

ORDINANCE NO. 025 - 2023

AN ORDINANCE CHANGING THE ZONE FROM A SINGLE FAMILY RESIDENTIAL (R-1D) ZONE TO A PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE, FOR 0.97 NET (1.15 GROSS) ACRES, FOR PROPERTY LOCATED AT 2819 LIBERTY ROAD. (LIBERTY PARK DEVELOPMENT, LLC; COUNCIL DISTRICT 6).

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WHEREAS, at a Public Hearing held on January 26, 2023, a petition for a zoning ordinance map amendment for property located at 2819 Liberty Road from a Single Family Residential (R-1D) zone to a Planned Neighborhood Residential (R-3) Zone, for 0.97 net (1.15 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change by a vote of 8-0; 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 2819 Liberty Road from a Single Family Residential (R-1D) zone to a Planned Neighborhood Residential (R-3) Zone, for 0.97 net (1.15 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: March 23, 2023



\_\_\_\_\_  
MAYOR

ATTEST:



\_\_\_\_\_  
CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: March 30, 2023-1t

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

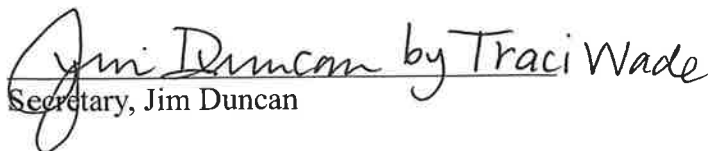
Date: \_\_\_\_\_

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

**IN RE:** **PLN-MAR-22-000027: LIBERTY PARK DEVELOPMENT LLC** – a petition for a zone map amendment from a Single Family Residential (R-1D) zone, to a Planned Neighborhood Residential (R-3) zone, for 0.97 net (1.15 gross) acres, for property located at 2819 Liberty Road. (Council District 6)

Having considered the above matter on **January 26, 2023**, at a Public Hearing, and having voted **8-0** 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. A rezoning to the Planned Neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan's Goals, Objectives, and Policies, for the following reasons:
  - a. The request supports infill and redevelopment throughout the Urban Service Area as a strategic component of growth (Theme A, Goal #2), and will be assisting in redeveloping an underutilized corridor (Theme E, Goal#1.c) by activating a vacant and underutilized portion of land along a minor arterial corridor to provide additional housing.
  - b. The proposed project will expand housing choices by supplementing the existing detached single-family residential and multi-family residential housing in this area with attached single-family residential units (Theme A, Goal #1).
  - c. The proposed development will provide for well-designed neighborhoods and encouraging safe social interactions by providing safe pedestrian connectivity to both Liberty Road and the Liberty Trail (Theme A, Goal#1.b and Design Policy #1).
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 development reinforces the streetscape along Liberty Road, locates parking internally, and helps further activate the Liberty Trail.
  - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity through providing safe and effective connections to the Liberty Trail, as well as the existing pedestrian network along Liberty Road.
  - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will as the proposal works with the existing landscape and has no impact on environmentally sensitive areas
3. This recommendation is made subject to approval and certification of **PLN-MJDP-22-00080: Rose H Brigden & Mark McClure Property: Tract A** prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

  
Secretary, Jim Duncan

**LARRY FORESTER**  
CHAIR

Note: The corollary development plan, **PLN-MJDP-22-00080: ROSE H. BRIGDEN & MARK MCCLURE PROPERTY, TRACT A** was approved by the Planning Commission on January 26, 2023 and was certified on February 9, 2023.

K.R.S. 100.211(7) requires that the Council take action on this request by May 26, 2023.

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

**OBJECTORS**

- None

**OBJECTIONS**

None

**VOTES WERE AS FOLLOWS:**

AYES:	(8)	Barksdale, Davis, de Movellan, Forester, Meyer, Michler, Penn, and Worth
NAYS:	(0)	
ABSENT:	(3)	Bell, Nicol, and Pohl
ABSTAINED:	(0)	
DISQUALIFIED:	(0)	

Motion for **APPROVAL** of **PLN-MAR-22-00027** carried.

Enclosures:      Application  
                         Justification  
                         Legal Description  
                         Plat  
                         Development Snapshot  
                         Staff Report  
                         Applicable excerpts of minutes of above meeting

## MAP AMENDMENT REQUEST (MAR) APPLICATION

**1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)**

<b>Applicant:</b> LIBERTY PARK DEVELOPMENT LLC, 201 W VINE ST, LEXINGTON, KY 40507
<b>Owner(s):</b> LIBERTY PARK DEVELOPMENT LLC, 201 W VINE ST, LEXINGTON, KY 40507
<b>Attorney:</b> RICHARD MURPHY, 250 WEST MAIN STREET, STE #2300, LEXINGTON, KY 40507

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

2819 LIBERTY RD, LEXINGTON, KY 40509
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**3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY**

Zoning	Existing Use		Requested Use		Acreage	
					Net	Gross
R-1D		VACANT	R-3	RESIDENTIAL	0.966	1.151

**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	LOW DENSITY RESIDENTIAL

**5. EXISTING CONDITIONS**

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
b. Have any such dwelling units been present on the subject property in the past 12 months?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
c. Are these units currently occupied by households earning under 40% of the median income? 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:	LFUCG
Storm Sewers:	LFUCG
Sanity Sewers:	LFUCG
Refuse Collection:	LFUCG
Utilities:	<input checked="" type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas <input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable



# MURPHY & CLENDENEN, PLLC

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RICHARD V. MURPHY  
CHRISTOPHER M. CLENDENEN

November 28 2022

Mr. Larry Forrester, Chairman  
and Members of the Lexington-Fayette Urban County Planning Commission  
200 East Main Street  
Lexington, KY 40507

Re: Proposed zone change for 2819 Liberty Road

Dear Chairman Forrester and Members of the Planning Commission:

This letter is written on behalf of Liberty Park Development, LLC, which is filing a zone change application and development plan for the property at 2819 Liberty Road. The property is less than one net acre and is currently zoned Single-Family Residential (R-1D). We are requesting a zone change to the Planned Neighborhood (R-3) zone in order to allow the construction of single-family attached townhome units.

## **DESCRIPTION OF PROJECT**

This property is located on Liberty Road, and has approximately 360 feet of direct frontage to the Brighton Trail, a major multi-use trail in our community. The property is located across Liberty Road from the Cadentown Lane area, and is northwest of the property at 2833 Liberty Road, which was recently rezoned for a veterinary clinic.

The focal point of the project is the Brighton Trail, and the development is designed to give its residents access to the trail. In addition, Liberty Park is directly across the Brighton Trail from this property. Our residents will have direct access to Brighton Trail and Liberty Park and will have easy access by the trails to Liberty Elementary School and to other destinations in the Hamburg area.

The project will consist of townhome units, which will be available for sale to working families in Lexington.

## **GOALS AND OBJECTIVES OF THE 2018 COMPREHENSIVE PLAN**

This proposal is in agreement with the Goals and Objectives of the 2018 Comprehensive Plan. This development will supply housing for sale to working families, which will provide an additional option to residents in this area. We are close to apartment complexes on the northeast

side of Liberty Road, and single-family detached homes on the southwest side of Liberty Road (Cadentown). Our project will supply an option for attached single-family housing for individual sale, thus complying with the objectives of Theme A, Goal 1, Expand Housing Choices, and Objective A.1.b., accommodating the demand for housing in Lexington responsibly, prioritizing higher-density and mixture of housing types.

This project develops a one-acre tract which has been vacant for many years, supporting Goal A.2., to support infill and redevelopment throughout the Urban Service Area as strategic component of growth. It complies with Objective A.2.a. and A.2.b., by allowing infill development of this parcel in a single-family attached development which will be compatible with the surrounding land uses.

The development is also in agreement with Goal A.3., which calls for the provision of well-designed neighborhoods and communities. Objective A.3.b. calls for positive and safe social interaction in neighborhoods, including neighborhoods that are connected for pedestrians and various modes of transportation. The Brighton Trail, Liberty Trail and Liberty Park are adjacent to this property and provide that opportunity for social interaction. In addition, the development of this long vacant tract will minimize the disruption of natural features (Objective A.3.c.). The presence of the Brighton Trail and Liberty Trail will provide safe routes for pedestrians and bicyclists to other community facilities including Liberty Park and Liberty Elementary in accord with Objective A.4.a. The development will help reduce Lexington-Fayette County's carbon footprint by fully utilizing the multi-modal options on the Brighton Trail and Liberty Trail (Objective B.2.d.).

This project complies with Theme D, Improving a Desirable Community. It accommodates a pedestrian design, and it accommodates the needs of bicycle traffic, as well as automotive traffic on Liberty Road (Objective D.1.a.). It includes bicycles and walkways, as called for in Objective D.1.b.

Finally, the proposal complies with Theme E, Urban and Rural Balance. It assists in upholding the Urban Service Area concept by assisting in redevelopment of an underutilized corridor (Objective E.1.c.) and by maximizing development on vacant land within the Urban Service Area and enhancing urban form (Objective E.1.d.). Also, by developing this vacant parcel, it assists in maintaining the current boundaries of the Urban Service Area (Goal E.3.).

## **ENGAGEMENT**

Jeff Morgan of Liberty Park Development, LLC has had discussions with the owners of the property at 2833 Liberty Road, which is the only privately owned parcel immediately adjacent to the property. In addition, he will be conducting community meetings in Cadentown to solicit input.

## **PLACE-TYPE, DEVELOPMENT TYPE AND REQUESTED ZONE**

This proposal fits within the Enhanced Neighborhood Place-type, and within the Low-Density Residential (LR) development type. We are requesting the Planned Neighborhood Residential (R-3) zone which is a recommended zone for this place-type and development type.

## **DEVELOPMENT CRITERIA**

Here is a discussion of the criteria that were not specifically addressed on the development plan, or which need further discussion:

- A-DS5-3 and A-DS10-1. The focal point of this development is the adjacent Brighton Trail. The buildings are oriented to provide a visual and pedestrian connection with the trail.
- A-DN2-1, A-DN6-1 and B-PR9-1. By utilizing attached single-family residential uses, this development acts as a transition between the single-family detached uses in Cadentown to the southwest side of Liberty Road, and the higher-density apartment uses on the northeast side of Liberty Road. This provides new compact single-family housing types and will minimize to the greatest extent possible disturbance to the existing topography. There are no environmentally sensitive areas on the property.
- C-LI6-2. This development is designed to provide residential units for sale to working families. The smaller size of the units will preclude use of accessory dwelling units.
- C-LI7-1. This development will provide safe access to community facilities by utilizing the Brighton and Liberty trails to separate pedestrian and bicycle traffic from the automotive traffic on Liberty Road. There is nearby access to schools, employment, business, shopping and entertainment in the Man-O-War and Hamburg area, in addition to the nearby Liberty Elementary School.
- C-PS10-3. Most parking will be provided in garages and driveways. A few guest parking spaces are also provided. This development is not over-parked.
- D-PL7-1. The applicant has held consultations with the owner of the property at 2633 Liberty Road, the only privately held property which is directly adjacent to the subject property. He also will be holding conversations with the Cadentown neighborhood.
- E-GR9-1. The applicant intends to construct two-bedroom units which also have a flex room on the first floor which can serve as a home office or as a bedroom. Most customers have chosen to use that space as an office.

- E-GR9-4. This proposal will intensify underutilized properties and develop this property which is vacant and has been a gap within the neighborhood.
- A-DS1-1, A-DS1-2 and A-DS5-1. LexTran does not currently serve this portion of Liberty Road. The nearest available connections are to Pink Pigeon Parkway and Man-O-War Boulevard, both of which are easily accessible by vehicle, and can be accessed through the Brighton Trail. Thus, there are pedestrian linkages to the nearest available mass transit. The Brighton Trail and Liberty Trail provide separation of vehicles from pedestrian and bicycle travel.
- A-DS4-1 and A-DS10-2. As mentioned above, the Brighton Trail and nearby Liberty Trail are the focal points of this development. These trails interconnect with adjacent neighborhoods and school.
- B-CO1-1 and B-CO2-1. The trail system and Liberty Road have been constructed by the city and state and provide safe rights-of-way for traffic and pedestrian and bicycle traffic and separate the two uses.
- B-CO-2-2. This development connects directly to the Brighton Trail and Liberty Trail which are both generally accessible to those with disabilities.
- B-SP1-3. There is existing multi-modal transportation infrastructure to the nearby Liberty Elementary, including sidewalks, the shared use trails mentioned above and roadways that are adequate to handle the vehicular traffic.
- A-DS4-3. The use of this property for attached single-family units will utilize the existing landscape to the greatest extent possible.
- A-EQ7-3. The open space on the subject property will be private. We will provide our residents with connections to public open spaces and trails.
- B-PR7-1. We have connections to adjacent greenways, trees and the stream corridor on the Liberty Trail.
- E-GR3-1 and E-GR3-2. As mentioned above, visual and physical connections will be made to the Brighton Trail. The Brighton Trail itself is the focal point of this development and provides a unique opportunity for the residents to enjoy the benefits of the trail system.

## **VARIANCE REQUEST**

In addition to the zone change application, we are requesting a variance of the rear yard setback from 25 feet to 10 feet along the Brighton Trail. The required rear yard setback in the R-3 zone is 10-feet. However, we are adjacent to the Brighton Trail, which is zoned Agricultural



Urban (A-U). The zoning ordinance requires that when a property is adjacent to another property which is in a different zone, the greater setback must be observed.

The setback in the A-U zone is designed to protect agricultural uses. However, there is no agricultural use on the Brighton Trail, and there are no buildings on the Brighton Trail. The odd shape of the subject property places its greatest frontage along the Brighton trail, and we wish to utilize the trail as the focal point of the development. Thus, we are requesting to reduce the rear yard setback from 25 feet to 10 feet. Ten feet is the normal setback in the R-3 zone if we were not adjacent to the A-U zone.

Thus, we are requesting a variance for the following reasons:

1. Granting this variance will not adversely affect the public health, safety or welfare and will not alter the character of the general vicinity and will not cause a hazard or nuisance to the public because there are no agricultural operations on the adjacent property, which is the Brighton Trail, and there are no buildings on the Brighton Trail. It is not uncommon along the trail to have residential uses directly adjacent to the trail. Also, having residential uses next to the trail provides additional safety due to the proximity of the residential units.

2. Granting this variance will not allow an unreasonable circumvention of the requirements of the Zoning Ordinance because there is no agricultural activity or buildings on the adjacent property, and it is appropriate to have the trail serve as the focal point of the development.

3. The special circumstances that apply to this property and which do not generally apply to the land in the general vicinity or in the same zone are that this is an urban area in which the old railroad tracks, which now constitute the trail, were never rezoned. There is no agricultural activity or buildings on the trail.

4. Strict application of the regulations of the Zoning Ordinance would deprive the applicant of a reasonable use of its land or create an unnecessary hardship because the unusual triangular shape of the property is oriented to the adjacent Brighton Trail, with approximately 360 feet of frontage. Requiring a 25-foot setback would greatly increase the development constraints on the property.

5. The circumstances surrounding the requested variance are not the result of the actions of this applicant taken subsequent to the regulation from which relief is sought. The applicant has recently purchased the property and is requesting this variance prior to the commencement of any development activity.

## **CONCLUSION**

Our proposal will allow development of a long-vacant parcel with attached single-family housing. The orientation to the Brighton Trail will make this an attractive addition to this portion of the community.

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

Sincerely,



Richard V. Murphy  
Attorney for Liberty Park Development, LLC

RVM/prb  
Justification Letter 11-28-22.docx

**LOW DENSITY RESIDENTIAL**

**SITE DESIGN, BUILDING FORM, & LOCATION**

- A-DS5-3** Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
- A-DS7-1** Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
- A-DS7-2** Any non-residential or multi-family parking not buffered by a building should be screened from the streetscape view and adjacent properties.
- A-DS10-1** Residential units should be within reasonable walking distance to a focal point.
- A-DS11-1** Common public uses that serve as neighborhood focal points, such as parks and schools, should be on single loaded streets.
- A-DN2-1** Infill residential should aim to increase density.
- A-DN6-1** Allow and encourage new compact single-family housing types.
- A-EQ7-1** School sites should be appropriately sized.
- B-PR9-1** Minimize disturbances to environmentally sensitive areas by utilizing the existing topography to the greatest extent possible.
- B-SU11-1** Green infrastructure should be implemented in new development. (E-GR3)
- C-LI6-2** ADUs and/or affordable housing options should be incorporated into existing and new single-family residential development. (A-DN5)
- C-LI7-1** Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.
- C-PS10-2** Developments should explore options for shared and flexible parking arrangements for currently underutilized parking lots.
- C-PS10-3** Over-parking of new developments should be avoided. (B-SU5)
- D-PL7-1** Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
- D-RL9-1** Historically significant structures should be preserved.
- D-SP1-1** Elementary and middle schools should be located within residential neighborhoods, and high schools primarily along collector streets. (A-EQ7)
- D-SP1-2** An open and inviting school campus/locale should utilize frontage on single-loaded streets (also true for other support facilities, like parks, community centers, social services, healthcare).
- D-SP3-1** Adequate right-of-way, lease areas and easements for infrastructure, with emphasis on wireless communication networks should be provided to create reliable service throughout Lexington.

- D-SP3-2** Cellular tower antennae should be located to minimize intrusion and negative aesthetic impacts, and stealth towers and landscaping should be used to improve the visual impact from the roadway and residential areas.
- D-SP9-1** Encourage co-housing, shared housing environments, planned communities and accessory dwelling units for flexibility and affordability for senior adults and people with disabilities.
- E-GR4-1** Developments should incorporate reuse of viable existing structures.
- E-GR5-1** Structures with demonstrated historic significance should be preserved or adapted.
- E-GR9-1** Live/work units should be incorporated into residential developments.
- E-GR9-3** Less intense multi-family residence types (duplexes, four-plexes, courtyard apartments, etc.) should be incorporated into primarily single-family areas.
- E-GR9-4** Development should intensify underutilized properties and develop vacant and underutilized gaps within neighborhoods. (E-GR6)

**TRANSPORTATION & PEDESTRIAN CONNECTIVITY**

- A-DS1-1** Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7).
- A-DS1-2** Direct pedestrian linkages to transit should be provided.
- A-DS4-1** A plan for a connected multimodal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided. (A-DS2, A-DN1, B-SU1, B-SU2, C-LI7, E-AC5)
- A-DS5-1** Adequate multimodal infrastructure should be provided to ensure vehicular separation from other modes of transport.
- A-DS5-2** Roadways should provide a vertical edge, such as trees and buildings.
- A-DS10-2** New focal points should be designed with multimodal connections to the neighborhood.
- A-DS13-1** Stub streets should be connected. (D-CO4)
- B-SU4-1** Where greenspace/community centers are not located within walking distance of a new development, applicants should attempt to incorporate those amenities. (A-DS9)
- D-CO1-1** Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type.
- D-CO2-1** Safe facilities for all users and modes of transportation should be provided.

LOW DENSITY RESIDENTIAL

TRANSPORTATION & PEDESTRIAN CONNECTIVITY (CONT)

- D-CO2-2** Development should create and/or expand a safe, connected multimodal transportation network that satisfies all users' needs, including those with disabilities.
- D-CO4-1** Dead-end streets and Cul-de-sacs should be discouraged except where connections are not topographically or environmentally feasible.
- D-CO4-2** Roadway capacity should be increased by providing multiple parallel streets, which alleviate traffic and provide multiple route options, in lieu of additional lanes.
- D-CO4-3** Street pattern and design should consider site topography and minimize grading where possible.
- D-CO5-1** Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.
- D-SP1-3** Developments should provide multimodal transportation infrastructure to school sites, including sidewalks, shared-use paths, and roadways that can accommodate the bus and vehicle traffic associated with the site.

GREENSPACE & ENVIRONMENTAL HEALTH

- A-DS4-3** Development should work with the existing landscape to the greatest extent possible, preserving key natural features.
- A-EO7-3** Community open spaces should be easily accessible and clearly delineated from private open spaces.
- B-PR2-1** Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.
- B-PR2-2** Dividing floodplains into privately owned parcels with flood insurance should be avoided.
- B-PR2-3** Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them.
- B-PR7-1** Connections to greenways, tree stands, and stream corridors should be provided.
- B-PR7-2** Trees should be incorporated into development plans, prioritize grouping of trees to increase survivability.
- B-PR7-3** Developments should improve the tree canopy.
- B-RE1-1** Developments should incorporate street trees to create a walkable streetscape.
- B-RE2-1** Green infrastructure should be used to connect the greenspace network.

D-SP2-1 Visible, usable greenspace and other natural components should be incorporated into school sites.

- D-SP2-2** Active and passive recreation opportunities should be provided on school sites.
- E-GR3-1** Physical and visual connections should be provided to existing greenway networks.
- E-GR3-2** New focal points should emphasize geographic features unique to the site.

ENHANCED NEIGHBORHOOD

Theme Letter - Pillar Abbreviation & Policy Number - Criteria Number  
 Ex: from Theme A, Design Pillar, Policy #1, Criteria #1: A-DS1-1. Full decoder on page ##

Criteria that include additional policy items in parentheses refer to companion policies that will provide additional context to the related criteria.

THE FOLLOWING DESCRIPTION IS INTENDED FOR ZONING PURPOSES ONLY. THE DESCRIPTION REPRESENTS INFORMATION DEPICTED ON DOCUMENTS OF RECORD FOUND IN THE FAYETTE COUNTY CLERK'S OFFICE. THIS DESCRIPTION DOES NOT REPRESENT A BOUNDARY SURVEY AND SHOULD NOT BE USED FOR REAL ESTATE CONVEYANCE OR TRANSFER.

**Liberty Park Development, LLC  
Zone Change from R-1D to R-3  
2819 Liberty Road  
Lexington, KY 40509**

A tract of land lying on the north side of Liberty Road, within the City of Lexington, County of Fayette, Commonwealth of Kentucky and more particularly described as follows:

Beginning at a point on the northern right of way line of Liberty Road as conveyed to the Commonwealth of Kentucky in Deed Book 2971, Page 606 of the Fayette County Clerk's records and, being approximately 474 feet north of Campbell Lane. Said point being the southwest corner of the parcel conveyed to Gentry Family Enterprises, LLC in Deed Book 3374, Page 75 and being on the B-4 Zone delineation line; thence with said B-4 Zone line and the line of Gentry for three (3) call:

1. N 58°39'16" E a distance of 50.21 feet;
2. S 30°53'35" E a distance of 50.39 feet;
3. N 59°04'14" E a distance of 285.00 feet

to a point on the line of the parcel conveyed to Lexington Fayette County Urban County Government (LFUCG) in Deed Book 3521, Page 112 and being on the A-U Zone delineation line; thence with said A-U Zone line and the line of LFUCG for one (1) call:

4. N 81°57'08" W a distance of 359.50 feet

to a corner of the parcel conveyed to the Commonwealth of Kentucky in Deed Book 2971, Page 606; thence with the line of said Commonwealth of Kentucky and severing the R-1D Zone for one (1) call;

5. S 38°23'16" W a distance of 72.20 feet

to a point on the northern Right of Way line of said Liberty Road; thence continuing R-1D Zone severance for one (1) call:

6. S 53°32'47" W a distance of 55.10 feet

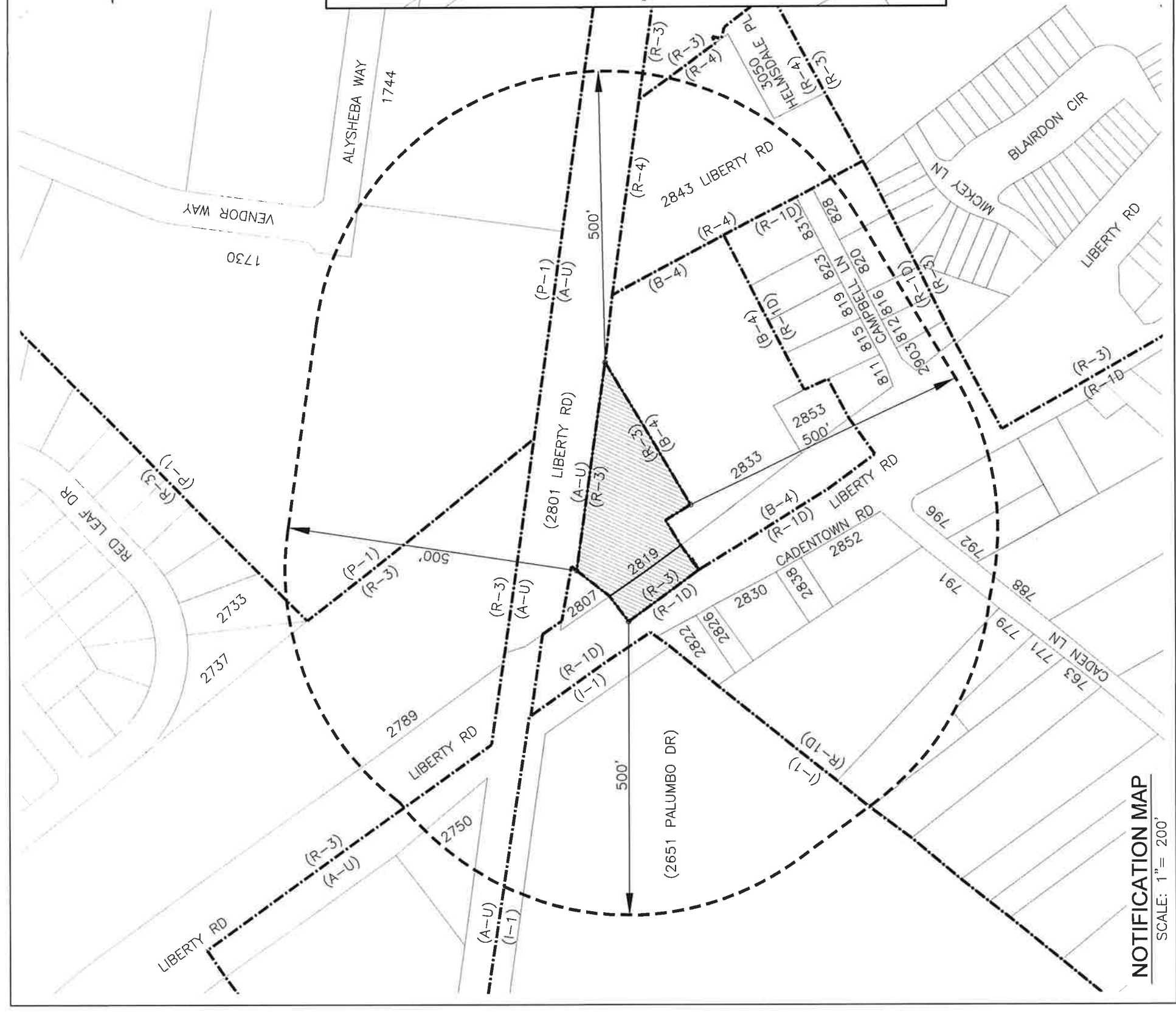
to a point on the centerline of said Liberty Road, thence with said centerline and continuing R-1D severance for one (1) call:

7. S 36°27'13" E a distance of 151.09 feet

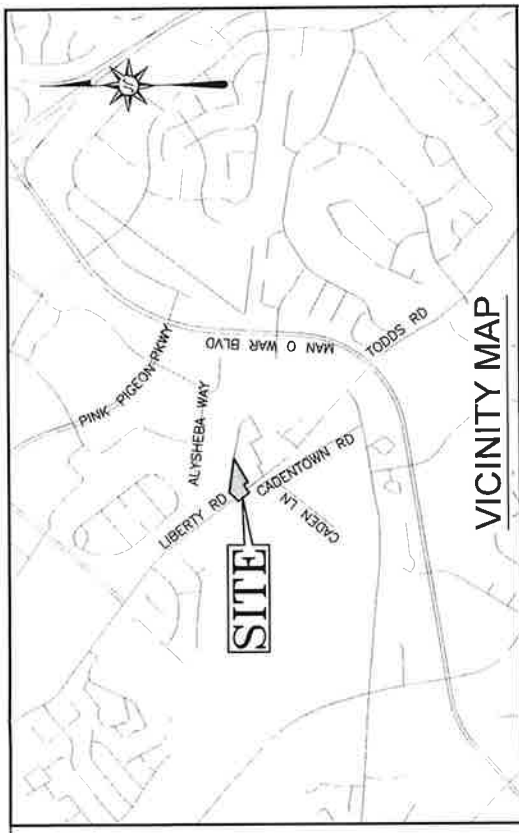
to a point on the said B-4 Zone delineation line; thence with said B-4 Zone line for one (1) call:

8. N 53°30'05" E a distance of 52.39 feet to the Point of Beginning,

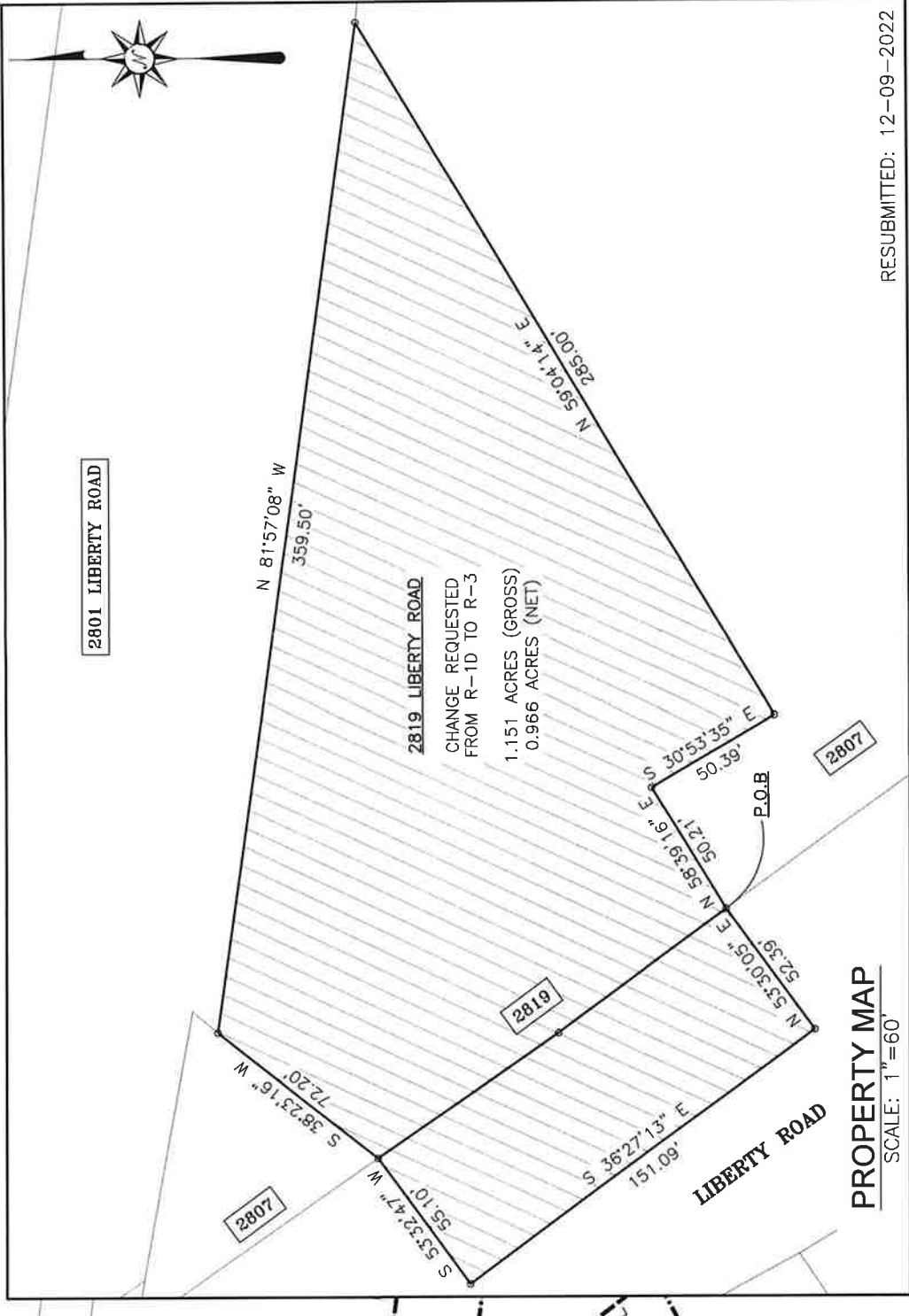
containing 1.151 acres Gross and 0.966 acres Net.



**NOTIFICATION MAP**  
SCALE: 1" = 200'



**VICINITY MAP**



**PROPERTY MAP**  
SCALE: 1" = 60'

**2819 LIBERTY ROAD**  
CHANGE REQUESTED  
FROM R-1D TO R-3  
1.151 ACRES (GROSS)  
0.966 ACRES (NET)

RESUBMITTED: 12-09-2022



PLN-MAR-22-00027

ZOMAR:	TITLE: 2819 LIBERTY RD		
PROPERTY ADDRESS:	2819 LIBERTY RD		
OWNER / APPLICANT:	LIBERTY PARK DEVELOPMENT LLC		
	201 W VINE ST		
	LEXINGTON, KY 40507		
PREPARED BY:	VISION ENGINEERING, LLC		
DATE FILED OR AMENDED:	NOVEMBER 28, 2022		
	TOTAL		
FROM	TO	GROSS	NET
R-1D	R-3	1.151	0.966

# LIBERTY PARK DEVELOPMENT, LLC (PLN-MAR-22-00027)

2819 LIBERTY ROAD

Rezone the property to construct thirteen townhomes.

## Applicant/Owner

LIBERTY PARK DEVELOPMENT, LLC  
201 W Vine Street  
Lexington, KY 40507  
richard@murphyclendenen.com (Attorney)

## Application Details

### Acreeage:

0.966 (1.151 gross) acres

### Current Zoning:

Single Family Residential (R-1D) zone

### Proposed Zoning:

Planned Neighborhood Residential (R-3) zone

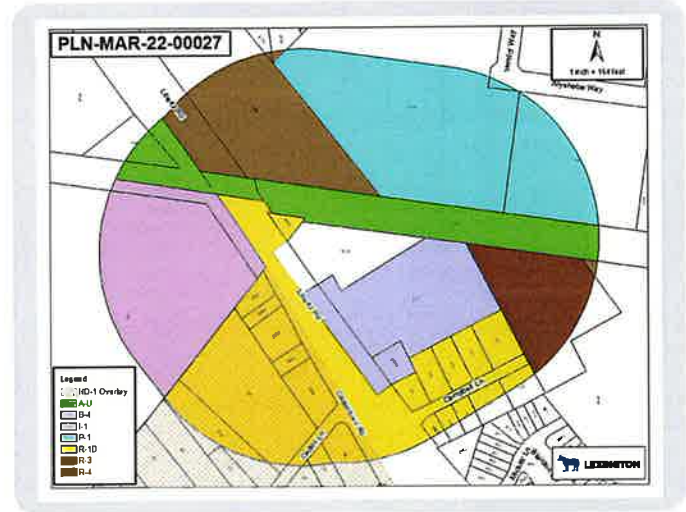
### Place-type / Development Type:

Enhanced Neighborhood  
Low-Density Residential

For more information about the Enhanced Neighborhood Place-Type see *Imagine Lexington* page 327-328. For information about the Low-Density Residential Development Type, see *Imagine Lexington*, page 271.

### Description:

The applicant is seeking to construct 13 attached townhome units at this location. Associated with the application, the applicant is seeking a variance to reduce the required rear-yard setback from 25-feet to 10-feet for properties abutting agricultural zoning.



## Status

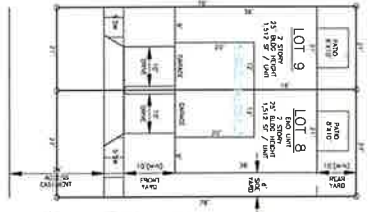
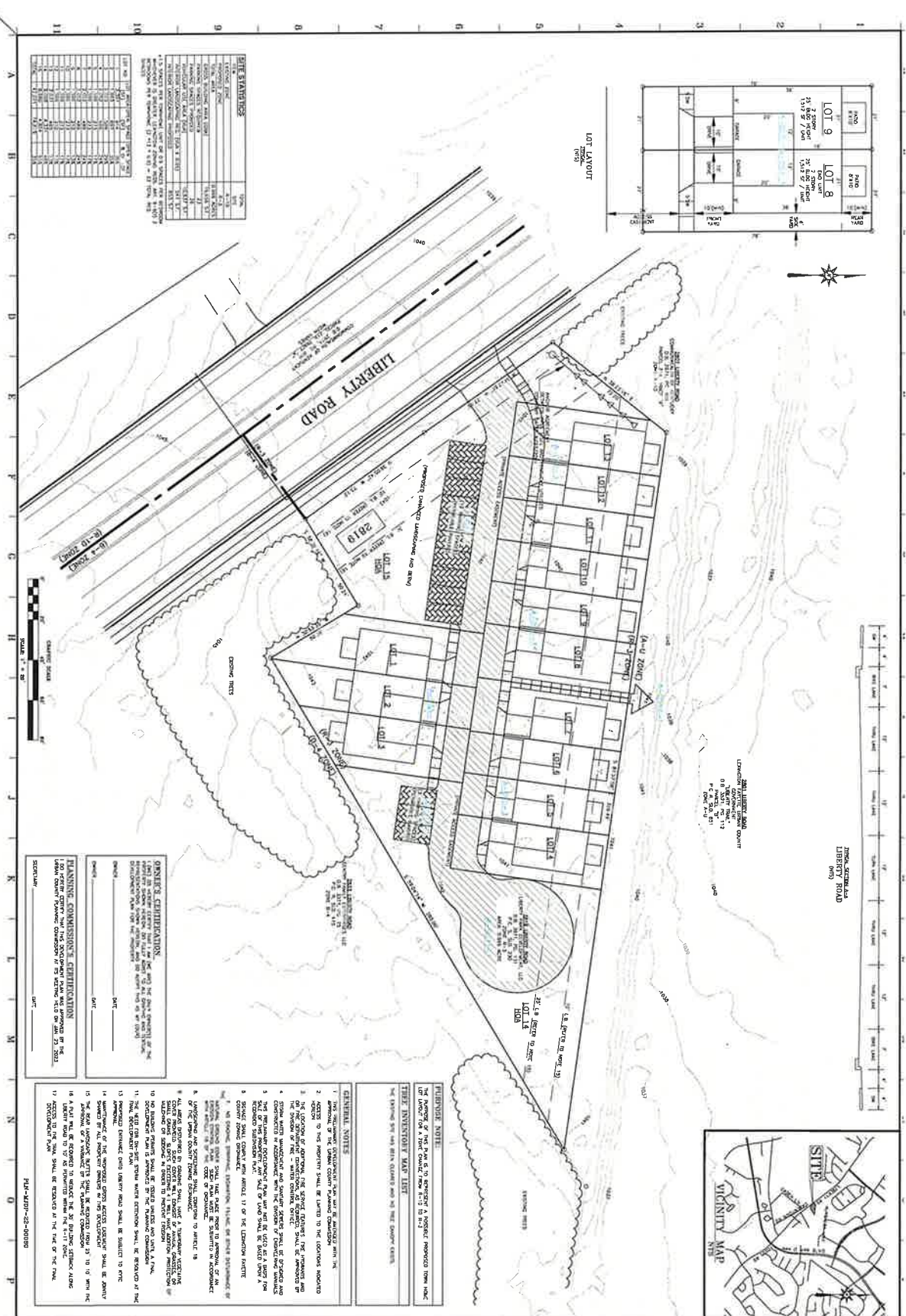
- Public Engagement
- Pre-Application Meeting
- Application Review
- Planning Staff Review
- Technical Review Committee
- Zoning/Subdivision Committee Meetings
- Planning Commission Hearing
- Urban County Council Meeting

## Public Engagement

- The applicant has discussed the project with several surrounding property owners, but has not indicated any larger public engagement efforts have been made.

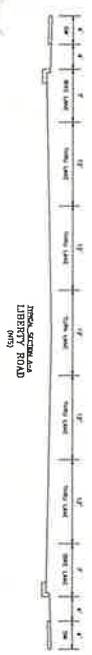
DISCLAIMER: Plans are subject to change. Visit the Accela Citizen Portal ([lexingtonky.gov/plans](http://lexingtonky.gov/plans)) or contact Planning for the latest information.

# Development Plan



**SITE STANDARDS**

ITEM	DESCRIPTION	MINIMUM	MAXIMUM
1	LOT AREA	10,000 SQ. FT.	100,000 SQ. FT.
2	LOT WIDTH	10 FT.	100 FT.
3	LOT DEPTH	10 FT.	100 FT.
4	LOT FRONT SETBACK	10 FT.	100 FT.
5	LOT SIDE SETBACK	10 FT.	100 FT.
6	LOT REAR SETBACK	10 FT.	100 FT.
7	LOT FRONT YIELD	1000 SQ. FT.	10000 SQ. FT.
8	LOT SIDE YIELD	1000 SQ. FT.	10000 SQ. FT.
9	LOT REAR YIELD	1000 SQ. FT.	10000 SQ. FT.
10	LOT FRONT SETBACK	10 FT.	100 FT.
11	LOT SIDE SETBACK	10 FT.	100 FT.
12	LOT REAR SETBACK	10 FT.	100 FT.
13	LOT FRONT YIELD	1000 SQ. FT.	10000 SQ. FT.
14	LOT SIDE YIELD	1000 SQ. FT.	10000 SQ. FT.
15	LOT REAR YIELD	1000 SQ. FT.	10000 SQ. FT.
16	LOT FRONT SETBACK	10 FT.	100 FT.
17	LOT SIDE SETBACK	10 FT.	100 FT.
18	LOT REAR SETBACK	10 FT.	100 FT.
19	LOT FRONT YIELD	1000 SQ. FT.	10000 SQ. FT.
20	LOT SIDE YIELD	1000 SQ. FT.	10000 SQ. FT.
21	LOT REAR YIELD	1000 SQ. FT.	10000 SQ. FT.



**PLANNING COMMISSION'S CERTIFICATION**  
I, the undersigned, Planning Commissioner, do hereby certify that the above described development plan has been reviewed and approved by the Planning Commission on this [unintelligible] day of [unintelligible], 2022.

**PLANNING COMMISSION'S CERTIFICATION**  
I, the undersigned, Planning Commissioner, do hereby certify that the above described development plan has been reviewed and approved by the Planning Commission on this [unintelligible] day of [unintelligible], 2022.

**PLANNING NOTE:**  
THESE NOTES ARE TO BE READ IN CONJUNCTION WITH THE DEVELOPMENT PLAN AND THE ZONING ORDINANCE.

**GENERAL NOTES:**  
1. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND ANY OTHER AGENCIES THAT MAY BE APPLICABLE TO THIS PROJECT.  
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND ANY OTHER AGENCIES THAT MAY BE APPLICABLE TO THIS PROJECT.  
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**PRELIMINARY DEVELOPMENT PLAN**

**ZDP**

DATE	REVISION

**ROSE H BRIGDEN & MARK MCCLURE PROPERTY TRACT A**  
2019 LIBERTY ROAD  
LEXINGTON, FAYETTE COUNTY, KENTUCKY

**PRELIMINARY DEVELOPMENT PLAN**

**APPLICANT/OWNER:**  
LIBERTY ROAD DEVELOPMENT, LLC  
1000 EAST MAIN STREET, SUITE 100  
LEXINGTON, KY 40507





# STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-22-00027: LIBERTY PARK DEVELOPMENT, LLC

## DESCRIPTION OF ZONE CHANGE

Zone Change:	From a Single Family Residential (R-1D) zone To a Planned Neighborhood Residential (R-3) zone
Acreage:	0.966 net (1.151 gross) acres
Location:	2819 Liberty Road



## EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	R-1D	Vacant
To North	A-U	Liberty Trail
To East	B-4	Vacant
To South	R-1D	Residential
To West	R-1D/ I-1	Vacant/ Industrial

## URBAN SERVICE REPORT

**Roads** - The subject property has frontage on Liberty Road (KY 1927), a five-lane minor arterial roadway. The subject property also adjoins Liberty Trail, a multi-modal trail, to the north.

**Curb/Gutter/Sidewalks** - Curb, gutter and sidewalks exist along this portion of Liberty Road. These urban improvements were constructed by the Kentucky Transportation Cabinet more than a decade ago.

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

**Storm Sewers** - The subject property is located within both the East Hickman and North Elkhorn watersheds. There are no FEMA Special Flood Hazard Areas on the property or in the immediate vicinity. Storm sewers exist in this portion of the Urban Service Area.

**Sanitary Sewers** - The subject property is located within the East Hickman sewershed. The property is served by the West Hickman Treatment Facility, located in northern Jessamine County. Sanitary sewers do not currently serve the subject property, and service will need to be extended to the property at the time development occurs. An existing force main is present in the immediate vicinity, across the Liberty Trail.

**Refuse** - The Urban County Government serves this portion of the Urban Service Area with collection on Tuesdays. If needed, refuse collection may need to be supplemented by a private service provider to accommodate the specific needs of the development.

**Police** - The subject property is located within the East Sector although the nearest police station is located approximately 4 miles northwest of the subject property, at the Central Sector Roll Call Center near Eastland Shopping Center.

**Fire/Ambulance** - The nearest fire station to the property is Station #21, located approximately ¼ mile south of the subject property at the intersection of Mapleleaf Drive and Dabney Drive, across Man O' War Boulevard.

**Transit** - The subject property does not have direct access to an existing transit route. The closest available route is Lextran #10, which has a stop approximately 1/2 of a mile northeast of the subject property, at the Meijer Shopping Center on Paul Jones Way.

**Parks** - The subject property is located less than 100 feet from Liberty Park, to the north, and is adjacent to the Liberty Trail.

## SUMMARY OF REQUEST

The applicant is seeking a zone change from the Single Family Residential (R-1D) zone to the Planned Neighborhood Residential (R-3) zone in order to construct a townhome development with 13 dwelling units, for a residential density of 13.46 dwelling units per net acre.

## PLACE-TYPE

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

## DEVELOPMENT TYPE

**LOW DENSITY RESIDENTIAL**  
Primary Land Use, Building Form, & Design  
Primarily attached and detached single-family homes of varying formats, including accessory dwelling units. Homogeneous neighborhoods that do not include a mix of housing types should be avoided. Low density residential is only appropriate as a component of “Enhanced Neighborhoods” and “New Complete Neighborhoods”, and should be supplemented by a variety of uses and housing options to create sustainable places.  
Transit Infrastructure & Connectivity  
Multi-modal network connections, including connected streets, are required to keep an efficient transportation network that provides viable options for all users.  
Quality of Life Components  
These developments should include intentional open space designed to fit the needs of area residents, and be in walking distance of nearby neighborhood-serving commercial/employment uses.

## PROPOSED ZONING



This zone is primarily for multi-family dwellings and other residential uses. This zone should be at locations and at the density (units/acre) recommended by the Comprehensive Plan, and in areas of the community where necessary services and facilities will be adequate to serve the anticipated population

## PROPOSED USE



This petitioner is proposing the Planned Neighborhood Residential (R-3) zone in order to construct an attached single family development. As proposed, the development consists of thirteen 1,500 square-foot townhouse units, featuring attached 240 square-foot garages. Supplemental parking areas for the townhouses are being provided in front of the structures, along Liberty Road. A central connection to Liberty Trail is proposed to the rear.

## APPLICANT & COMMUNITY ENGAGEMENT



The applicant has spoken with several neighbors regarding the proposal, but have not indicated that any larger public engagement outreach has occurred. The applicant should conduct further outreach with the nearby neighborhood association(s) to discuss the proposed rezoning and development plan.

## PROPERTY & ZONING HISTORY



The subject property has been zoned Single-Family Residential (R-1D) since before the 1969 comprehensive rezoning of the city and county. The subject property initially contained a single-family residence, which was demolished prior to 2010. Since then, the property has remained vacant.

## COMPREHENSIVE PLAN COMPLIANCE



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.

### GOALS, OBJECTIVES, & POLICIES

The applicant opines that they are in agreement with the adopted Goals and Objectives of the 2018 Comprehensive Plan. The applicant states that their proposal supports infill and redevelopment throughout the Urban Service Area as a strategic component of growth (Theme A, Goal #2), and will be assisting in redeveloping an underutilized corridor (Theme E, Goal#1.c). This request will activate a vacant and underutilized portion of land along a minor arterial corridor to provide additional housing.

The applicant also states that the proposal also fulfills the goals of expanding housing choices (Theme A, Goal #1). The project will supplement the existing detached single-family residential and multi-family residential housing in this area with attached single-family residential units.

Finally, the applicant opines that the request meets goals relating to providing well-designed neighborhoods and encouraging safe social interactions providing pedestrian connectivity (Theme A, Goal#1.b). The applicant specifically calls out the proposed connection to the Liberty Trail as a way to connect to nearby residential areas, Liberty Elementary, and the nearby Liberty Park. However, staff finds that several aspects of this goal are not currently being met with this request. The proposed development is oriented towards the Liberty Trail to the rear, leaving the frontage solely as a parking area. The lack of a streetscape or eyes on the pedestrian systems in this area detracts from the safety and effectiveness of the sidewalks along Liberty Road. Furthermore, while the applicant's proposal includes sidewalks for portions of the development, it does not provide connectivity to all units within the development, and forces users within the easternmost units to cross vehicular use areas in order to access the pedestrian networks. The result is an incomplete pedestrian network that does not adequately address Liberty Road.

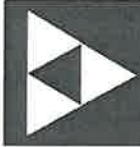
The applicant did not indicate any Comprehensive Plan Policies that are being met with this request. In staff's review of the applicable policies, several warranted further discussion.

Design Policy #7 calls for parking areas to not be the primary visual component of the neighborhood. The applicant's current proposal does not meet this policy as the frontage of the lot on Liberty Road is being entirely occupied by the supplemental parking areas. By shifting units to front on Liberty Road, the applicant could relocate the parking areas to the rear, and would provide a more defined streetscape.

Design Policy #1 calls for utilizing a people-first design that allows for safe pedestrian mobility. While sidewalks connecting to the pedestrian system along Liberty Road and Liberty Trail are being provided for the townhomes the rear of the site, the townhomes along the eastern portion of the property lack the same connectivity, and require pedestrians to cross vehicular use areas in order to connect with the Liberty Trail or sidewalks along Liberty Road.

### 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 2018 Comprehensive Plan. While these zones are the ideal zoning categories to develop within a specified area, other zones may be considered, provided there is an appropriate justification addressing the unique situation and provided the development is able to adequately meet the associated Development Criteria.

The applicant indicates that the project is located within the Enhanced Neighborhood Place-Type and is a Low Density Residential Development Type. The Enhanced Neighborhood Place-Type is an existing residential area to be enhanced with additional amenities, housing types, and neighborhood serving retail, services, and employment options. The Low Density Residential Development Type is primarily comprised of attached and detached single-family homes of varying formats, including accessory dwelling units. This Development Type should create context-sensitive neighborhoods and should be supplemented by a variety of uses and housing options to create sustainable places. The proposed development will be connected to the nearby residential areas through the Liberty Trail and the pedestrian system along Liberty Road, and will provide additional housing stock and variety to the area. The staff agrees that the Enhanced Neighborhood Place-Type and the Low Density Residential Development Type can be appropriate at this location.

The Planned Neighborhood Residential (R-3) zone is a recommended zone for the applicant's chosen Place-Type and 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 2018 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.

While the applicant has addressed some of the Development Criteria within their letter of justification, there are areas of concern as to how the applicant has applied or not applied other development criteria. The following criteria should be addressed by the applicant to demonstrate how they are in agreement with the Comprehensive Plan.

##### 1. Site Design, Building Form and Location

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

As proposed, development of the property is concentrated to the rear of the property, with no units fronting on Liberty Road. As a result, the visitor or supplemental parking lot for the development is the primary visual focal point for the development along the road frontage. Locating units along this frontage and relocating parking to the rear would provide a more inviting streetscape, as well as visibility and surveillance for the pedestrians utilizing this portion of the corridor.

##### 2. Transportation and Pedestrian

*ADS5-2 Roadways should provide a vertical edge, such as trees and buildings.*

As a result of utilizing the front of the property for parking, the site lacks a defined vertical edge that creates an inviting and pedestrian friendly streetscape along the Liberty Road corridor.

*D-CO2-2 Development should create and/or expand a safe, connected multi-modal transportation network that satisfies all user's needs, including those with disabilities*

While the proposed development shows sidewalk connections to both the Liberty Trail and Liberty Road, these connections are not present for all units in the development. The easternmost units lack a safe way to access the trail or the road frontage without having to cross the site's vehicular use areas.

3. Greenspace and Environmental Health

The proposed rezoning meets the criteria for Greenspace and Environmental Health as the proposal works with the existing landscape and has no impact on environmentally sensitive areas. The vegetation that has been cleared was overgrown brush that emerged after the previous residential use at this location was discontinued in 2010.

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

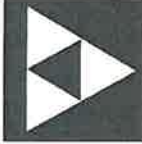


1. The zone change application should describe in greater detail how they meet the Goals, Objectives and Policies, specifically those regarding the orientation of the structures, parking, and the proposed improvements to multi-modal connectivity.
2. The zone change application for the subject property, as proposed, does not completely address the development criteria for a zone change within the Enhanced Neighborhood Place-Type, and the Low Density Residential Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
  - a. A-DS5-3 Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
  - b. A-DS5-2 Roadways should provide a vertical edge, such as trees and buildings.
  - c. D-CO2-2 Development should create and/or expand a safe, connected multi-modal transportation network that satisfies all users' needs, including those with disabilities.

DAC/HBB/TLW  
1/4/2023

Planning Services/Staff Reports/MAR/2022/PLN-MAR-22-00027 LIBERTY PARK DEVELOPMENT LLC.pdf

## STAFF REPORT ON VARIANCE REQUEST



As part of their application, the petitioner is also seeking a dimensional variance, requesting relief from the required rear setback from the adjoining Agricultural Urban (A-U) zone, as regulated in of Article Fifteen of the LFUCG Zoning Ordinance.

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

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

### ZONING ORDINANCE

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

Article 8-4(i) states that the side yard for A-U zoned parcels shall be 25-feet

Article 8-12(j) states that the rear yard for the R-3 zone shall be 10-feet.

Article 15-3 states that where a property adjoins the side or rear yard of a lot in another zone, the side or rear yard in the zone with the less restrictive yard requirements shall equal the adjoining side or rear yard (as appropriate) of the zone with the more restrictive yard requirements.

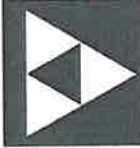
### CASE REVIEW

The applicant is seeking a dimensional variance in order to reduce the required rear yard setback to 10 feet. Typically, parcels in the R-3 zone are required to provide a 10-foot rear yard setback; however, when adjoining an unlike zone, the larger of the two adjoining setbacks applies. These provisions were designed to provide greater distance between differing and potentially incompatible land uses. In this case, the proposed R-3 zoned subject property will be required to meet the 25-foot setback that applies on the adjoining A-U zoned parcel to the rear.

The applicant provides four justifications for the variance request. First, they indicate that the variance arose from special circumstances unique to the subject property. In particular, they highlight the unique triangular shape of the property. On a typically shaped parcel, the front and rear yards would be equivalent. Due to the irregular shape, the rear property line is over twice the length of the front property line. This unconventional shape both limits where development can occur on the site, and disproportionately increases the impact of the required rear yard setback. Furthermore, the applicant notes that the Agriculturally zoned parcel to the rear does not contain any agricultural use or activity or uses, but is rather publicly owned land being utilized for the Liberty Trail. The intent behind the Agricultural Urban (A-U) zoning.

Next, the applicant indicates that the current regulations represent an unnecessary hardship on the applicant as the implementation of the Zoning Ordinance would significantly limit the buildable area of the site. The increase in the required rear setback from 10 feet to 25 feet results in a loss of approximately 0.12 acres of buildable area, or approximately 12 % of the total area of the site.

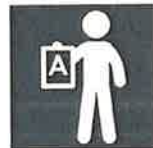
Additionally, the applicant indicates that they have done nothing to create the special circumstances which



impact this property. The applicant indicates that the property has not had any expansion since it was platted in 1918.

Finally, the applicant indicates that the proposed variance will not adversely effect public health, safety, or welfare; will not alter the essential character of the vicinity; and will not create a hazard or nuisance to the public. While typically, larger setbacks from agricultural zones is recommended for residential zones as to avoid placing residential uses in close proximity to potential agricultural nuisances, the applicant notes that the adjoining parcel does not contain an agricultural use, and is being utilized as a public trail. As such, the closer setback will not negatively impact the proposed residential uses, and will improve the public safety by providing increased surveillance and visibility of this portion of the Liberty Trail.

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

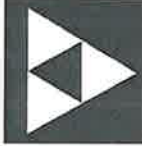


1. Approval of the variance should not adversely affect the public health, safety, or welfare, nor should it create a hazard or nuisance to the public. The adjoining property to the rear is being utilized for a trail, not an agricultural use, and will benefit from the increased surveillance provided by the planned townhomes.
2. The lot's unique shape is a special circumstance that limits where development can occur on the site, and disproportionately increases the impact of the increased rear setback.
3. The increased setbacks required by the Ordinance unreasonably restrict the applicant's use of this property by significantly reducing the site's buildable area.
4. The circumstances of this variance are not a result of actions taken by the applicant subsequent to the adoption of the Zoning Ordinance.

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

- a. Provided the Planning Commission and Urban County Council approve the requested zone change to the R-3 zone, otherwise the requested variances shall be null and void.
- b. The development shall be constructed in accordance with the approved Final Development Plan, or as amended by the Planning Commission.
- c. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
- d. Action of the Planning Commission shall be noted on the Development Plan for the subject property.

# SUPPLEMENTAL STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-22-00027: LIBERTY PARK DEVELOPMENT, LLC



## STAFF REVIEW

In the period following the January Subdivision and Zoning Committee meetings, the applicant submitted a revised development plan associated with the request. The revised plan included several notable changes, including increasing the unit count from 13 to 14 (resulting in a density of 14.49 units per acre), relocating the parking areas to the interior of the site, reorienting lots #5-14 to front and on the Liberty Trail, shifting lots #1-4 closer to the roadway, and providing additional pedestrian connectivity. As a result of the reorientation of the rear units to front on the Liberty Trail, the applicant's initially requested variance is no longer necessary; however, it will require a waiver to the Land Subdivision Regulations by the Planning Commission for the corresponding development plan.

In addition to the development plan changes, the applicant has indicated that they conducted further public outreach by meeting with the Cadentown Neighborhood Association. The applicant has indicated that there were no objectors to the proposal at that meeting.

## GOALS, OBJECTIVES, & POLICIES

In the initial review of the applicant's proposal, staff found several aspects in which the request was not in accordance with the 2018 Comprehensive Plan. In light of staff's concerns, the applicant revised the development plan in order to better address those provisions of the Comprehensive Plan. The application now provides for safe and well-designed neighborhoods by redesigning the pedestrian circulation system to provide more effective pedestrian pathways to both the Liberty Trail, as well as the existing pedestrian infrastructure along Liberty Road (Theme A, Goal #1.b and Design Policy #1).

Furthermore, by providing the parking internally and creating vertical edge along Liberty Road with landscaping and townhome units, the pedestrian experience along Liberty Road is improved (Design Policy # 7). However, with the applicant's decision to orient lots #5-14 to front on the Liberty Trail, further consideration does need to be given to the pedestrian experience along this portion of the trail. Under typical circumstances, new development triggers the need to provide street trees along the road frontage. While the applicant is proposing to front several townhome lots on the Liberty Trail, the trail is not a public street, and thus the applicant is not currently required to provide the same landscaping requirements. In order to improve the pedestrian experience for the users of the trail, the staff recommends the placement of the street trees along the trail as if it were a public road as a condition of the requested waiver. This landscaping would help delineate the public and private spaces, while still affording some visual permeability to ensure that the trail is safely being monitored.

## DEVELOPMENT CRITERIA

The applicant's revised proposal also addresses several Development Criteria that were not being met with the initial request.

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

By reorienting the rear units to face the Liberty Trail, and shifting the front units further toward Liberty Road, the development better engages the surrounding pedestrian network, and provides more eyes on the public spaces and pathways.



*ADS5-2 Roadways should provide a vertical edge, such as trees and buildings.*

By relocating the parking areas internally and shifting the front town house units closer towards Liberty Road, the request provides a more effective streetscape. Where the irregular shape of the parcel does not allow for townhome units along the westernmost portions of the roadway edge, the required street trees will help create a continuous vertical element. A similar vertical edge can be achieved along the Liberty Trail with the inclusion of trees or landscaping along the shared border.

*D-CO2-2 Development should create and/or expand a safe, connected multi-modal transportation network that satisfies all user's needs, including those with disabilities*

Included with the applicant's reorientation of the structures was an overhaul of the internal pedestrian circulation system. Whereas the previous iteration of the plan did not provide connectivity for all townhome units, the expanded pedestrian paths now allow for safe access to both the Liberty Trail and Liberty Road for all units in the development while reducing conflicts with the site's vehicular use areas.

Staff can now recommend approval of the proposed zone change from a Single Family Residential (R-1D) zone to the Planned Neighborhood Residential (R-3) zone for the subject property, as the proposal is in agreement with the 2018 Comprehensive Plan, including the applicable Goals and Objectives, and Development Criteria.

## STAFF RECOMMENDS: **APPROVAL**, FOR THE FOLLOWING REASON:



1. A rezoning to the Planned Neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan's Goals, Objectives, and Policies, for the following reasons:
  - a. The request supports infill and redevelopment throughout the Urban Service Area as a strategic component of growth (Theme A, Goal #2), and will be assisting in redeveloping an underutilized corridor (Theme E, Goal#1.c) by activating a vacant and underutilized portion of land along a minor arterial corridor to provide additional housing.
  - b. The proposed project will expand housing choices by supplementing the existing detached single-family residential and multi-family residential housing in this area with attached single-family residential units (Theme A, Goal #1).
  - c. The proposed development will provide for well-designed neighborhoods and encouraging safe social interactions by providing safe pedestrian connectivity to both Liberty Road and the Liberty Trail (Theme A, Goal#1.b and Design Policy #1).
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 development reinforces the streetscape along Liberty Road, locates parking internally, and helps further activate the Liberty Trail.
  - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity through providing safe and effective connections to the Liberty Trail, as well as the existing pedestrian network along Liberty Road.
  - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will as the proposal works with the existing landscape and has no impact on environmentally sensitive areas
3. This recommendation is made subject to approval and certification of PLN-MJDP-22-00080: Rose H Brigden & Mark McClure Property: Tract A 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/HBB/TLW  
1/25/2023

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3. **LIBERTY PARK DEVELOPMENT LLC ZONING MAP AMENDMENT & ROSE H. BRIGDEN & MARK MCCLURE PROPERTY, TRACT A ZONING DEVELOPMENT PLAN**

- a. **PLN-MAR-22-00027: LIBERTY PARK DEVELOPMENT LLC (2/26/2023)\*** – a petition for a zone map amendment from a Single Family Residential (R-1D) zone, to a Planned Neighborhood Residential (R-3) zone, for 0.97 net (1.15 gross) acres, for property located at 2819 Liberty Road.

**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.

This petitioner is proposing the Planned Neighborhood Residential (R-3) zone in order to construct an attached single family development. As proposed, the development consists of thirteen 1,500 square-foot townhouse units, featuring attached 240 square-foot garages. Supplemental parking areas for the townhouses are being provided in front of the structures, along Liberty Road. A central connection to Liberty Trail is proposed to the rear.

**The Zoning Committee Recommended: Postponement.**

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

1. The zone change application should describe in greater detail how they meet the Goals, Objectives and Policies, specifically those regarding the orientation of the structures, parking, and the proposed improvements to multi-modal connectivity.
  2. 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 Low Density Residential Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
    - a. A-DS5-3 Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
    - b. A-DS5-2 Roadways should provide a vertical edge, such as trees and buildings.
    - c. D-CO2-2 Development should create and/or expand a safe, connected multi-modal transportation network that satisfies all users' needs, including those with disabilities.
- b. **VARIANCE** - As part of their application, the petitioner is also seeking a dimensional variance, requesting relief from the required rear setback from the adjoining Agricultural Urban (A-U) zone, as regulated in Article Fifteen of the LFUCG Zoning Ordinance.

**The Zoning Committee Recommended: Approval.**

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

1. Approval of the variance should not adversely affect the public health, safety, or welfare, nor should it create a hazard or nuisance to the public. The adjoining property to the rear is being utilized for a trail, not an agricultural use, and will benefit from the increased surveillance provided by the planned townhomes.
2. The lot's unique shape is a special circumstance that limits where development can occur on the site, and disproportionately increases the impact of the increased rear setback.
3. The increased setbacks required by the Ordinance unreasonably restrict the applicant's use of this property by significantly reducing the site's buildable area.
4. The circumstances of this variance are not a result of actions taken by the applicant subsequent to the adoption of the Zoning Ordinance.

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

- a. Provided the Planning Commission and Urban County Council approve the requested zone change to the **R-3 zone**, otherwise the requested variances shall be null and void.
- b. The development shall be constructed in accordance with the approved Final Development Plan, or as amended by the Planning Commission.
- c. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
- d. Action of the Planning Commission shall be noted on the Development Plan for the subject property.

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

- c. **PLN-MJDP-22-00080: ROSE H. BRIGDEN & MARK MCCLURE PROPERTY, TRACT A (2/26/23)\*** - located at 2819 LIBERTY ROAD, LEXINGTON, KY  
Council District: 6  
Project Contact: Vision Engineering

**Note:** The purpose of this plan is to depict a townhome development in support of the requested zone change from Single-Family Residential (R-1C) zone to 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.
7. United States Postal Service Office's approval of kiosk locations or easement.
8. Correct landscape buffer notations to building line on plan face and note #15.
9. Delete parking requirements from site statistics.
10. Dimension sidewalks.
11. Addition of access easement cross-section.
12. Denote existing and proposed easements.
13. Provided the Planning Commission makes a finding on the access easement.
14. Discuss compliance with parking requirements of Article 16 of the Zoning Ordinance.
15. Discuss Placebuilder criteria.

**Staff Presentation** – Mr. Daniel Crum presented a revised staff report and recommendation for the zone change application. He directed the Planning Commission to the revised report in the Granicus system and available to the public in the back of the Council Chambers. He displayed photographs of the subject property and the general area. He stated that the applicant was seeking a zone map amendment from a Single Family Residential (R-1D) zone to a Planned Neighborhood Residential (R-3) zone, for 0.966 net (1.151 gross) acres, for property located at 2819 Liberty Road. The applicant is seeking to build a townhouse residential development. Mr. Crum conveyed that the applicant is seeking the Enhanced Neighborhood Place-Type and a Low Density Residential Development Type and that Staff was in agreement that these are appropriate.

Mr. Crum highlighted the various zones around the area and noted the Liberty Trail adjacent to the subject property. Mr. Crum indicated that there was once a single family residence at this location, but that when Liberty Road was widened, the home was demolished and the site was allowed to overgrow. Mr. Crum stated that in the applicant's first plan, there were 13 homes, but were able to reorganize and increase the amount of homes to 14. Additionally, Mr. Crum noted that the parking from the initial plan has been relocated internally in the property. Additionally, the applicant proposes to front the northern most townhomes onto the trail system, which removes the need for a variance, but requires a waiver of the Land Subdivision Regulations.

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

**Staff Development Plan Presentation** – Mr. Martin oriented the Planning Commission to the location of the subject property and highlighted the revised conditions. Mr. Martin reiterated Mr. Crum's point regarding the reorganization of the structures on the property. The changes allowed for an additional dwelling unit than originally proposed and for the parking to be located interior to the site. Additionally, Mr. Martin stated that the applicant was seeking an access easement between the townhomes, in lieu of a public street.

Mr. Martin also indicated that there is a waiver and a finding associated with their ability to drop their variance request and instead use their new orientation towards the Liberty Trail as their frontage. Mr. Martin concluded his presentation stating that Staff was recommending approval of the development plan and the associated front orientation waiver.

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

Commission Questions – Mr. Penn asked if these townhomes would be sold as individual units, and Mr. Martin indicated that they would be sold individually.

Mr. Michler asked if there was discussion on Lot 4's backyard adjacency to Liberty Road and if there are design regulations about that. Mr. Martin indicated that the applicant might have to explain their rationale, but a lot of it has to do with the relocation of the parking.

Applicant Presentation – Dick Murphy, attorney for the applicant, indicated that they are in agreement with Staff's findings and that he was withdrawing the variance request, but did need the waiver and the finding for the access easement.

Action – A motion was made by Mr. Penn, seconded by Mr. de Movellan and carried 8-0 (Bell, Nicol, and Pohl absent) to approve PLN-MAR-22-00027: LIBERTY PARK DEVELOPMENT LLC for reasons provided by Staff.

Action – A motion was made by Mr. Penn, seconded by Mr. de Movellan and carried 8-0 ((Bell, Nicol, and Pohl absent) to approve PLN-MJDP-22-00080: ROSE H. BRIGDEN & MARK MCCLURE PROPERTY, TRACT A with the 15 revised Staff conditions.

Action – A motion was made by Mr. Penn, seconded by Mr. Davis and carried 8-0 ((Bell, Nicol, and Pohl absent) to approve the waiver and findings for PLN-MJDP-22-00080: ROSE H. BRIGDEN & MARK MCCLURE PROPERTY, TRACT A with conditions.