

ORDINANCE NO. 043 - 2024

AN ORDINANCE CHANGING THE ZONE FROM A PROFESSIONAL OFFICE (P-1) ZONE TO A PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE, FOR 0.404 NET (0.522 GROSS) ACRES, FOR PROPERTY LOCATED AT 592 EUREKA SPRINGS DRIVE. (JENNY TALBOTT; COUNCIL DISTRICT 5).

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WHEREAS, at a Public Hearing held on March 28, 2024, a petition for a zoning ordinance map amendment for property located at 592 Eureka Springs Drive from a Professional Office (P-1) zone to a Planned Neighborhood Residential (R-3) zone for 0.404 net (0.522 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending 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 592 Eureka Springs Drive from a Professional Office (P-1) zone to a Planned Neighborhood Residential (R-3) zone for 0.404 net (0.522 gross) acres, being more fully described in Exhibit “A” which is attached hereto and incorporated herein by reference.

Section 2 – 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 3 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: May 9, 2024



MAYOR

ATTEST



CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: May 16, 2024-1t

0417-24:TWJ:4855-9899-7175, v. 1

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

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

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

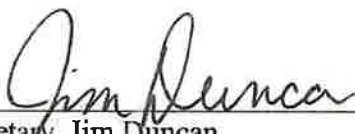
**IN RE:** **PLN-MAR-24-00005: JENNY TALBOTT** – a petition for a zone map amendment from a Professional Office (P-1) to Planned Neighborhood Residential (R-3) zone for 0.404 net (0.522 gross) acres for property located at 592 Eureka Springs Drive. (Council District 5)

Having considered the above matter on **March 28, 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 proposal will expand housing choices (Theme A, Goal #1) and will allow for a greater mixture of housing types by introducing new single-family attached residential units within the immediate area (Theme A, Objective #1.b).
  - b. The request will more effectively use an underutilized parcel within the urban service area (Theme E, Goal #1.e).
  - c. By reusing an existing structure, the request ensures that the development will remain at a compatible scale with the surrounding neighborhood (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 proposal creates a people first design by providing bicycle facilities, maintaining the existing pedestrian networks, and providing close connections to transit (Theme A, Design Policy #1).
  - b. The proposal is in agreement with the applicable Multi-family Design Standards, emphasizing the continuation of the structure's current design and scale, the continuation of the existing pedestrian network, as well as the increase in open space (Theme A, Design Policy #2).
  - c. The proposal provides additional variety to the housing stock in this area (Theme A, Design Policy #8).
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 increases the residential density on-site (A-DN-2-1), and introduces an appropriately scaled multi-family residential use into an area characterized by single-family detached and duplex uses (E-GR9-3).
  - b. The proposed rezoning meets the criteria for Transportation, Connectivity, and Walkability as it retains the existing sidewalk network that serves the site (A-DS4-1), and provides for a pedestrian connection to the transit stop at Yellowstone Parkway (A-DS1-2).
  - c. These proposed rezoning addresses the Environmental Sustainability and Resiliency development criteria, as the site does not impact any environmentally sensitive areas (B-PR2-1), reduces the amount of vehicular use area on-site (B-SU4-1), and increases the tree canopy present (B-PR7-1; B-RE1-1).
  - d. The proposal addresses the criteria for Site Design, as the request avoids overparking (C-PS10-2), creates a programmed picnic area in the open space (D-PL4-1), and provides sidewalk connections to the surrounding neighborhood (C-LI8-1).

- e. The proposed rezoning meets the criteria for Building Form by adaptively re-utilizing the existing structure into a more dense residential use (E-GR4-1) and by meeting the applicable Multi-family Design Standards (A-DS3-1).
4. This recommendation is made subject to approval and certification of PLN-MJDP-24-00012: East Hills Subdivision Unit 5-D (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.

ATTEST: This 12<sup>th</sup> day of April, 2024.

  
Secretary, Jim Duncan

LARRY FORESTER  
CHAIR

K.R.S. 100.211(7) requires that the Council take action on this request by June 26, 2024

Note: The corollary development plan, PLN-MJDP-24-00012: East Hills Subdivision Unit 5-D (AMD) was approved by the Planning Commission on March 28, 2024 and certified on April 11<sup>th</sup>, 2024.

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

**OBJECTORS**

- None.

**OBJECTIONS**

- None.

**VOTES WERE AS FOLLOWS:**

AYES:	(9)	Nicol, Meyer, Barksdale, Pohl, Worth, Zach Davis, Wilson, Michler, Owens
NAYS:	(0)	
ABSENT:	(2)	Forester and Johnathon Davis
ABSTAINED:	(0)	
DISQUALIFIED:	(0)	

Motion for **APPROVAL** of **PLN-MAR-24-00005** 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.)****Applicant:**

JENNY TALBOTT, 3440 DIXIANA DRIVE, LEXINGTON, KY 40517

**Owner(s):**

SAME

**Attorney:**

CHRIS CLENDENEN

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

592 EUREKA SPRINGS, LEXINGTON, KY 40509

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

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
P-1	OFFICE AND RESIDENTIAL	R-3	MULTI-FAMILY RESIDENTIAL	0.404	0.522

**4. COMPREHENSIVE PLAN**

a. Utilizing Placebuilder, what Place-Type is proposed for the subject site?	ENHANCED NEIGHBORHOOD
b. Utilizing Placebuilder, what Development Type is proposed for the subject site? If residential, provide the proposed density	MEDIUM DENSITY RESIDENTIAL

**5. EXISTING CONDITIONS**

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	YES X NO
b. Have any such dwelling units been present on the subject property in the past 12 months?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
c. Are these units currently occupied by households earning under 40% of the median income? If yes, how many units? If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing.	<input type="checkbox"/> YES <input type="checkbox"/> NO

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

Roads:	PUBLIC
Storm Sewers:	LFUCG
Sanity Sewers:	LFUCG
Refuse Collection:	LFUCG
Utilities:	<input checked="" type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas <input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable





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Richard@MurphyCledenlen.com

Chris@MurphyCledenlen.com

RICHARD V. MURPHY  
CHRISTOPHER M. CLENDENEN

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

February 5, 2024

Dear Mr. Chairman and Members:

Our firm represents the Applicant, Jenny Talbott, in this matter before the Commission in which our client seeks a zone map amendment and approval of a preliminary development plan for a lot known and designated as 592 Eureka Springs Drive. The property is situated on one side adjacent to a residential neighborhood and on the other to a commercial property. It is located where Yellowstone Parkway and Tilden Road each intersect with Eureka Springs Drive. The property is owned by the Applicant and currently contains a two-story commercial building which is vacant on the first floor and contains three (3) residential apartments on the second floor.

The Applicant is requesting a zone change from the current zone of P-1 (Professional Office) R-3 (Planned Neighborhood Residential). The proposed development plan calls for an expansion of the existing building by adding additional square footage.

## Description of Project:

The present building is commercial in nature and features three (3) multi-family residential housing units on the second floor while the existing first floor is currently set up for professional offices. The zone change is requested to allow three (3) apartments on the first floor rather than remaining as professional offices. The plan additionally calls for expansion of the existing building to allow for two (2) more residential housing units. This would increase the density of the property from the existing three (3) units to a total of eight (8).

## Goals and Objectives of the 2045 Comprehensive Plan:

The proposed zone change to B-2A agrees with the Goals and Objectives of the 2045 Comprehensive Plan. This application overwhelmingly meets the criteria of the Themes and Goals as follows:

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

This proposal prioritizes higher density by adding five (5) additional residential units dwelling units.

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

This proposal redevelops and repurposes existing land inside the urban service boundary from vacant commercial/office space to multi-family residential.

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

This proposal includes five (5) bicycle rack spaces to de-emphasize dependence on single occupancy automobile.

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

The existing tree canopy consists of 4904 square feet of tree coverage. The plan expands that to 6285 square feet. This is in excess of the required thirty percent (30%) or 5227 square feet.

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

This project takes and repurposes, through adaptive reuse, land used for professional offices, for much needed housing instead. The design makes greater use of the land for housing at a higher density level, saving space, and decreasing the need to expand the urban service boundary.

Policies 2045 Comprehensive Plan:

Design Policy #1 Utilize a people first design, ensuring that roadways are moving people efficiently & providing equitable pedestrian infrastructure.

This project provides for a balanced approach to transportation with an emphasis on multi-modal forms of transportation. It does this by insuring placement of bicycle racks, sidewalk connectivity to adjacent street with existing transit stop and adequate parking for single occupancy vehicles.

Design Policy #7 Design Car Parking lots and vehicular use areas to enhance walkability and "bikability."

This project reduces this existing paved parking area breaking up the mass of the existing parking area minimizing stormwater runoff.

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

This project provides for additional residential units within the same land area without significant contrast in scale, design, or massing. Building addition keeps consistent context of the existing building.

Engagement:

There is no existing neighborhood association for this area; however, the applicant will be engaging neighbors through letters and proposed meetings.

**Place Type/Development Type/Requested Zone Change:**

The proposed development fits within the Enhanced Neighborhood and Medium Density Residential (MR) under the Placebuilder criteria of the Comprehensive Plan. Enhanced Neighborhood is the most appropriate place type and the most appropriate development type, because at its core, the project involves a multi-family residential building within an existing neighborhood. Further, the project prioritizes density and multi modal connectivity. The Applicant seeks a zone change to R-3, which is a recommended zone for this place type.

**Development Criteria: Enhanced Neighborhood/Medium Density.**

The following are some of the criteria which are either not included in the development plan or warrant further discussion.

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

This project increases density on this land from three (3) residential housing units to eight (8).

A-DS5-1      Safe multi-modal facilities should be provided to ensure vehicular separation from bicycles, pedestrians, and other modes of transport.

This plan proposes safe pedestrian sidewalk which accesses both bicycle racks and vehicle parking lot.

B-SU4-1      Development should minimize and/or mitigate impervious surfaces.

This proposal reduces the existing paved surface area providing more open space and reduces the impervious surfaces.

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

Design uses existing topography and with minimal grading only.

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

The proposed design loses only one tree and preserves and increases the remainder of the existing tree canopy.

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

Design uses existing topography and with minimal grading only preserving the existing topography.

B-RE1-1      Developments should improve the tree canopy.

The plan proposes to add 4 additional medium sized trees, improving the tree canopy from 4904 square feet to 6295 square feet.



E-GR4-1      Development should incorporate the use of existing structure.

This proposal uses the existing structure to add three (3) of the proposed five (5) additional residential housing units.

No variances are requested by the Applicant at this time.

This proposal provides for essential residential multi-family housing opportunities for the community at a higher level of density. It makes good use of the available space and more importantly makes valuable use of underutilized land situated within the urban service boundary. It supports and is designed in conformity with the PlaceBuilder and is in agreement with the Goals and Objectives of the 2045 Comprehensive Plan.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Chris Clendenen", is written over a horizontal line.

Christopher M. Clendenen

CMC/prb

Cc:    to file J. Talbott/ D. Rehner/ J. Clements

**Zoning Legal Description**

**Not a boundary survey, not for land transfer**

**Jenny Talbott Property**

**Zone Change from P-1 to R-3**

**592 Eureka Springs Drive**

**Lexington, Fayette County, Kentucky**

**A TRACT OF LAND SITUATED ON THE NORTH AND EAST SIDE OF EUREKA SPRINGS DRIVE IN LEXINGTON, FAYETTE COUNTY, KENTUCKY AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING at a point in the centerline of Eureka Springs Drive, said point being in line with the north property line of 592 Eureka Springs Drive;**

**Thence North  $87^{\circ}11'07''$  East a distance of 244.30 feet to a point;**

**Thence South  $07^{\circ}12'04''$  West a distance of 54.03 feet to a point;**

**Thence South  $60^{\circ}40'48''$  West a distance of 206.16 feet to a point;**

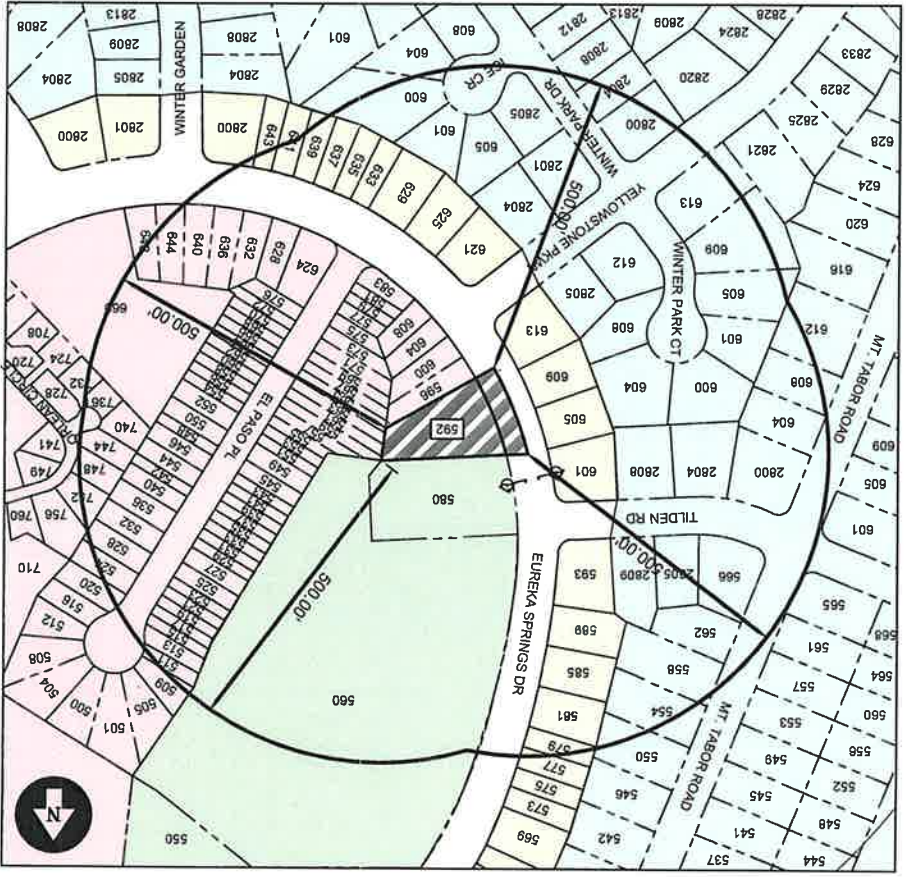
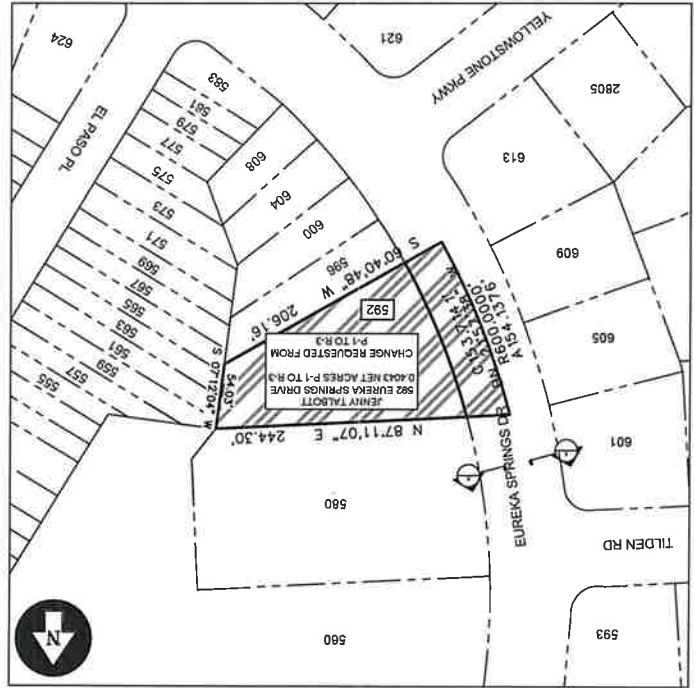
**Thence with a curve to the Right with an Arc Length of 154.14 feet, a Radius of 600.00 feet and a Chord bearing of North  $21^{\circ}57'38''$  West - 153.71 feet, to the point of beginning and containing a gross area of 0.522 acres and a net area of 0.404 acres.**



**ZONE CHANGE NOTIFICATION MAP  
 FOR JENNY TALBOTT  
 592 EUREKA SPRINGS DRIVE, LEXINGTON, FAYETTE COUNTY, KY 40517**

DATE	06/16/21
PROJECT	592 EUREKA SPRINGS DRIVE, LEXINGTON, KY 40517
CLIENT	JENNY TALBOTT
DESIGNER	THOROUGHBRD
CHECKED BY	DAVID M. GILBERT
DATE	06/16/21

TITLE: 592 EUREKA SPRINGS DRIVE FOR JENNY TALBOTT		FROM	TO	NET	GROSS
PROPERTY ADDRESS:	592 EUREKA SPRINGS DRIVE LEXINGTON, FAYETTE COUNTY, KENTUCKY				
APPLICANT:	JENNY TALBOTT 859-321-2074 JENNYTALBOTT@GMAIL.COM				
OWNER: SAME					
ZONE CHANGE REQUESTED	P-1	R-3	0.404	0.522	ACRES
STREET FRONTAGE: 137.83'					
PREPARED BY:	THOROUGHBRD				
DATE FILED OR AMENDED:	06/16/21				
TOTAL:			0.404	0.522	ACRES



- ZONE B-1
- ZONE R-3
- ZONE R-2
- ZONE R-1D





**JENNY TALBOTT  
(PLN-MAR-24-00005)**

592 EUREKA SPRINGS DRIVE

**Applicant/ Owner**

JENNY TALBOTT

3440 DIXIANA DRIVE

LEXINGTON, KY 40517

chris@murphyclendenen.com (Attorney)

**Application Details**

**Acreage:**

0.404 net (0.522 gross) acres

**Current Zoning:**

Professional Office (P-1) Zone

**Proposed Zoning:**

Planned Neighborhood Residential (R-3) Zone

**Place-type/Development Type**

Enhanced Neighborhood

Medium Density Residential

For more information about the Enhanced Neighborhood place type see Imagine Lexington pages 330-337. For more information on the Medium Density Residential Development Type see page 271.

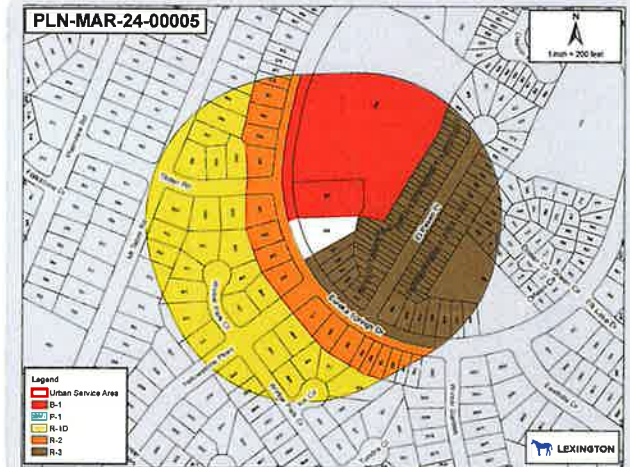
**Description:**

The applicant is seeking to rezone the subject property in order to reuse an existing two-story professional office building for a multi-family residential development. The applicant proposes a total of eight (8) dwelling units, for a density of 19.8 units per acre. The applicant is also proposing a total of seven (7) parking spaces to serve the development.

**Public Engagement**

The applicant has not provided any information regarding their public outreach efforts.

Rezone the property to establish a multi-family residential development.

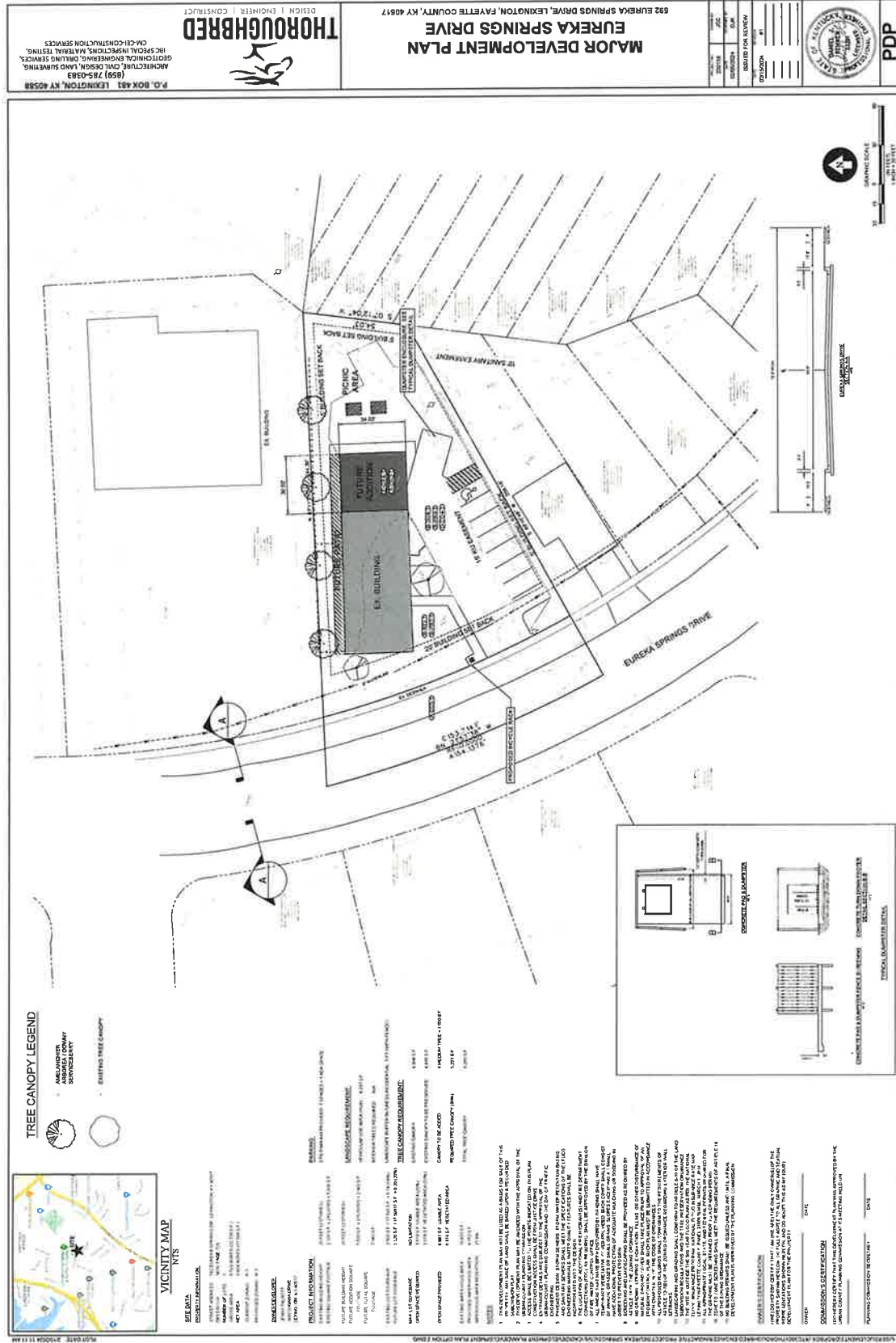


**Status**

- 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.

# Development Plan





# STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-24-00005: JENNY TALBOTT

## DESCRIPTION OF ZONE CHANGE

Zone Change: From a Professional Office (P-1) zone  
To a Planned Neighborhood Residential (R-3) zone

Acreage: 0.404 net (0.522 gross) acres

Location: 592 Eureka Springs Drive

## EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	P-1	Office/Residential
To North	B-1	Retail
To East	R-3	Residential
To South	R-3	Residential
To West	R-2	Residential



## URBAN SERVICE REPORT

**Roads** - The subject property is located on Eureka Springs Drive, a circular two-lane collector roadway that provides connectivity to the surrounding residential areas.

**Curb/Gutter/Sidewalks** - Curb, gutter and sidewalks exist along Eureka Springs Drive.

**Storm Sewers** - The subject properties are located within the East Hickman Creek watershed. There are no FEMA Special Flood Hazard Areas or known flooding issues on this property. Stormwater management for the area within Eureka Springs Drive, including the subject property, occurs to the southeast of the site in a regional detention basin.

**Sanitary Sewers** - The subject property is located within the East Hickman sewershed and will be serviced by the sewage treatment facility in northern Jessamine County. Sanitary sewer capacity will need to be verified by the Capacity Assurance Program (CAP) prior to certification of the final development plan.

**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 Fridays

**Police** - The closest police station to the subject property is the East Sector Roll Call Center, located on Saron Drive within the Veterans Park Area, approximately 3.2 miles southwest of the subject property.

**Fire/Ambulance** - Fire Station #16 is located approximately 1.6 miles to the south of the subject property, on Man O War Boulevard.

**Transit** - This area is served by Lextran Route #18, which has a stop on Yellowstone Parkway approximately 250 feet from the subject property.

**Parks** - The subject property is located 1/4 mile south of Mount Tabor Park.

## SUMMARY OF REQUEST

The applicant is seeking a zone change from the Professional Office (P-1) zone to the Planned Neighborhood Residential (R-3) zone in order to establish a multi-family residential use.

## 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  
A mix of attached and detached single-family homes, of varying formats, and low density multi-family 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

**R-3**

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 adapt an existing two story professional office structure into a total of eight (8) multi-family residential units, for a residential density of 17.24 units per acre. The applicant is proposing the residential use be served by seven (7) parking spaces, located along the eastern property line. The applicant is proposing to locate a patio area to the rear of the structure, as well as removing existing paved vehicular use area in order to establish a picnic area.

## APPLICANT & COMMUNITY ENGAGEMENT



There are no active neighborhood associations in the notification area for this request. The applicant indicated that they would still undertake community engagement efforts with this request, but have not provided any information regarding these efforts as of yet.

## PROPERTY & ZONING HISTORY



The area around the subject property was originally agricultural in nature, and was zoned Agricultural Urban (A-U) at the time of the 1969 comprehensive rezoning of the City and County. In 1973, the subject property was rezoned to the Planned Neighborhood Residential (R-3) zone (MAR-73-76). By 1984, the property had still not developed, so the applicant successfully had the property rezoned to the Professional Office (P-1) zone in order to construct a two story office building (MAR-84-31). At some point, the second floor of this structure was converted to dwelling units; however, a zone change would be necessary to establish residential on the first floor.

## 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 argues that their proposal will expand housing choices (Theme A, Goal #1) and will allow for a greater mixture of housing types (Theme A, Objective #1.b). This portion of Eureka Springs primarily consists of detached single-family development and duplexes. This request provides for a new, denser housing type than what is currently available in this area. The applicant further states that the current property is underutilized, and the proposed rezoning will facilitate a more effective use of the property (Theme E, Goal #1.e). Staff agrees that these goals can be met with this request, and also find that the proposal's reuse of an existing structure ensures that the development will remain at a compatible scale with the surrounding development (Theme A, Goal #2.b).

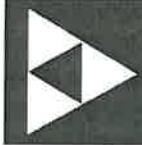
The applicant also addresses several policies of the 2045 Comprehensive Plan that they opine are being met with this request. The applicant opines that the proposal utilizes a people first design, citing the provision of bicycle facilities, existing pedestrian networks, and close proximity to transit (Theme A, Design Policy #1). The applicant further states that they are in agreement with the applicable Multi-family Design Standards, emphasizing the continuation of the structure's current design and scale, the continuation of the existing pedestrian network, as well as the increase in open space (Theme A, Design Policy #2). Finally, proposal provides additional variety to the housing stock in this area (Theme A, Design Policy #8). Staff agrees that these Policies of the 2045 Comprehensive Plan can be met with this request.

### 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 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 Medium Density Residential Development Type. While staff is in agreement with the applicant's choice in





place-type, staff disagrees with the applicant's choice in development type. With a total of eight units spread across two-stories, staff finds that the development would be best characterized under the Low Density Residential Development Type. While the Low Density Residential Development Type primarily consists of attached and detached single-family homes of varying formats, it can also include multi-family units as well. This Development Type should create context-sensitive neighborhoods and should be supplemented by a variety of uses and housing options to create sustainable places.

While staff does not agree with the applicant's choice in Development Type, the Planned Neighborhood Residential (R-3) zone is a recommended zone for both the Low and Medium Density Residential Development Type. 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

Staff finds that the request meets the criteria for Land Use, as the request increases the residential density on-site (A-DN-2-1), and introduces an appropriately scaled multi-family residential use into a primarily single-family detached area (E-GR9-3).

#### 2. Transportation Connectivity, and Walkability

Staff finds that the request meets the criteria for Transportation Connectivity, and Walkability as it retains the existing sidewalk network that serves the site (A-DS4-1), and provides for a pedestrian connection to the transit stop at Yellowstone Parkway (A-DS1-2).

#### 3. Environmental Sustainability and Resiliency

The proposal meets the requirements for Environmental Sustainability and Resiliency, as the site does not impact any environmentally sensitive areas (B-PR2-1), reduces the amount of vehicular use area on-site (B-SU4-1), and increases the tree canopy present (B-PR7-1; B-RE1-1).

#### 4. Site Design

Staff finds that the request meets the criteria for Site Design, as the request avoids overparking (C-PS10-2), creates a programmed picnic area in the open space (D-PL4-1), and provides sidewalk connections to the surrounding neighborhood (C-LI8-1).

#### 5. Building Form

Staff finds that the request meets the criteria for Building Form by adaptively re-utilizing the existing structure into a more dense residential use (E-GR4-1). While many of the criteria for the Multi-family Design Standards are not applicable for the reuse of an existing building, staff finds that the proposal is in agreement overall with the standards, as they will provide consistency with the design and materials of the current structure with the proposed expansion will increase the amount of usable open space present on site, and will provide pedestrian connections to the surrounding area (A-DS3-1).

## 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 proposal will expand housing choices (Theme A, Goal #1) and will allow for a greater mixture of housing types by introducing new single-family attached residential units within the immediate area (Theme A, Objective #1.b) .
  - b. The request will more effectively use an underutilized parcel within the urban service area (Theme E, Goal #1.e).
  - c. By reusing an existing structure, the request ensures that the development will remain at a compatible scale with the surrounding neighborhood (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 proposal creates a people first design by providing bicycle facilities, maintaining the existing pedestrian networks, and providing close connections to transit (Theme A, Design Policy #1).
  - b. The proposal is in agreement with the applicable Multi-family Design Standards, emphasizing the continuation of the structure's current design and scale, the continuation of the existing pedestrian network, as well as the increase in open space (Theme A, Design Policy #2).
  - c. The proposal provides additional variety to the housing stock in this area (Theme A, Design Policy #8).
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 increases the residential density on-site (A-DN-2-1), and introduces an appropriately scaled multi-family residential use into an area characterized by single-family detached and duplex uses (E-GR9-3).
  - b. The proposed rezoning meets the criteria for Transportation, Connectivity, and Walkability as it retains the existing sidewalk network that serves the site (A-DS4-1), and provides for a pedestrian connection to the transit stop at Yellowstone Parkway (A-DS1-2).
  - c. These proposed rezoning addresses the Environmental Sustainability and Resiliency development criteria, as the site does not impact any environmentally sensitive areas (B-PR2-1), reduces the amount of vehicular use area on-site (B-SU4-1), and increases the tree canopy present (B-PR7-1; B-RE1-1).
  - d. The proposal addresses the criteria for Site Design, as the request avoids overparking (C-PS10-2), creates a programmed picnic area in the open space (D-PL4-1), and provides sidewalk connections to the surrounding neighborhood (C-LI8-1).
  - e. The proposed rezoning meets the criteria for Building Form by adaptively re-utilizing the existing structure into a more dense residential use (E-GR4-1) and by meeting the applicable Multi-family Design Standards (A-DS3-1).
4. This recommendation is made subject to approval and certification of PLN-MJDP-24-00012 East Hills Subdivision Unit 5-D (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.

DAC/TLW  
3/6/2024

Planning Services/Staff Reports/MAR/2024/PLN-MAR-24-00005 JENNY TALBOTT.pdf

4. **JENNY TALBOTT DEVELOPMENT, LLC ZONING MAP AMENDMENT AND EAST HILLS SUBDIVISION UNIT 5-D (AMD) DEVELOPMENT PLAN**

- a. **PLN-MAR-24-00005: JENNY TALBOTT** – a petition for a zone map amendment from a Professional Office (P-1) to Planned Neighborhood Residential (R-3) zone for 0.404 net (0.522 gross) acres for property located at 592 Eureka Springs Drive.

**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 adapt an existing two story professional office structure into a total of eight (8) multi-family residential units, for a residential density of 17.24 units per acre. The applicant is proposing the residential use be served by seven (7) parking spaces, located along the eastern property line. The applicant is proposing to locate a patio area to the rear of the structure, as well as removing existing paved vehicular use area in order to establish a picnic area.

**The Zoning Committee Recommended: Approval.**

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

1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
  - a. The proposal will expand housing choices (Theme A, Goal #1) and will allow for a greater mixture of housing types by introducing new single-family attached residential units within the immediate area (Theme A, Objective #1.b).
  - b. The request will more effectively use an underutilized parcel within the urban service area (Theme E, Goal #1.e).
  - c. By reusing an existing structure, the request ensures that the development will remain at a compatible scale with the surrounding neighborhood (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 proposal creates a people first design by providing bicycle facilities, maintaining the existing pedestrian networks, and providing close connections to transit (Theme A, Design Policy #1).
  - b. The proposal is in agreement with the applicable Multi-family Design Standards, emphasizing the continuation of the structure's current design and scale, the continuation of the existing pedestrian network, as well as the increase in open space (Theme A, Design Policy #2).
  - c. The proposal provides additional variety to the housing stock in this area (Theme A, Design Policy #8).
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 increases the residential density on-site (A-DN-2-1), and introduces an appropriately scaled multi-family residential use into an area characterized by single-family detached and duplex uses (E-GR9-3).
  - b. The proposed rezoning meets the criteria for Transportation, Connectivity, and Walkability as it retains the existing sidewalk network that serves the site (A-DS4-1), and provides for a pedestrian connection to the transit stop at Yellowstone Parkway (A-DS1-2).
  - c. These proposed rezoning addresses the Environmental Sustainability and Resiliency development criteria, as the site does not impact any environmentally sensitive areas (B-PR2-1), reduces the amount of vehicular use area on-site (B-SU4-1), and increases the tree canopy present (B-PR7-1; B-RE1-1).
  - d. The proposal addresses the criteria for Site Design, as the request avoids overparking (C-PS10-2), creates a programmed picnic area in the open space (D-PL4-1), and provides sidewalk connections to the surrounding neighborhood (C-LI8-1).
  - e. The proposed rezoning meets the criteria for Building Form by adaptively re-utilizing the existing structure into a more dense residential use (E-GR4-1) and by meeting the applicable Multi-family Design Standards (A-DS3-1).

4. This recommendation is made subject to approval and certification of PLN-MJDP-24-00012 East Hills Subdivision Unit 5-D (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. PLN-MJDP-24-00012: EAST HILLS SUBDIVISION, UNIT 5-D (AMD) (5/5/24)\* - located at 592 EUREKA SPRINGS DRIVE, LEXINGTON, KY.**

Council District: 5

Project Contact: Thoroughbred Engineering

Note: The purpose of this plan is to depict the expansion of an existing structure on the site, in support of the requested zone change from a Professional Office (P-1) zone to a Planned Neighborhood Residential (R-3) zone.

The Subdivision Committee Recommended: 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. Greenspace planner's approval of the treatment of greenways and greenspace.
6. United States Postal Service Office's approval of kiosk locations or easement.
7. Revise plan title to match staff report.
8. Revise plan type from major to preliminary.
9. Dimension existing building.
10. Dimension parking lot, spaces, and access.
11. Dimension future patio and sidewalk.
12. Remove copyright in information in title block.
13. Delete 5' setback.
14. Clarify Kentucky Utility easement boundary.
15. Delete Notes #10, 11, 12, & 13.
16. Denote Floor Area Ratio (FAR) per Article 21 requirements.
17. Provide exhibit demonstrating compliance with open space requirements of Article 20 of the Zoning Ordinance.
18. Discuss compliance with zone-to-zone buffer requirements of Article 18 of the Zoning Ordinance.
19. Discuss Placebuilder criteria.

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 Professional Office (P-1) to Planned Neighborhood Residential (R-3) zone for 0.404 net (0.522 gross) acres for property located at 592 Eureka Springs Drive. Mr. Crum stated that the applicant is seeking to establish a multi-family residential development with the Enhanced Neighborhood Place-Type and the Low Density Residential Development-Type. Mr. Crum indicated that the applicant had initially requested Medium Density Residential, but with only two stories, it is more in line with the Low Density, and Staff is in agreement with applicant's selections. Additionally, Mr. Crum showcased the various residentially zoned properties in the area, as well as the businesses including the Lexington Ice Center, and adjoining convenient store.

Mr. Crum indicated that on the current property, there is a residential component on the second story of the current building that is allowed in the P-1 zone, but the applicant wishes to renovate the structure and make the entire building strictly residential. Mr. Crum presented the development plan and mentioned that the building would be staying the same, with the exception of an addition that will allow two additional units to be built.

Mr. Crum concluded his presentation stating that Staff is recommending approval and could answer any questions from the Planning Commission.

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

Development Plan Presentation – Mr. Tom Martin oriented the Planning Commission to the location and characteristics of the subject property. Mr. Martin reiterated Mr. Crum's point that the applicant is proposing an addition for more residential units, a picnic area, and is keeping the existing parking. Mr. Martin indicated that there was concern initially about meeting Article 18 landscaping and concluded that the applicant will be able to meet that requirement.

Mr. Martin concluded his presentation stating that Staff is recommending approval subject to the following revised 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. Greenspace planner's approval of the treatment of greenways and greenspace.
6. ~~United States Postal Service Office's approval of kiosk locations or easement.~~
6. 7. Revise plan title to match staff report.
8. ~~Revise plan type from major to preliminary.~~
9. ~~Dimension existing building.~~
10. ~~Dimension parking lot, spaces, and access.~~
11. ~~Dimension future patio and sidewalk.~~
12. ~~Remove copyright in information in title block.~~
13. ~~Delete 5' setback.~~
14. ~~Clarify Kentucky Utility easement boundary.~~
15. ~~Delete Notes #10, 11, 12, & 13.~~
16. ~~Denote Floor Area Ratio (FAR) per Article 21 requirements.~~
7. 17. Provide exhibit demonstrating compliance with open space requirements of Article 20 of the Zoning Ordinance.
8. 18. Discuss Resolve compliance with zone-to-zone buffer requirements of Article 18 of the Zoning Ordinance.
9. 19. Discuss Placebuilder criteria.

Applicant Presentation – Chris Clendenen, attorney for the applicant, stated that Mr. Crum and Mr. Martin did a nice job of explaining the application, and are in agreement with the recommendations of Staff. Mr. Clendenen indicated that this project is taking an existing piece of property, with 3 housing units, rezoning to R-3, and building an addition, to allow for a total of 8 units.

Mr. Clendenen concluded by stating he could answer any questions from the Planning Commission.

Commission Questions and Comments – Mr. Pohl stated that he would like the applicant to rethink the location of the bike rack and put it closer to the building.

Action – A motion was made by Mr. Wilson, seconded by Ms. Barksdale and carried 9-0 (Forester and Johnathon Davis absent) to approve PLN-MAR-24-00005: JENNY TALBOTT for reasons provided by Staff.

Action – A motion was made by Mr. Wilson seconded by Ms. Barksdale and carried 9-0 (Forester and Johnathon Davis absent) to approve PLN-MJDP-24-00012: EAST HILLS SUBDIVISION, UNIT 5-D (AMD) with the revised 9 conditions recommended by Staff and crossing out condition #9 and replacing it with Mr. Pohl's point on the location of the bicycle rack to a more secure location.