

2. WINTERWOOD, INC. ZONING MAP AMENDMENT & WINTERWOOD, LLC (1812 VERSAILLED RD) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-19-00009: WINTERWOOD, INC. (8/4/19)*- a petition for a zone map amendment from a Two-Family Residential (R-2) zone to a Planned Neighborhood Residential (R-3) zone, for 3.82 net (3.92 gross) acres, for property located at 1812 Versailles Road. A conditional use permit is also requested.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2018 Comprehensive Plan, *Imagine Lexington*, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The petitioner has requested a zone change from a Two Family Residential (R-2) zone to a Planned Neighborhood Residential (R-3) zone for 3.82 net (3.92 gross) acres for the properties located at 1812 Versailles Road. The proposed development includes four (4) multi-family apartment buildings, with a total of 28 dwelling units, and an associated community center. The proposed development represents a density of 7.33 dwelling units per acre. In compliance with the LFUCG Zoning Ordinance (8-12(d)(3)), the applicant is seeking a conditional use for the establishment of the community center.

The Zoning Committee Recommended: Postponement to the full Commission.

The Staff Recommends: Postponement, for the following reasons:

1. The zone change application for the subject property, as proposed, does not completely address the development criteria for a zone change within the Enhanced Neighborhood Place Type, and the Medium Density Residential Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
 1. Site Planning
 2. Open Space and Landscaping
 - b. B-PR7-1: Connections to greenways, tree stands, and stream corridors should be provided.
 - c. E-GR3-2: New focal points should emphasize geographic features unique to the site.

b. **CONDITIONAL USE REQUEST**

1. Community center

The Zoning Committee Recommended: Approval to the full Commission.

The Staff Recommends: Approval of the requested conditional use, for the following reasons:

- a. Granting the requested conditional use should not adversely affect the subject or surrounding properties. The proposed community center, in general, is encouraged by the Comprehensive Plan, and will coincide with and help to facilitate the adopted pillars of the Plan. Traffic from the proposed conditional use, even with the proposed surrounding residential development, should not exceed the carrying capacity of the current road system. Adequate parking will be provided to serve the community center.
- b. All necessary public services and facilities are available to and either are or will be adequate to serve the subject property.

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

1. Should the subject property be rezoned to R-3, it shall be developed according to the approved Development Plan, or as further amended by the Planning Commission.
2. All necessary permits, including a Zoning Compliance Permit, Building and Paving permits and a Certificate of Occupancy, shall be obtained from the Divisions of Planning and Building Inspection prior to any construction, and prior to occupancy of the facilities.
3. The associated parking lot and driveway shall be paved, with spaces delineated, and landscaped/screened in accordance with Articles 16 and 18 of the Zoning Ordinance.

- c. PLN-MJDP-19-00031: WINTERWOOD, LLC (1812 VERSAILLED RD) (8/4/19)* - located at 1812 VERSAILLES ROAD.
Project Contact: CDP Engineers, Inc.

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

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

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. Denote lot coverage and floor area ratio per Article 21 of the Zoning Ordinance.
8. Denote the 100 year floodplain contour and the 25' setback on plan.

Subsequent to the Technical Committee meeting, Planning Staff completed an evaluation of the Placebuilder development criteria.

9. Discuss the following Placebuilder Criteria:
 - I. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
 - II. B-PR7-1: Connections to greenways, tree stands, and stream corridors should be provided.
 - III. E-GR3-2: New focal points should emphasize geographic features unique to the site.

Staff Zoning Presentation – Mr. Baillie announced that there is a revised staff report and recommendation available for the Planning Commission, as follows:

1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning encourages the expansion of housing choices (Theme A, Goal #1), while also supporting infill and redevelopment (Theme A, Goal #2), and providing well-designed neighborhoods (Theme A, Goal #3).
 - b. The proposed rezoning works to achieve an effective and comprehensive transportation system (Theme D, Goal #1) by better utilizing and supporting the multi-modal system along Versailles Road and by properly terminating Hill Rise Drive.
 - c. The proposal seeks to accommodate the demand for housing in Lexington responsibly, prioritizing affordable higher-density residential and a mixture of housing types (Theme A, Goal #1, Objective b.).
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site creates a residential development that is pedestrian-friendly, while also providing access to focal points and public green space. Additionally, the proposed rezoning seeks to increase the intensity of use on an underutilized, vacant parcel of land, while also minimizing the impacts on the surrounding environment and communities.
 - b. The proposed rezoning includes safe facilities for the potential residents of the site by prioritizing multi-modal connections and by connecting the site to the Versailles Road corridor and adjoining developments. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, limits the impacts on the surrounding environment, maintains many of the current tree lines and canopy, and provides delineated access to the open space.
3. This recommendation is made subject to approval and certification of PLN-MJDP-19-00031: Winterwood, LLC, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

Mr. Baillie then presented the staff report and recommendations for the zone change. He displayed photographs of the subject property and aerial photographs of the general area. He said that the petitioner is proposing a medium density residential development with four two-story multi-family structures and an associated community center. He said that the developer will own and manage these buildings and will have staff on site at the community center. The developer has indicated that the proposed development will be affordable housing and is in the process of obtaining additional subsidies to lessen the financial impact on potential residents.

Mr. Baillie said that the neighborhood outreach conducted by the petitioner included discussions with stakeholders, and area neighborhood organizations, prior to the submission of their application, which was filed on May 6, 2019. On May 13th, the applicant also conducted an open house style meeting at the Village Branch Library. The applicant brought information regarding the proposed rezoning and the development plans to discuss with the attendants, and had representatives from its engineering and architecture firm's present, as well as legal counsel available to answer questions. While attendance was not high, representatives from the Pine Meadows Neighborhood Association and the Hamilton Park/Westgate Neighborhood Association were present. An attendance sheet was provided to the Division of Planning following the meeting. He added that staff was also present to answer any questions regarding the process for the zone change.

Mr. Baillie said that the subject property is located within a mixed-use neighborhood that currently includes various residential, business, and professional office land uses. The neighborhood also includes the Cardinal Hill Rehabilitation Hospital and support medical offices, the Hillcrest Memorial Park cemetery and Pine Meadows Park, neighborhood shopping areas along

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Oxford Circle, and a place of religious assembly. He said that the property was rezoned in 1969 from a Single Family Residential (R-1) zone to the Two-Family Residential (R-2) zone to better conform to the surrounding land uses. Since that time, many of the properties to the east and west have rezoned to allow for increased residential densities.

Mr. Baillie said that one of the limiting factors for development along this portion of Versailles Road has been the floodplain that runs along the rear of this property and includes a blue line stream (Vaughn's Branch), which has pushed much of the development up to the front near Versailles Road, and has created a large open space along the rear of the property. Two lots to the west of the subject property, 1824 and 1816 Versailles Road, have been purchased by the city and act as a contiguous greenway. He said that this gives the petitioner an advantage for the property to easily meet their open space requirements, while also providing a focal point for the site. He said that one of these advantages is its location along Versailles Road, which feeds directly into the downtown area with numerous transit stops along the roadway.

Mr. Baillie said that at the Zoning Committee meeting on June 6, 2019, the staff was concerned with three development criteria, which were the multi-family design standards, (site planning, open space and landscaping); the connections to greenways, tree stands, and stream corridors that should be provided; and new focal points that should emphasize geographical features unique to the site. He added that the Zoning Committee recommended postponement for this zone change. He said that after that meeting, the applicant met the staff and revised their application and development plan, in order to address these concerns. He said that the revised plan depicts the access to greenspace and the potential for a trail to be created by the LFUCG. The applicant also submitted renderings of the buildings and a written document describing some limitations of the site.

Mr. Baillie said that after reviewing the additional information submitted as part of the application, the staff is now recommending approval of this zone change. He said that it is in agreement with the 2018 Comprehensive Plan's Goals and Objectives by encouraging the expansion of housing choices, supporting infill and redevelopment, and providing well-designed neighborhoods; working to achieve an effective and comprehensive transportation system by better utilizing and supporting the multi-modal system along Versailles Road and by properly terminating Hill Rise Drive; and by seeking to accommodate the demand for housing in Lexington responsibly, prioritizing affordable higher-density residential and a mixture of housing types. He added that the justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan by meeting the criteria for Site Design, Building Form and Location as the site creates a residential development that is pedestrian-friendly, providing access to focal points and public green space; seeking to increase the intensity of use on an underutilized, vacant parcel of land, minimizing the impacts on the surrounding environment and communities; including safe facilities for the potential residents of the site by prioritizing multi-modal connections and by connecting the site to the Versailles Road corridor and adjoining developments. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan; and by meeting the criteria for Greenspace and Environmental Health as it works with the current landscape, limits the impacts on the surrounding environment, maintains many of the current tree lines and canopy, and provides delineated access to the open space.

Commission Questions – Mr. Owens asked when the revised application was received. Mr. Baillie said that it was received on June 7, 2019.

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

1. Provided the Urban County Council rezones the property R-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. Denote lot coverage and floor area ratio per Article 21 of the Zoning Ordinance.~~
- ~~8. Denote the 100-year floodplain contour and the 25' setback on plan.~~

Subsequent to the Technical Committee meeting, Planning Staff completed an evaluation of the Placebuilder development criteria.

- Z. 9. Discuss the following Placebuilder Criteria:
- I. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards In Appendix 1.
 - II. B-PR7-1: Connections to greenways, tree stands, and stream corridors should be provided.
 - III. E-GR3-2: New focal points should emphasize geographic features unique to the site.

Mr. Martin pointed out Hill Rise Drive that will be terminated into a cul-de-sac, the access drive to the parking and the apartment buildings. He said that there is no connection to Versailles Road, because there was a concern by the staff. The sole access

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into this development will be on Hill Rise Drive. He said that the applicant is proposing 28 dwelling units, which will be one-bedroom units. The building will be two-stories and 34 feet in height, with an approximate 20,000 total square feet. He pointed to the community center, which is larger than 8,000 square feet; however, it is subject to the conditional use permit, and its 11 parking spaces. He said that the applicant is required to have 42 parking spaces, which they have. He pointed out the location of the floodplain, which Vaughn's Branch drains into. He said that many of the adjacent neighborhood were built before drainage requirements and that this area does flood. He said that this area has been studied extensively, and the drainage has recently been upgraded. He said that there are standard sign-off conditions on this plan and that the staff is recommending approval.

Commission Questions – Mr. Pohl asked for clarification of condition #7, III. Mr. Martin said that the floodplain is the geographical feature and the land use feature is the long, linear lots in the area. Mr. Pohl then asked what the focal point is. Mr. Martin said that it is the access to the floodplain. It will be greenspace for the citizens to utilize. Mr. Pohl also asked if the community center will have a visual connection to the floodplain. Mr. Martin said that could be examined more at the time of the final development plan.

Mundy asked if the applicant has had meaningful conversations with the neighborhoods. Mr. Martin said the staff believes that they have but the applicant could elaborate on that.

Conditional Use Request – Ms. Wade presented the conditional use request associated with this zone change. She said that the applicant originally filed this application, they depicted a community center and the staff asked if it was a conditional use or will it be utilized as a clubhouse for the property. The applicant said that their intention was for it to be a community center and they amended their application before the notifications letters were mailed out. She said that the community center will be centrally located off of Hill Rise drive so it will be easily assessable to the residents and the neighboring communities.

Ms. Wade said that the applicant is proposing approximately 4,300 square foot structure, with 11 parking spaces, which meets the required number of parking spaces. She said that the staff believes that this request is appropriate at this location, the staff believes that it will support the proposed multi-family residential and provide public facilities and services to the immediate area. She said that the staff recommended approval of this conditional use to the Zoning Committee, finding that it won't have an adverse effect on the subject property or the surrounding area and that all of the necessary public services and facilities are available to serve this center. She added that the staff recommended three conditions; it is contingent on the zone change; all the permits be secured through the normal process; and that the parking lot be constructed with the appropriate landscaping and screening, following Articles 16 and 18 of the Zoning Ordinance. She said that the Zoning Committee recommended approval at their June 6, 2019 meeting.

Applicant Presentation – Mr. Clifford Ashburner, attorney; Zach Warshen, Winterwood, LLC; and Scott Southall, CDP Engineers, were present representing the petitioner. He said that in regards to Ms. Mundy's question about the neighborhood engagement, Mr. Warshen reached out to several neighborhood organizations. He said that there was an open house style meeting at the public library for 2 hours, with approximately 20 residents. Also present at that meeting were representatives from architectural firm and the CDP Engineers. He said that there were discussions about pedestrian connectivity and the access to Versailles Road, and landscaping. He said that the residents also expressed their concerns of affordable housing. He said that this plan does reflect some of the changes made by the community.

Mr. Ashburner said that they are proposing four, two-story buildings, with a total of 28 units. He believes that this is a respectful development of the site, they are not trying to over-develop the subject property. He said that they are protecting the open space and connecting to it. He said that Mr. Pohl had asked how the community center addresses the open space and said that would be addressed at the time of the final development plan. He said that he is in agreement with the staff's recommendations.

Commission Questions – Mr. Owens asked what kind of uses the community center will be used for. Mr. Ashburner said that this project is in conjunction with AVOL of Kentucky, who is acting as the coordinator of assisting medically vulnerable individuals to find housing and have gatherings/meetings in the community center. These meetings are open to the public.

Citizens in Opposition - Mr. Mark Smith, 1808 Versailles Road, concerned about the density and the privacy of his home. He doesn't believe that this will be an improvement to the corridor.

Applicant Rebuttal - Mr. Ashburner said that Mr. Smith's property is currently zoned R-2 and could be developed with duplexes in the future, with similar yard requirements. He said that the development plan depicts a 20-foot setback with landscaping adjacent to Mr. Smith's property. If this property were to be developed under the R-2 zone, it could have a side yard setback of only 6 feet from the property line. He believes that the buffers that are being proposed on the site design significantly protects Mr. Smith's property.

Citizen Rebuttal – Mr. Smith said at the meeting held at the library, he was told that the setback was going to be 10 feet. He also said that there will be dumpsters outside of his windows.

Staff Rebuttal - Mr. Baillie said that the applicant initially had a 10-foot side yard setback, but the staff asked them to expand that and the revised plan depicts a 20-foot side yard setback. He said that the zone-to-zone buffering will be discussed in greater detail at the time of the final development plan, which requires a 6-foot fence and landscaping.

Commission Comments – Mr. Wilson said that Mr. Smith also mentioned the location of the dumpsters and asked the applicant for clarification. Mr. Ashburner said that the dumpster will be located between the shelter and the buildings, which is a requirement of the Zoning Ordinance. He added that he will confirm with his clients if there are specific screening requests and would be willing to work with Mr. Smith before the submitting the final development plan.

Mr. Pohl said that he respects Mr. Smith's comments and said that there is a cluster of five trees on the plan, which is a higher density than the 40-foot set spacing by the Zoning Ordinance and encouraged the applicant to work with Mr. Smith to protect his views with the right kind of buffering.

Zoning Action – A motion was made by Mr. Berkley, seconded by Mr. Owens, and carried 11-0 to approve PLN-MAR-19-00009: WINTERWOOD, INC., for the revised reasons presented by the staff.

Development Plan Action – A motion was made by Mr. Berkley, seconded by Mr. Owens, and carried 11-0 to approve PLN-MJDP-19-00031: WINTERWOOD, LLC (1812 VERSAILLED RD), for the revised conditions presented by staff, with the following changes:

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.

Subsequent to the Technical Committee meeting, Planning Staff completed an evaluation of the Placebuilder development criteria.

7. Resolve ~~Discuss~~ the following Placebuilder Criteria:
 - I. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
 - II. B-PR7-1: Connections to greenways, tree stands, and stream corridors should be provided.
 - III. E-GR3-2: New focal points should emphasize geographic features unique to the site.

Conditional Use – A motion was made by Mr. Berkley, seconded by Mr. Owens, and carried 11-0 to approve the CONDITIONAL USE, for the reasons provided by the staff.

