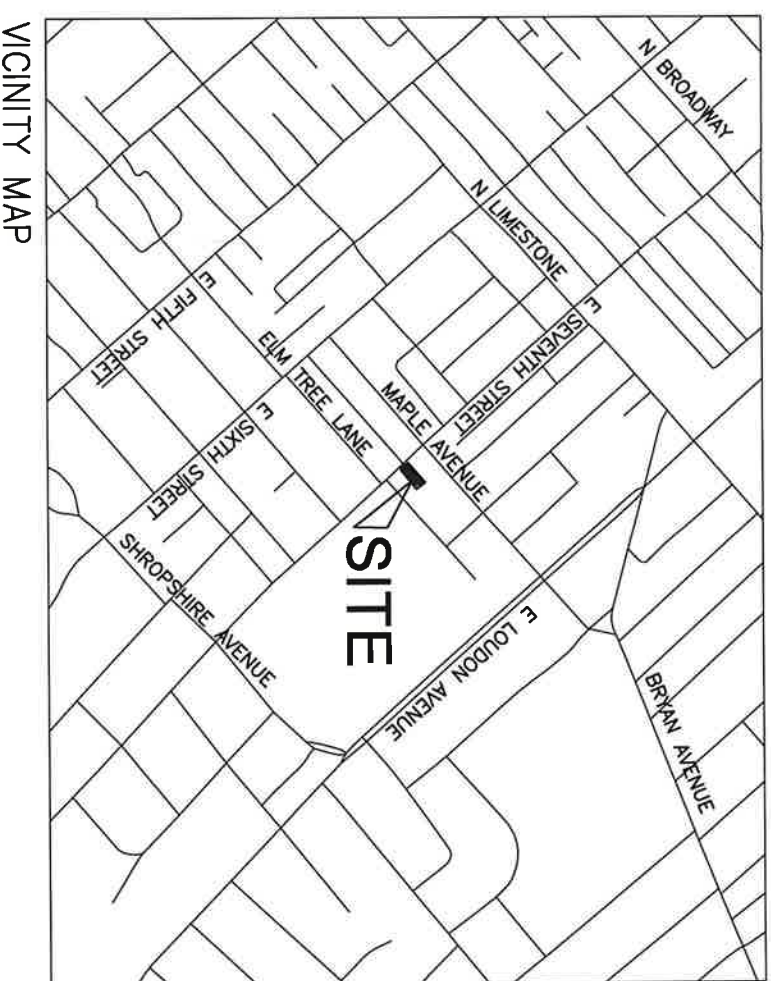
Action – A motion was made by Mr. Pohl, seconded by Ms. Barksdale and carried 9-0 (J. Davis and Z. Davis absent) to approve PLN-MAR-24-00016: L.O.P.1, LTD for reasons provided by Staff.

Action – A motion was made by Mr. Pohl seconded by Ms. Worth and carried 9-0 (J. Davis and Z. Davis absent) to approve the request for a variance.

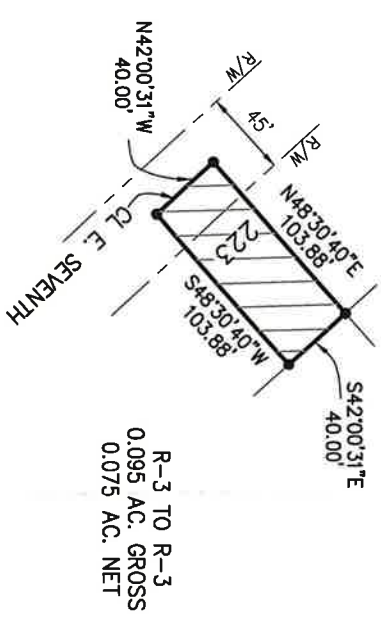
Action – A motion was made by Mr. Pohl seconded by Ms. Barksdale and carried 9-0 (J. Davis and Z. Davis absent) to approve PLN-MJSUB-24-00007: LANCASTER & KEISER PROPERTY, BLOCK 25, LOTS 22 & 24 (PORTIONS OF) with the Staff conditions.



AREA NOTIFICATION MAP  
1"=200'



VICINITY MAP



PROPERTY MAP  
1"=100'

|                                                                                    |                                                             |           |           |
|------------------------------------------------------------------------------------|-------------------------------------------------------------|-----------|-----------|
| ZOMAR                                                                              |                                                             |           |           |
| TITLE: PLN-MAR-24-00016                                                            |                                                             |           |           |
| PROPERTY ADDRESS: 223 E SEVENTH STREET                                             |                                                             |           |           |
| OWNER:                                                                             | L.O.P.1, LTD.<br>1904 DEAVILLE DRIVE<br>LEXINGTON, KY 40504 | FROM      | TO        |
| APPLICANT:                                                                         | L.O.P.1, LTD.<br>1904 DEAVILLE DRIVE<br>LEXINGTON, KY 40504 | B-1       | R-3       |
| PREPARED BY: WESLEY B WITT, INC.                                                   |                                                             | 0.095 AC. | 0.075 AC. |
| DATE PREPARED: SEPTEMBER 3, 2024                                                   |                                                             | GROSS     | NET       |
| STATE OF KENTUCKY<br>WESLEY B. WITT<br>2187<br>LICENSED PROFESSIONAL LAND SURVEYOR |                                                             |           |           |

Wesley B Witt