

1. **AFTON COMMUNITY DEVELOPMENT, LLC ZONING MAP AMENDMENT & MELODY VILLAGE, UNIT 3-C, BLK C, LOT 12 ZONING DEVELOPMENT PLAN**

* **Note:** The Planning Commission continued this item at the June 22, 2017 meeting.

- a. **PLN-MAR-17-00016; AFTON COMMUNITY DEVELOPMENT, LLC (AMD) (8/24/17)***- an amended petition for a zone map amendment from a Single Family Residential (R-1D) zone to a Professional Office (P-1) zone, for 0.46 net (0.558 gross) acres, and from a Single Family Residential (R-1D) zone to a High Density Apartment (R-4) zone for 4.76 net (4.98 gross) acres, for property located at 3743 Red River Road. A conditional use permit and dimensional variances are also requested.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The 2015 Armstrong Mill Road West Small Area Plan (AMWSAP) is a plan for the revitalization of the 1900⁺ acre area that establishes six goals for the area. The goals focus on improving safety; improving connectivity; promoting livable neighborhoods with housing choices (while maintaining the neighborhood form) and promoting green infrastructure; improving the quality of life and health including access to affordable and healthy food; and enhancing the sense of place by creating community spaces that foster social interaction and a sense of identity.

The petitioner now proposes a mixture of High Density Apartment (R-4) and Professional Office (P-1) zoning for the subject property in order to adaptively re-use the existing two structures for an assisted living facility, medical offices, adult and child care center, and a community center. New structures are proposed for medical offices and senior housing on the site. A conditional use and dimensional variances are also requested in association with this zone change application.

The Zoning Committee made no recommendation.

The Staff Recommended: Approval, for the following reasons:

1. A restricted High Density Apartment (R-4) zone and Professional Office (P-1) zone for the subject property is in substantial agreement with the 2013 Comprehensive Plan, and the Armstrong Mill West Small Area Plan, which was adopted by the Planning Commission, for the following reasons:
 - a. The 2013 Comprehensive Plan recommends expanding housing choices to meet the needs of disadvantage and older populations (Theme A, Goal #1c.). The petitioner proposes an elderly housing element to the project, which will meet the needs of older and/or disadvantaged residents of Fayette County.
 - b. The Plan also recommends providing accessible community facilities and services to meet health, safety, and quality of life needs of the community (Theme D, Goal #2). Assisted living facilities to support the aging population; community facilities such as adult day care, child care and community centers; and medical offices are all needed within the community in a broader sense and can be considered necessary to meet the healthcare needs of the citizens of Fayette County.
 - c. The Comprehensive Plan recommends infill, redevelopment, and adaptive reuse that respect the area's context and design features (Theme A, Goal #2). The petitioner intends to adaptively reuse the vacant Blue Grass Baptist School site for a land use that will serve the neighborhood, and encourage aging in place.
 - d. The Armstrong Mill West Small Area Plan recommends improving the quality of life and health for all residents (Goal #5). The petitioner is improving access to very limited medical services by creating an incidental office use that is open to the public, is providing services for all ages by creating a child/adult day care as part of a community center, and is improving access to healthy food through the use of a community garden on-site.
 - e. A restricted P-1 zone can be considered incidental to the primary residential zone for the property. In this way, the proposed medical office will not have a negative impact on the surrounding neighborhood.
2. **Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply to the subject property:**
 - a. **Principal Permitted uses Within P-1 zoned area shall be limited to only the following:**
 1. Offices for business, professional, governmental, civic, religious and charitable organizations.
 2. Schools for academic instruction.
 3. Medical and dental offices and clinics.
 4. Studios for work or teaching of fine arts.
 5. Places of religious assembly and Sunday schools.
 6. Nursing homes, personal care homes, and assisted living facilities.
 7. Kindergartens, nursery schools or child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain twenty-five (25) square feet per child.

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

8. Beauty shops and barber shops, not exceeding 2,000 square feet in floor area, which employ no more than five licensed cosmetologists.
 9. Adult day care centers.
- b. **Accessory Uses within the P-1 zone shall be limited to only the following:**
1. Parking areas or structures.
 2. Non-commercial recreational uses listed in the P-1 zone.
- c. **Conditional Uses within the P-1 zone shall be limited to only the following:**
1. Offices of veterinarians, and animal hospitals (without overnight boarding).
 2. Parking lots and structures.
- d. **Conditional Uses within the R-4 zone shall be limited to only the following:**
1. Permitted conditional uses in the R-1A zone.
 2. Nursing homes, personal care homes, and orphanages.
 3. Assisted living facilities, boarding and lodging houses, and hospitality houses for more than eight (8) persons, provided that no use under this section may be less than 500 feet from another use permitted under this section.
 4. Community centers (without overnight accommodations).
 5. Kindergartens, nursery schools or child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain twenty-five (25) square feet per child.
 6. Parking lots, as permitted in Article 16-3 of the Zoning Ordinance.
- e. **Other Use Restrictions:**
1. The P-1 zoned land shall be limited to a maximum 3,000 square-foot, one-story building. Signage for such building shall be limited to one wall-mounted, non-illuminated sign, and shall be a maximum of ten (10) square feet in size.
 2. The R-4 zoned land shall be limited to a maximum of 60,000 square feet of total floor area.
 3. A landscape buffer of at least fifteen (15) feet in width shall be provided along the southern and eastern property boundaries, with plantings as specified by Article 18-3(a)(1)2 of the Zoning Ordinance, including a 6-foot tall privacy fence.
 4. Outdoor lighting shall be shielded and directed away from any adjacent residential zone. Lighting attached to a pole or any structure shall be a maximum of twenty (20) feet in height.
 5. No drive-through facilities shall be permitted on the subject property.

These use and buffering restrictions are appropriate and necessary to ensure greater compliance with the 2013 Comprehensive Plan, and to protect the adjoining residential land uses from development that is out of character with the existing neighborhood.

- b. **REQUESTED CONDITIONAL USE**
1. Community center
 2. Child care and adult day care facility
 3. Assisted living/personal care facility
- c. **REQUESTED VARIANCES**
1. Eliminate zone-to-zone landscape screening requirements internal to site
 2. Elimination of one interior landscape island of 700 square feet from the vehicular use area (VUA) in the proposed P-1 portion of the property

The Zoning Committee made no recommendation.

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

- a. Granting the requested conditional uses should not adversely affect the subject or surrounding properties. The uses proposed are, in general, advocated by the Armstrong Mill West Small Area Plan, and will coincide with and help to facilitate the adopted goals of the Plan. Additionally, the property was previously occupied by a school for academic instruction. Traffic from the proposed three conditional uses, even with the other uses proposed, should not be much (if any) more than was experienced when it was used as a school.
- b. All necessary public services and facilities are available to and either are or will be adequate to serve the subject property, in part because the two existing buildings will be adaptively re-used as part of the proposed redevelopment of the property.

The Staff Recommends: Postponement of the requested landscape variances, for the following reason:

- a. The Landscape Review Committee has not had an opportunity to review the requested variances. The next scheduled meeting is on August 15; and if a quorum is present, a recommendation on the requested landscape variances will likely

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

be made. Although the staff sees the requested variances as logical and justified, until that meeting occurs, it is best to defer a substantive recommendation.

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

1. Should the subject property be rezoned to R-4 and P-1, it shall be developed according to the submitted Zoning Development Plan, or as further amended by the Planning Commission. A minimum 15-foot landscape buffer, as required by Article 18 of the Zoning Ordinance, shall be implemented along the eastern property line where it adjoins residential properties/zoning.
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 new facilities.
3. Provided the landscape variances for the elimination of the interior zone-to-zone screening and the elimination of the 700 square-foot landscape island are granted, the new parking lot and driveway shall be paved, with spaces delineated, and landscaped/screened in accordance with Articles 16 and 18 of the Zoning Ordinance.
4. The final design of the parking lot, access drive and internal circulation shall be subject to review and approval by the Division of Traffic Engineering.
5. A storm water management plan shall be implemented in accordance with the requirements of the adopted Engineering Manuals, subject to acceptance by the Division of Engineering.

- d. PLN-MJDP-17-00035: MELODY VILLAGE, UNIT 3-C, BLK C, LOT 12 (8/24/17)* - located at 3743 Red River Drive.
(Abbie Jones Consulting)

The Subdivision Committee Recommended: Postponement. There were some questions regarding the lack of site statistical information, building dimensions, tree inventory information and the inability to verify off-street parking compliance.

1. Provided the Urban County Council rezones the property P-1; 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. Clarify parking generator for proposed legal P-1 uses and provide both required and proposed parking numbers in site statistics.
6. Increase font size for owner/Planning Commission certifications.
7. Resolve difference between P-1 FAR and lot coverage limitations, given two-story development proposed.
8. Alter the plan status to be for a preliminary development plan, and reflect in title.
9. Clearly delineate all the area(s) proposed for underground detention.
10. Remove the "elderly housing" dwelling units from plan and designate them as "assisted living" units, and alter all site statistics accordingly.
11. Correct site statistics for square footages based upon proposed buildings.

Staff Zoning Presentation – Ms. Wade said that this is a continuation of hearing that was previously held on June 22, 2017. She said that the applicant had amended their original application to request a split zone for the property, which is primarily High-Density Apartment (R-4 zone) and Professional Office (P-1 zone). She said that the applicant did not make very many changes to their development plan, but with their zone change they did now need to apply for a conditional use and two variances.

Ms. Wade said the staff agreed that because the amended proposal significantly reduced the P-1 zone, that it is now in agreement with the 2013 Comprehensive Plan and the Armstrong Mill Road West Small Area Plan. She said the applicant offered conditional zoning restrictions for both portions of properties. She said that staff did incorporate a majority of what the applicant offered but the staff couldn't support allowing the community centers as a principal permitted use, rehabilitation homes, hospitals, or accessory pharmacies and the accessory retail sales or personal services.

Ms. Wade said the staff is recommending approval and believes the amended application complies with the 2013 Comprehensive Plan and the Armstrong Mill Road West Small Area Plan.

Commission Question – Mr. Owens asked how the conditional uses within the P-1 zone are limited to offices of veterinarians and animal hospitals fits in. Ms. Wade replied that the applicant wants a medical office but under the available uses in the P-1 zone, they believed that the use could be feasible in a small building (3,000 square feet).

Development Plan Presentation – Mr. Martin presented a rendering of this preliminary development plan, which was displayed, and he also handed out an updated staff report to the Commission with revised conditions, as follows:

The Staff Recommends: Approval, subject to the following conditions:

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

1. Provided the Urban County Council rezones the property P-1 and R-4; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Clarify parking generator for proposed legal P-1 uses and provide both required and proposed parking numbers in site statistics.
6. ~~Increase font size for owner/~~Correct Planning Commission certifications.
7. ~~Resolve difference between P-1 FAR and lot coverage limitations, given two-story development proposed.~~
8. ~~Alter the plan status to be for a preliminary development plan, and reflect in title.~~
9. ~~Clearly delineate all the area(s) proposed for underground detention.~~
10. ~~Remove the "elderly housing" dwelling units from plan and designate them as "assisted living" units, and alter all site statistics accordingly.~~
7. 44. Correct site statistics for square footages based upon proposed buildings.
8. Provided the Planning Commission grants the requested variance to Art. 18 of the Zoning Ordinance.
9. Denote conditional use per Planning Commission approval on the plan.
10. Denote conditional zoning restrictions on the plan.

Mr. Martin pointed out the access off of Red River Drive, the existing school and the gymnasium, the proposed professional office and senior apartments. He said the applicant will be utilizing the existing drive and parking. He said the applicant is proposing approximately 55,000+ square feet of development on the property.

Mr. Martin said there are standard conditions on the plan, and reconciling the exact square footage shown in the buildings and in their site statistics. He said for the variance requested, the applicant needs to denote the conditional uses and the conditional zoning restrictions on the plan. He said the Subdivision Committee didn't review this revision, but the staff is recommending approval.

Requested Conditional Use and Variances - Mr. Martin presented the staff report and the staff's recommendations for the requested conditional use permits for a community center, child care and adult care facility, and assisted living/personal care facility for the portion of the property that is being requested for change to the R-4 zone. He said that these types of uses meet several goals from the Armstrong Mill Road West Small Area Plan, including the provision of a range of housing for different age groups and demographic characteristics. He said these uses will improve the quality of life and health by having the elderly and young people together creating a sense of community in a neighborhood setting.

Mr. Martin also addressed the two landscape variances the applicant is requesting, which relate to the P-1 zone and the R-4 zone. The first is to eliminate the zone-to-zone screening between the two zones, and the second is to eliminate the interior landscape island which is required within the parking area of the P-1 zone. He said that the Landscape Review Committee agreed with staff to recommended approval of these variances.

Applicant Presentation - Rich Murphy, representing the petitioner. He said the applicant is in agreement with the staff's recommendations and is available for questions.

Commission Question - Ms. Plumlee asked the applicant if there will be a duplication of services with the development being built on nearby Trent Village, which is an over 55 year old community. Mr. Bryan Hubbard replied that the Trent Village is serving more of the special needs population and not specifically elderly. He said there may be some overlap, but not any duplication.

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

Zoning Action - A motion was made by Ms. Richardson, seconded by Mr. Owens, and carried 10-0 (Penn absent) to approve PLN-MAR-17-00016: AFTON COMMUNITY DEVELOPMENT, LLC (AMD), including conditional zoning restrictions, for the reasons provided by the staff.

Development Plan Action - A motion was made by Ms. Richardson, seconded by Mr. Owens, and carried 10-0 (Penn absent) to approve PLN-MJDP-17-00035: MELODY VILLAGE, UNIT 3-C, BLK C, LOT 12, with the revised conditions provided by the staff.

Conditional Use - A motion was made by Ms. Richardson, seconded by Mr. Owens, carried 10-0 (Penn absent) to approve the conditional use of the community center, child care and adult care facility, and assisted living facility, as recommended by the staff.

Requested Variance Action - A motion was made by Ms. Richardson, seconded by Mr. Owens, carried 10-0 (Penn absent) to approve the requested variances, for the reasons provided by the staff.