

AN ORDINANCE CHANGING THE ZONE FROM A WHOLESALE AND WAREHOUSE BUSINESS (B-4) ZONE TO A HIGH RISE APARTMENT (R-5) ZONE, FOR 5.6 NET (5.951 GROSS) ACRES, FOR PROPERTY LOCATED AT 840 ANGLIANA AVENUE. (F2 COMPANIES; COUNCIL DISTRICT 3).

WHEREAS, at a Public Hearing held on November 21, 2019, a petition for a zoning ordinance map amendment for property located at 840 Angliana Avenue from a Wholesale and Warehouse Business (B-4) zone to a High Rise Apartment (R-5) zone, for 5.6 net (5.951 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change by a vote of 10-0; and

WHEREAS, this 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 840 Angliana Avenue from a Wholesale and Warehouse Business (B-4) zone to a High Rise Apartment (R-5) zone, for 5.6 net (5.951 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: January 23, 2020



MAYOR

ATTEST:



CLERK OF URBAN COUNTY COUNCIL

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

IN RE: **PLN-MAR-19-00014: F2 COMPANIES** – a petition for a zone map amendment from a Wholesale and Warehouse Business (B-4) zone to a High Rise Apartment (R-5) zone, for 5.6 net (5.951 gross) acres, for property located at 840 Angliana Avenue. (Council District 3)

Having considered the above matter on **November 21, 2019**, at a Public Hearing, and having voted **10-0** 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 High Rise Apartment (R-5) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning accommodates the demand for housing in Lexington responsibly, prioritizing higher density apartments, at a density of 68.75 dwelling units per acre, (Theme A, Goal #1), while also supporting infill and redevelopment of an underutilized property, and replacing a warehouse structure with modern, safe, and dense housing (Theme A, Goal #2).
 - b. The proposed development provides a well-designed neighborhood (Theme A, Goal #3) by varying the mobility patterns of potential residents, and promoting alternative modes of transportation, specifically focusing on the availability of transit services including Lextran Routes 8, 12, 13, and 15.
 - c. The proposed new transit stop along the frontage of the subject property will help reduce dependency on passenger vehicles in the area (Theme D, Goal #1.a and c).
 - d. The proposed development's proximity to the University of Kentucky's campus and the increased opportunities for various mobility patterns can reduce Lexington-Fayette County's reliance on automotive-centric mobility patterns and reduce our carbon footprint (Theme B, Goal #2).
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site creates a residential development that supports pedestrian mobility, while also providing access to focal points and private open space. Additionally, the proposed rezoning seeks to increase the intensity of use along a collector street, prioritizing a higher density residential development.
 - b. The proposed rezoning includes safe facilities for the potential residents of the site by prioritizing multi-modal connections and increasing bike and pedestrian facilities. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, reduces the amount of impervious surfaces, limits the impacts on the surrounding environment, and provides new private amenities and access to open space.
3. This recommendation is made subject to approval and certification of **PLN-MJDP-19-00045: Haynes Brothers Properties, LLC**, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

ATTEST: This 20th day of December, 2019.


Secretary, Jim Duncan

MIKE OWENS
CHAIR

Note: The corollary development plan, PLN-MJDP-19-00045: HAYNES BROTHERS PROPERTIES, LLC was approved by the Planning Commission on November 21, 2019 and certified on December 5, 2019.

K.R.S. 100.211(7) requires that the Council take action on this request by February 19, 2020.

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

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (10) Bell, deMovellan, Forester, Mundy, Nicol, Owens, Penn, Plumlee, Pohl and Wilson

NAYS: (0)

ABSENT: (1) Brewer

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for APPROVAL of PLN-MAR-19-00014 carried.

Enclosures: Application
Plat
Staff Report
Applicable excerpts of minutes of above meeting

MAP AMENDMENT REQUEST (MAR) APPLICATION

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

Applicant: F2 COMPANIES, 6253 RIVERSIDE DRIVE, SUITE 150, DUBLIN, OH 43017
Owner(s): HAYNES BROTHERS PROPERTIES, LLC, PO BOX 8638, LEXINGTON, KY 40533
Attorney: JACOB WALBOURN, 201 E. MAIN STREET, SUITE 900, LEXINGTON, KY 40507 PH: 859-231-8780

2. ADDRESS OF APPLICANT'S PROPERTY

840 ANGLIANA AVENUE, LEXINGTON, KY 40508
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3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY

Zoning	Existing		Requested		Acreage	
		Use	Zoning	Use	Net	Gross
B-4		TOBACCO STORAGE	R-5	APARTMENTS	5.6	5.951

4. COMPREHENSIVE PLAN

a. Utilizing Placebuilder, what Place-Type is proposed for the subject site?	2ND TIER URBAN
b. Utilizing Placebuilder, what Development Type is proposed for the subject site? If residential, provide the proposed density	HIGH 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



July 1, 2019

Via Hand Delivery Mail

Lexington-Fayette Urban County Planning Commission
200 East Main Street
Lexington, Kentucky 40507

Re: 840 Angliana Avenue Zone Change from B-4 to R-5

Dear Commissioners:

Please be advised that I represent F2 Companies, LLC ("F2"). My client desires to rezone approximately 5.57 acres from the Wholesale and Warehouse Business (B-4) zone to the High Rise Apartment (R-5) zone in order to construct a multi-family development on the property. We submit that this proposal is in accord with the recently adopted "Imagine Lexington" 2018 Comprehensive Plan, and request your approval of our request.

The subject property is currently developed as a 200,000 square foot warehouse facility. This warehouse facility covers virtually the entirety of the subject property. To the south of the site, there are several R-4 and R-5 multi-family housing developments. To the east are industrial zoned properties, to the north are small lot warehouse developments and some non-conforming single family housing. To the west are single family homes and the Red Mile racetrack. The site is in relatively close proximity to both the University of Kentucky and the Lexington urban core.

We think our proposed development is highly appropriate for this site and reflects the kind of development needed in the evolving Angliana corridor. Over the last few decades, several sites previously zoned as industrial and warehouse have found new life as multi-family housing developments. Indeed, due to the premier location offering housing options for those that work and study at the University of Kentucky, as well as those seeking housing options near the urban core that permit walking and/or biking to a place of employment, housing has proven to be the most appropriate redevelopment of this area. As you are certainly aware, housing density is a crucial component of the 2018 Comprehensive Plan. Developments of this type are crucial to our long-term success as a community. Further, though the development is dense, it will actually result in less rooftop coverage than the existing warehouse facility.

In sum, we are excited to present this proposal to the Planning Commission for consideration. We think it meets numerous goals and objectives of the Comprehensive Plan, and further complies with relevant standards articulated in the "Placebuilder" included as part of the Comprehensive Plan.

We submit that this proposal comports with the 2018 Comprehensive Plan in the following ways:

Theme A – Growing Successful Neighborhoods

We submit that this proposal comports with Theme A of the Comprehensive Plan. In reviewing Theme A, we maintain that this development comports with the applicable design policies articulated, and is appropriately dense. We further submit that it meets the following goals and objectives articulated in Theme A:

Expand Housing Choices

Goal 1 of Theme A of the Comp Plan lists several objectives. Among them is that Lexington should “[a]ccommodate the demand for housing in Lexington responsibly, *prioritizing higher-density* and a mixture of housing types” (emphasis supplied). This proposal emphasizes housing density in a responsible fashion. It provides needed density while not displacing existing residents, and does so in a manner that ensures adequate parking while offering the opportunity for less reliance on personal automobiles.

Support Infill & Redevelopment Through the Urban Service Area as a Strategic Component of Urban Growth

Goal 2 of Theme A emphasizes that areas for infill and redevelopment should be identified. This site falls within the defined Infill and Redevelopment Area, and replaces an aging, massive structure with modern, safe, dense housing choices. It further respects the context of the existing area, in that it is a development of a similar nature and scope to other developments in this area.

Provide Well-Designed Neighborhoods & Communities

We believe this proposal addresses two of the objectives of Goal 3 of Theme A in a direct way. First, it will assist with providing various modes of transportation as an option. Because of its location, this site is ideal for individuals who may wish to walk or ride a bike to work or school, as it is in close proximity to the University of Kentucky, the University of Kentucky Medical Center, and the urban core. It is also in close proximity to Lexington Routes 15, 13, 12, and 8, for those that would wish to utilize public transportation. Additionally, by removing a structure that covers nearly the entire site, it gives an opportunity to expand the urban forest in this area.

Theme B – Protecting the Environment

We also submit that this proposal comports with goals and objectives articulated in Theme B of the Comp Plan.

Reduce Lexington-Fayette County’s Carbon Footprint

As previously noted, the location of this proposed development is ideally located to reduce the need for reliance upon personal automobiles. This is a key objective of Goal 2 of Theme B.

Theme D – Improving a Desirable Community

We further submit that this proposal comports with the goals and objectives articulated in Theme D of the Comp Plan.

Work to Achieve an Effective & Comprehensive Transportation System

We believe this proposal meets several of the objectives of Goal 1 of Theme D. Our development will provide this portion of Angliana Avenue (abutting our development) with curb, gutter, and sidewalks. These are not presently provided on the subject property, and will aid in safe pedestrian movement in the area. Further, it concentrates dense residential development along corridors served by Lextran, which will assist Lextran with more efficient provision of service.

Theme E – Urban & Rural Balance

Finally, we submit that this proposal meets the goal of safeguarding rural land by providing needed housing units in an appropriately dense manner, thus reducing pressure on the Urban Service Boundary.

The Placebuilder

We have further evaluated our proposal under the design criteria in the Placebuilder. In consultation with Planning staff, we submit that this proposal should be evaluated the Second-Tier Urban Place Type, and that the proposed development is appropriate classified as medium density (notwithstanding that it increases the existing permitted density on the site). We submit that this classification is appropriate because of the site's proximity to the urban core, and due to it's location within the Infill and Redevelopment Boundary.

Attached hereto is a color-coded reflection of how we have addressed the design criteria listed in that Placebuilder category. Items highlighted in orange are represented graphically on our amended preliminary development plan; items in yellow are addressed in this letter, and items not highlighted we do not believe are applicable to our proposal.

Standards That Are Applicable to Our Proposal

A-DS4-2: The projects has been designed in manner to place smaller buildings along the edge of the property and to place the larger building in the center of the property.

A-DS-1: This proposal places multi-family uses in an area near existing (though nonconforming) single family housing.

A-DS10-1: We are utilizing the club house as the focal point for our development. All residential units are in close proximity to the clubhouse.

A-DN2-1: This infill proposal would increase residential density.

A-DN2-2: As noted above, the project has been designed to place smaller buildings on the edges next to existing structures, and concentrate the more intense buildings in the center of the property.

A-EQ3-1: Due to the project design, the transition to the existing (non-conforming) single family residential has reduced conflicts in scale.

B-SU11-1: The developer will investigate the appropriateness of the utilization of green infrastructure and will work with staff to identify potential uses.

C-LI6-1: The development is near two significant corridors, and provides multi-family housing that is walkable to several commercial and employment sites.

C-LI7-1: As above, the development is in a highly walkable/bikable location that provides easy access to community amenities, both within the development (clubhouse) and external to it.

C-PS10-3: We have sought to minimize the parking on the site to a level sufficient to be commercial sufficient, but not overparked.

D-PL7-1: We have sent letters to adjacent neighbors after learning the neighborhood association has gone defunct, and requested their input.

E-GR9-4: This property is presently underutilized, with an aging warehouse that does not appear to be commercially viable in the long term. The use on the site will be intensified, but on a scale of that already existing in the general area.

A-DS1-1: The applicant is open to working with Lextran to implement appropriate transit infrastructure.

A-DS1-2: As above, the applicant will work with Lextran, and has already been in contact, to discuss the most appropriate provision of mass transit service for the development.

A-DS4-1: The proposed development will allow for further completion of the street system, which will aid with pedestrian movements in the area. By providing access to the pedestrian system and street system, multi-modal transportation can be utilized. The applicant will further consult with staff to determine what additional improvements could aid with multi-modal transit.

A-DS5-2: The development will seek to provide a vertical edge along Angliana Avenue.

A-EQ3-2: This project will be transit-oriented inasmuch as multiple methods of transit will be readily available. Completion of the street system will further provide access to adjacent neighborhoods.

D-CO1-1: As above, completion of the street system will support the classification as a second-tier urban, medium density place type.

D-CO2-1: We have actively engaged with Lextran to discuss the most appropriate way to provide transit access and will complete the street system.

D-CO2-2: As above, completion of the street system will aid in safe access.

D-SP1-3: As above, we are committed to working with Lextran for access to the University of Kentucky and downtown, as well as will complete the street system to provide for pedestrian facilities.

Standards Not Applicable

A-DS11-1: There is no school affiliated with our proposal.

A-DN3-2: Angliana is not a commercial center and commercial options have been discouraged at this location.

A-DN6-1: This proposal seeks density above and beyond that provided by single-family residential.

A-EQ7-1: This proposal does not have a school.

B-PR9-1: There are no environmentally sensitive sites in this area.

C-LI6-2: This is not a single family development.

C-PS10-2: There are no underutilized parking lots in the area to our knowledge.

D-PL9-1: There are no historically significant structures on the site.

D-PL10-1: We believe this streetscape is already quite active.

D-SP3-1: There are no wireless towers as part of this application.

D-SP3-2: There are no wireless towers as part of this application.

D-SP9-1: This development is not focused on the senior population (though they would be welcome).

E-GR4-1: The existing structure on the site is not viable.

E-GR5-1: There are no historically significant structures on the property.

E-GR9-1: Because of the student and young professional focus of the development, we do not believe live/work units are appropriate.

E-GR9-3: The existing character of the area is already largely multi-family residential.

B-SU4-1: Greenspace and recreation is available nearby.

D-CO4-2: The development is not large enough to contemplate new street construction.

D-CO5-1: As above, this is an infill project not creating new streets.

E-ST3-1: This development is not located along a major corridor, though we are working with Lextran proactively.

A-DS4-3: The entire site is presently developed and there are no natural features.

A-EQ7-3: There is an abundance of nearby community open space, including the UK Campus, Addison Park, McConnell Springs, and the Gary Brewer Golf Course.

B-PR2-1: Again, the site is currently wholly developed.

B-PR2-2: There are no floodplains on this site.

B-PR2-3: There are no floodplains on this site.

B-PR7-1: There are no existing greenways or stream corridors to connect.

D-SP2-1: There is no school site for this project.

D-SP2-2: There is no existing greenway network in this area.

E-GR3-2: There is no unique geography on the site due to its previous development.

Conclusion

In sum, we submit that our proposal is in accord with the 2018 Comprehensive Plan. We look forward to our continued discussions with staff and the Commission, and request your approval of our request. Of course, if I can be of further assistance, please do not hesitate to contact me.

Sincerely,



Jacob C. Walbourn
Counsel for F2 Companies

JCW/klm

November 11, 2019

Via Electronic Mail and Accela Upload

Lexington-Fayette Urban County Planning Commission
200 East Main Street
Lexington, Kentucky 40507

Re: Supplement to Application - PLN-MAR-19-00014

Dear Commissioners:

Please accept this letter as a second supplement to the justification submitted for PLN-MAR-19-00014. This supplement is to provide additional information regarding the intent of the applicant, F2 Companies, to comply with the Multi-Family Design Standards, which are Appendix A to Imagine Lexington, the 2018 Comprehensive Plan.

The applicant intends to apply with applicable standards contained within Appendix A. Please find below a brief summary of how we believe our project addresses each of the indicated standards.

Site Planning

- SP.1 Two of the buildings in the development have been moved closer to Angliana Avenue to reinforce the street frontage.
- SP.2 There are many, private, ground level entrances in the development.
- SP.3 For buildings that front Angliana, entries are visible and accessible from the street.
- SP.4 The setback of the buildings fronting Angliana are commensurate with other multi-family development in the area.
- SP.5 The development will connect to the existing sidewalk network in the area.
- SP.6 Amenities are provided throughout the development and are pedestrian accessible.
- SP.7 Parking lots have been located away from Angliana Avenue and behind the buildings that front it.
- SP.8 The parking lots have been broken in to smaller areas as practicable to serve the various buildings within the development.
- SP.9 Direct access to and views of open space have been provided as practicable.
- SP.10 Street and pedestrian connections have been provided where feasible.
- SP.11 This standard is not applicable as this is a redevelopment of an existing site.
- SP.12 This standard is not applicable as no new public streets are proposed.
- SP.13 This standard is not applicable as no new street connections are necessary for this development.
- SP.14 Urban improvements will be made to Angliana Avenue, including curb, gutter, and sidewalk.
- SP.15 The parking area will be appropriately lit while utilizing methods to minimize or eliminate impact on adjacent properties.

SP.16 The development will comply with the Americans with Disabilities Act and other relevant statutory requirements.

SP.17 This development is similar in scale to other multi-family developments in the area.

Open Space and Landscaping

OS.1 Private open space on the site is easily accessible.

OS.2 A central plaza is contained that is accessible to all residents.

OS.3 Private open space has been provided in the development in the form of open green space, as well as community amenities.

OS.4 Appropriate landscaping will be provided in order to delineate public spaces from private spaces.

OS.5 Internal landscaping will be provided in parking areas as appropriate and practicable.

OS.6 Appropriate landscaping will be provided along the edge of the property to buffer it from the (non-conforming) adjacent single-family houses.

OS.7 Where feasible and where not impacting security, plantings will be used in place of fencing.

OS.8 This project will utilize underground detention and bioswales. The bioswales will be located in contiguous areas.

OS.9 All streetscape and sidewalks will be accessible.

OS.10 This standard is not applicable.

OS.11 Landscaping will be utilized to enhance internal driveways, particularly at the entrance to the development.

OS.12 Pedestrian scale lighting will be included where feasible.

OS.13 Efforts will be taken to minimize the impact of lighting onto adjacent properties.

Architectural Design

AD.1 This development provides additional housing variety in that it contains many “smaller” units than area other developments (which tend to be 3-4 bedrooms per unit). It will vary architecturally from other multi-family developments in the immediate area.

AD.2 The overall height and scale of this development is similar to the existing multi-family developments in the area.

AD.3 The architectural details for each building will provide for an attractive development that contains variation in building materials and façade articulation.

AD.4 Multiple windows will be provided for each dwelling unit where practicable.

AD.5 There will be an effort to avoid “blank walls” facing Angliana Avenue.

AD.6 This standard is not applicable.

AD.7 This development will provide clear differentiation between the other developments of a similar type in the area.

AD.8 Both the front and rear facades of these buildings will contain architectural details and articulation.

AD.9 Form-built transitions will be provided where practicable.

Thank you for your consideration of this additional information. We look forward to our continued discussions on this project.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Walbourn', with a long horizontal flourish extending to the right.

Jacob C. Walbourn
Counsel for F2 Companies

cc: Hal Bailie, Division of Planning

August 5, 2019

Via Hand Delivery Mail

Lexington-Fayette Urban County Planning Commission
200 East Main Street
Lexington, Kentucky 40507

Re: Variance Request – 840 Angliana Avenue

Dear Commissioners:

Please be advised that I represent F2 Companies, LLC (“F2”). As you are aware, my client is pursuing a zone change for approximately 5.57 acres from the Wholesale and Warehouse Business (B-4) zone to the High Rise Apartment (R-5) zone in order to construct a multi-family development on the property located at 840 Angliana Avenue.

As we have progressed through the zone change process, we have convened numerous meetings with Planning staff. During these meetings, we have discussed potential edits to our preliminary development plan (“PDP”) that are more in keeping with the goals and objectives of the 2018 Comprehensive Plan, including the policy statements included in the Placebuilder. In working with staff, we feel we have crafted a development plan that meets these goals and objectives, as well as meeting many of the policy statements contained in the Placebuilder. However, following these amendments, we have discovered that a variance is required to our off-street parking requirement. Please accept this letter as our request that the Planning Commission grant a variance to the off-street parking requirements from a minimum of 491 spaces to a minimum of 387 spaces, or a ratio of 0.9 spaces per bed.

In support of this request, and as you are aware, the Zoning Ordinance provides two methods of calculating minimum required off-street parking. One method is to take the number of “beds” in a multi-family development and multiply it by 0.9 spaces. The other method is to take the total number of “units” and multiply that number by 1.5. The Ordinance requires an applicant to use the *greater* of those two calculations. Our development plan currently shows a total of 385 units and 430 beds. Accordingly, by providing 390 spaces, the plan actually satisfies the “per bed” requirement, even without taking any of the permitted reductions for transit stops or bicycle racks (430 beds x 0.9 spaces per bed = 387 spaces). It does not, however, satisfy the “per unit” requirement. Unlike many student housing projects, this project focuses more smaller “units” (consisting, primarily of studio and 1-bedroom units, with a smaller number of multi-bed units). Because there are more “units,” this drives up the second (per unit) calculation substantially. We believe that this plan meets the intent of the Ordinance, which seeks to generally ensure adequate parking for a development. Simply stated, in a community where 1 bedroom units are the most common unit type, the 0.9 “per bed” calculation would appear to more accurately reflect the actually needed parking than the more arbitrary 1.5 “per unit” calculation. Additionally, we would note that a review of overhead pictometry in the area,

where numerous student housing projects are located, reflect that these other projects generally show a reasonable surplus of parking available in the individual projects. That is indicative that the “legally required” parking may be more than is actually necessary.

In further support of this variance, we state that the grant of this variance will neither adversely impact the public health, safety, or welfare nor alter the essential character of the general area. We further submit that this will not cause a hazard or nuisance, as sufficient parking is actually provided, and further, is not an unreasonable circumvention of the ordinance, but rather, provides parking in accord with what is actually commercially necessary at the site. We would note that the need for this variance arises from special circumstances. The applicant is redeveloping an already developed parcel at a higher level of density. It has employed creative methods to supplement parking (via putting the parking underneath buildings and orienting it away from the street). Further, as articulated above, this project is unique as compared to similar projects because of the high proportion of one-bedroom units, which dramatically increase the “unit” count for the project. Notably, this project averages only 1.12 beds per unit. Additionally, strict application of the off-street parking regulation would create an unnecessary hardship – to wit, the loss of density on the project for parking that appears to be superfluous. Indeed, reducing overparking in developments is an objective of the 2018 Comprehensive Plan.

In sum, we believe that the parking proposed for this development complies with the Ordinance in spirit, if not in literal count. Accordingly, we think this request is appropriate and will allow the development to be more in compliance with the 2018 Comprehensive Plan. Accordingly, we request your approval of this variance request in conjunction with our zone change. Should you require additional information regarding this matter, please do not hesitate to contact me.

Sincerely,



Jacob C. Walbourn
Counsel for F2 Companies

JCW/klm

MEDIUM DENSITY RESIDENTIAL

2ND TIER URBAN

SITE DESIGN, BUILDING FORM, & LOCATION

- A-DS3-1** Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
- A-DS4-2** New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.
- A-DS5-3** Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
- A-DS5-4** Development should provide a pedestrian-oriented and activated ground level.
- 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-DS7-3** Parking structures should activate the ground level.
- A-DS8-1** At the individual street level, medium density housing types should be interspersed with single-family detached units and should be context sensitive.
- 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-DN2-2** Development should minimize significant contrasts in scale, massing and design, particularly along the edges of historic areas and neighborhoods. (D-PL9, E-GR6)
- A-DN3-2** Development should incorporate residential units in commercial centers with context sensitive design.
- A-DN6-1** Allow and encourage new compact single-family housing types.
- A-EQ3-1** Development should create context sensitive transitions between intense corridor development and existing neighborhoods.
- 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-LI6-1** Developments should incorporate multi-family housing and walkable commercial uses into development along arterials/corridors.

- 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-PL9-1** Historically significant structures should be preserved.
- D-PL10-1** Activate the streetscape by designating public art easements in prominent locations.
- 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.

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.

MEDIUM DENSITY RESIDENTIAL

2ND TIER URBAN

TRANSPORTATION & PEDESTRIAN CONNECTIVITY (CONT.)

- A-DS4-1** A plan for a connected multi-modal 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 multi-modal 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 multi-modal connections to the neighborhood.
- A-EQ3-2** Development on corridors should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities). (B-SU3)
- 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.
- 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-CO4-2** Roadway capacity should be increased by providing multiple parallel streets, which alleviate traffic and provide multiple route options, in lieu of additional lanes.
- D-CO5-1** Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.
- D-SP1-3** Developments should provide multi-modal transportation infrastructure to school sites, including sidewalks, shared-use paths, and roadways that can accommodate the bus and vehicle traffic associated with the site.
- D-SP6-1** Social services and community facilities should be accessible via mass transit, bicycle and pedestrian transportation modes. (A-EQ7)
- E-ST3-1** Development along major corridors should provide for ride sharing pick up and drop off locations along with considerations for any needed or proposed park and ride functions of the area. (E-GR10, E-GR7)

GREENSPACE & ENVIRONMENTAL HEALTH

- A-DS4-3** Development should work with the existing landscape to the greatest extent possible, preserving key natural features.
- A-EQ7-3** 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.

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.

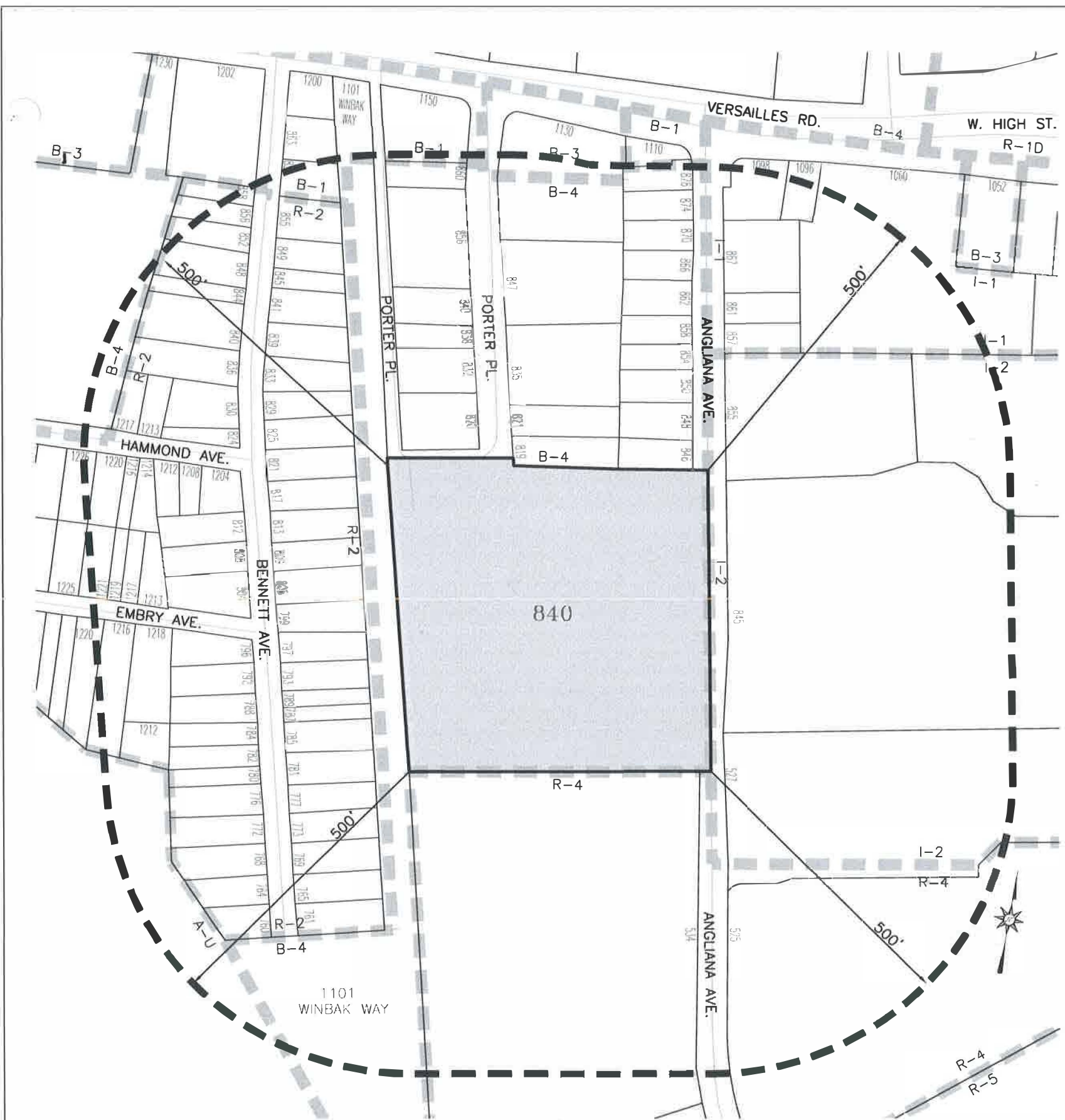
The following description is intended for zoning purposes only. The description represents information depicted on documents of record found in the Fayette County Clerk's office. This description does not represent a boundary survey and should not be used for real estate conveyance or transfer.

Haynes Brothers Properties, LLC
Zone Change from B-4 to R-5
840 Angliana Ave.
Lexington, KY 40508

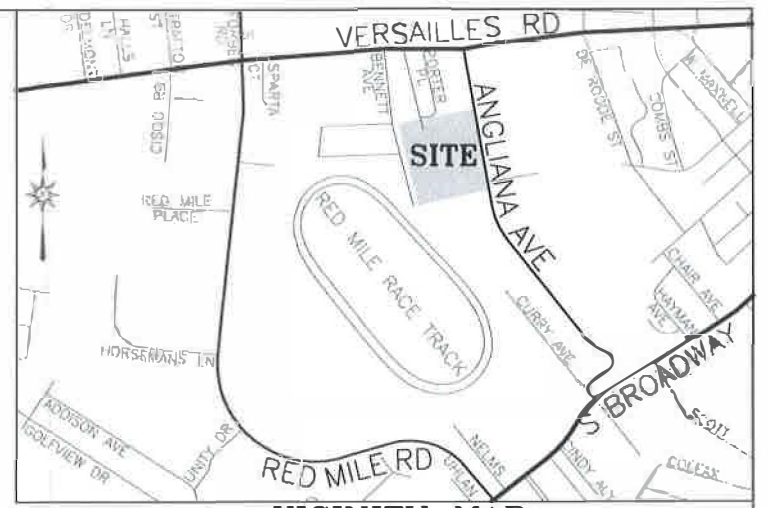
A tract of land adjoining the west side of Angliana Avenue, within the City of Lexington, County of Fayette, Commonwealth of Kentucky and more particularly described as follows:

Beginning at a point on the centerline of Angliana Avenue, said point being South 08° 52' 22" East 578.32 feet from the centerline intersection of said Angliana Avenue and Versailles Road and being in the line of the existing I-2 Zone delineation; thence with said I-2 Zone and the centerline of said Angliana Avenue for one (1) call:

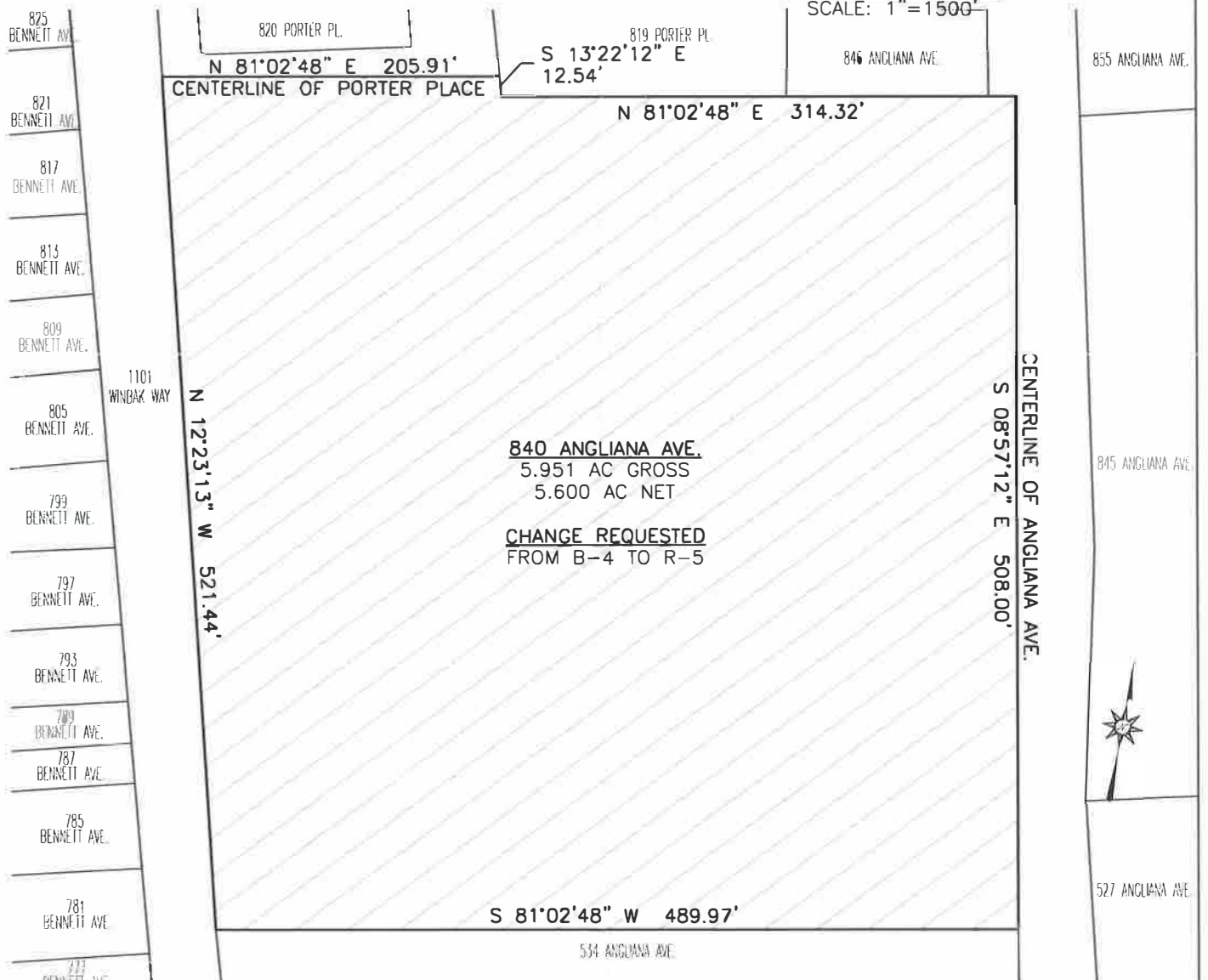
1. South 08° 57' 12" East 508.00 feet to a point in the existing B-4 Zone delineation; thence with said B-4 Zone for one (1) call:
2. South 81° 02' 48" West 489.97 feet; thence severing the existing B-4 Zone for four (4) calls:
3. North 12° 23' 13" West 521.44 feet to a point on the centerline of Porter Place;
4. North 81° 02' 48" East 205.91 feet with said centerline to a point on the southern Right-of-Way line of Porter Place;
5. South 13° 22' 12" East 12.54 feet with said Right-of-Way line;
6. North 81° 02' 48" East 314.32 feet to the Point of Beginning containing 5.951 Acres Gross and 5.600 Acres Net.



NOTIFICATION MAP
SCALE: 1"=200'



VICINITY MAP
SCALE: 1"=1500'



PROPERTY INFORMATION MAP

SCALE: 1"=100'

ZOMAR TITLE: HAYNES BROTHERS PROPERTIES LLC

OWNER - APPLICANT NAME / ADDRESS:	PROPERTY ADDRESS:	FROM	TO	GROSS	NET
HAYNES BROTHERS PROPERTIES, LLC	840 ANGLIANA AVENUE	B-4	R-5	5.951	5.600
PO BOX 8638					
LEXINGTON KY 40533					
PREPARED BY: VISION ENGINEERING, LLC	DATE FILED OR AMENDED: AUGUST 5, 2019	TOTAL		5.951	5.600

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-19-00014: F2 COMPANIES

DESCRIPTION OF ZONE CHANGE

Zone Change: From a Wholesale and Warehouse Business (B-4) zone
To a High Rise Apartment (R-5) zone

Acreage: 5.6 net (5.91 gross) acres

Location: 840 Angliana Avenue



EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	B-4	Tobacco Warehouse
To North	B-4	Single Family/Shops of Specialty Trade
To East	I-2	Industrial
To South	R-4	Multi-Family
To West	R-2	Single/Two-Family

URBAN SERVICE REPORT

Roads - The subject property has frontage along three roadways: Angliana Avenue, Porter Place, and Porter Alley. Angliana Avenue is a two-lane collector street that connects South Broadway (US 27) to Versailles Road (US 60), and generally parallels the Norfolk-Southern Railroad at this location. Angliana Avenue has a 50-foot right-of-way and approximately 32 feet of pavement. Approximately 6,800 vehicles travel along this collector street daily. South Broadway and Versailles Road are both five-lane major arterial roadways in this vicinity, and each has a signalized intersection with Angliana Avenue. Porter Place and Porter Alley are both local roadways that form a loop connecting to and from Versailles Road. These roadways act as access for the various shops of specialty trade that are located north of the subject property. While both are designated as a local roadways, their cross-sections do not meet current standards.

Curb/Gutter/Sidewalks - Angliana Avenue has intermittent curb, gutter and sidewalk facilities. Recent improvements have been constructed to the east and south of the subject property, as redevelopment of the area has occurred. The subject property currently has no curb, gutter or sidewalk facilities, which should be provided with any redevelopment of the site. Porter Place also has intermittent curb, gutter and sidewalk facilities, whereas Porter Alley has been constructed without curb, gutter and sidewalk facilities.

Utilities - All utilities, including natural gas, electric, water, phone, and cable television are available in the area, and are available to serve the proposed development.

Storm Sewers - The subject property is located within the Town Branch watershed, and storm sewers do exist in this portion of the Urban Service Area. Additional stormwater facilities may be required for the residential redevelopments in this general area to address both water quantity and water quality. Any such improvements shall be designed and constructed in accordance with the LFUCG Engineering Manuals. There are no FEMA Special Flood Hazard Areas or known flooding issues within the immediate area.

Sanitary Sewers - The subject property is located within the Town Branch sewershed. The property is served by the Town Branch Sewage Treatment Facility, located on Lisle Industrial Avenue, southeast of New Circle Road. The adequacy of sewer mains in the area were evaluated as the adjoining multi-family residential development was reviewed during the past few years. Improvements were made in the vicinity by the developer at that time. No further improvements are necessary to accommodate the proposed use of the subject property. Sanitary sewer capacity will need to be verified by the Capacity Assurance Program (CAP) prior to certification of the final development plan, as an increase in sanitary sewer flows are anticipated for the multi-family residential land use.

Refuse - The Urban County Government serves this area with refuse collection on Mondays. Supplemental service may be required to serve the needs of the proposed residential land use. This can be accomplished by contracting with private refuse collectors, if desired.

Police - The nearest police station is the main headquarters, located about 1 mile north of the subject properties at East Main Street and Martin Luther King, Jr. Boulevard.

Fire/Ambulance - The nearest fire station (#6) is located less than one mile to the south at the intersection of Scott Street and South Limestone, across from the University of Kentucky's campus

SUMMARY OF REQUEST

The petitioner has requested a zone change from a Wholesale and Warehouse Business (B-4) zone to the High Rise Apartment (R-5) zone in order to construct a multi-family development for 5.6 net (5.91 gross) acres for the properties located at 840 Angliana Avenue. The proposed development includes five (5) multi-family apartment buildings, with a total of 385 dwelling units. The proposed development represents a density of 68.75 dwelling units per acre. Associated with the dwelling units, the petitioner is seeking to include resident amenities on-site. A variance is also requested to reduce the off-street parking requirements.

PLACE-TYPE

2ND TIER URBAN 2nd Tier Urban is where significant infill and redevelopment opportunities exist to complement the urban core. While not expected to be as intensely developed as the downtown core, high-rise opportunities are not precluded provided that they are context-sensitive. The forward trend for development in the 2nd tier urban areas should be towards increased walkability and intensity.

DEVELOPMENT TYPE

MEDIUM DENSITY RESIDENTIAL

Primary Land Use, Building Form, & Design
Primarily attached and multi-family units. Multi-family units should complement and enhance existing development through quality design and connections.

Transit Infrastructure & Connectivity
Nearby commercial/employment uses and greenspaces should be easily accessible, and bicycle and pedestrian modes should be maximized to connect residents to destinations.

Quality of Life Components
These developments should include intentional open space designed to fit the needs of area residents, and a variety of neighborhood-serving commercial/employment uses.

PROPOSED ZONING



This zone is primarily for multi-family dwellings and particularly for high rise apartments. The R-5 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 High Rise Apartment (R-5) zone to construct a high density residential development containing five (5) multi-story, multi-family structures and an associated resident facilities. The developer is planning to own and manage the multi-family buildings, and will have staff on-site. The developer has indicated that the proposed development will be targeted at providing housing to University of Kentucky students, but will not be limited to that population due to the proximity to the downtown area.

APPLICANT & COMMUNITY ENGAGEMENT



The petitioner has indicated that they have reached out to surrounding neighborhoods and property owners. The petitioner has not described the response from their outreach and should provide a fuller description of the outcome.

PROPERTY & ZONING HISTORY

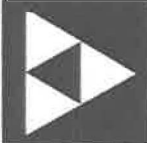


The subject property is located mid-block along Angliana Avenue and was the site of the Burly Tobacco Warehouse. The subject property is currently developed as a 200,000 square foot warehouse facility, which covers almost the entirety of the subject property. While the property is still currently utilized for warehousing, the structure itself is beginning to degrade. Whereas several of the older warehouses in Lexington were constructed of brick and have been targeted for adaptive reuse, this structure is a metal clad construction, and does not have the same design elements and structural integrity that have been sought to be retained.

Angliana Avenue has historically been characterized by a number of different uses, but primarily served as a location for warehousing and other industrial uses. A small residential area exists near the intersection of Angliana Avenue and Versailles Road. Retail, commercial and industrial uses exist along Angliana Avenue as it approaches South Broadway. With the exception of the residential uses, the zoning in the area is congruent with the historical land uses. Those properties located along the eastern portion of Angliana Avenue and abut the Norfolk-Southern Railroad were historically a blend of Light Industrial (I-1) and Heavy Industrial (I-2) zones, while the properties located along the western side of Angliana Avenue were primarily within the Wholesale and Warehousing (B-4) zone. The transition from I-1 and I-2 zones to the B-4 zone represented a decrease in the intensity of land use as development moved closer to residential use along Bennett Avenue and toward the agricultural uses occurring on the Red Mile property.

Over the course of the last 12 years, there have been three zone changes along Angliana Avenue that have shifted the character of development in the area from warehousing and industrial uses to a higher density residential use. The properties located at 497 through 534 Angliana Avenue have all been rezoned from I-2 or B-4 zones to High Density Apartment (R-4) or High Rise Apartment (R-5) zones. The zone changes in this area were focused on providing housing opportunities, primarily targeting University of Kentucky students. The proposed development at 840 Angliana Avenue is also seeking to convert to the high density residential use.

COMPREHENSIVE PLAN COMPLIANCE

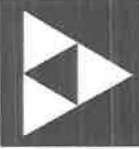


GOALS & OBJECTIVES

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

The applicant opines that they are in agreement with the adopted Goals and Objectives of the 2018 Comprehensive Plan. They state that the proposed rezoning accommodates the demand for housing in Lexington responsibly, prioritizing higher density options and a mixture of housing types (Theme A, Goal #1), while also supporting infill and redevelopment with modern, safe, and dense housing (Theme A, Goal #2). The applicant also indicates that they are seeking to provide a well-designed neighborhood (Theme A, Goal #3) by varying the mobility patterns of potential residents, and promoting alternative modes of transportation, specifically focusing on the availability of transit services including Lextran Routes 8, 12, 13, and 15. The applicant is also proposing a new transit stop along the frontage of the subject property, which will also seek to reduce dependency on passenger vehicles in the area (Theme D, Goal #1.a and c). Finally, the petitioner opines that the location of the development is advantageous for a higher density residential use, as situated between two major arterial roadways that support transit and alternative modes of transportation. The proposed development's proximity to the University of Kentucky's campus and the increased opportunities for various mobility patterns can reduce Lexington-Fayette County's reliance on automotive-centric mobility patterns and reduce our carbon footprint (Theme B, Goal #2).

The staff agrees with these aspects of the applicant's proposal and that these goals and objectives can be met.



CRITERIA

The 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 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. The applicant has indicated that the site is located within the 2nd Tier Urban place-type and is seeking to create a medium density residential development. Staff concurs with the applicant's assessment of the place-type and agrees that medium density residential can be appropriate for the subject property within a High Rise Apartment (R-5) zone.

1. Site Design, Building Form and Location

While staff agrees with much of the justification provided by the applicant, there are several areas of concern as to how the applicant has not applied or not addressed the criteria. While the applicant has indicated that they are meeting the Multi-family Design Standards (A-DS3-1), there are still several areas of discussion remaining related to these standards. The petitioner has not addressed the Site Planning standards, Open Space and Landscaping standards, or Architectural Design standards. The Site Planning Standards seek to enhance the natural environment, connect the project to its surroundings, promote walkability, ensure effective access and circulation, include green-design features, and provide for services and storage. The Open Space and Landscaping standards seek to provide safe, active, and accessible gathering places in the community that encourage social interaction and a sense of community. The Architectural Design standards seek to create visual interest, character, and identity for the project while maintaining a relationship to the human scale and natural environment, creating and enhancing a sense of community and neighborhood, incorporating environmentally sustainable features, and being compatible to the surrounding areas. Staff understands of the site constraints and that it may not be possible for all these standards to be applied; however, the standards should be discussed by the applicant to demonstrate that they are meeting this criteria to the fullest extent possible.

2. Transportation and Pedestrian

With the proposed reduction of parking within the subject property, a greater emphasis must be provided on transit infrastructure and alternative modes of transportation. The Comprehensive Plan notes that mass transit infrastructure, such as seating and shelters, should be provided/enhanced along transit routes (A-DS1-1). The applicant has shown a new transit stop; however, they have not indicated whether the stop will have transit infrastructure. This is also important as the applicant is within the Infill and Redevelopment Area and transit infrastructure allows for a reduction in the required off-street parking.

In addition to the transit infrastructure, the applicant should consider providing direct pedestrian linkages to the proposed transit stop (A-DS1-1). While the proposed stop is along the sidewalk, there is an opportunity to locate the stop within the sight-line of the proposed development and provide direct access along the eastern side of the proposed pool location.

Finally, with the growth of the shared/gig economy, there is a need to provide appropriate infrastructure to handle new forms of mobility and delivery. The applicant should consider a safe pull-off for food delivery and ride sharing (E-ST3-1). This could be either located internal to the site or, with consideration by the Division of Traffic Engineering, along the right-of-way.

3. Greenspace and Environmental Health

The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, limits the impacts on the surrounding environment, maintains many of the current tree lines and canopy, and provides delineated access to the open space.

STAFF RECOMMENDS: POSTPONEMENT, FOR THE FOLLOWING REASONS:



1. The zone change application for the subject property, as proposed, does not completely address the development criteria for a zone change within the 2nd Tier Urban Place Type, and the Medium Density Residential Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
 1. Site Planning
 2. Open Space and Landscaping
 3. Architectural Design
 - b. A-DS1-1: Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7).
 - c. A-DS1-2: Direct pedestrian linkages to transit should be provided.
 - d. E-ST3-1: Development along major corridors should provide for ride sharing pick up and drop off locations along with considerations for any needed or proposed park and ride functions of the area. (E-GR10, E-GR7)

VARIANCE REQUEST



As part of their application, the petitioner is seeking a variance for the total amount of off-street parking required for the proposed development. The petitioner is seeking to reduce the number of required parking spaces from 491 to 390 within the Infill and Redevelopment Area.

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 7-6(b) states that the Board may grant a variance to reduce the number of parking spaces by 50% of the otherwise required number in accordance with Article 16-10 for projects within the defined Infill & Redevelopment Area. Any reduction granted by the Board shall account for and include all other allowable parking reductions.

Article 8-14(n) refers back to Article 8-12(n), which states that, for multiple family dwellings three (3) parking spaces are required for every two (2) dwelling units; or, in the alternative, 0.9 spaces per bedroom, whichever is greater.

Article 15-7(d) states that there should be special considerations for Infill & Redevelopment areas. "The intent of the Infill and Redevelopment regulations is to allow new construction that is compatible with existing development patterns in older, established neighborhoods. Unique circumstances may require appropriate Board of Adjustment action to allow some relief of yard requirements where strict application of the regulations would cause unusual hardship or a development incompatible with the existing pattern of the neighborhood."

Article 16-10 states that all parking reductions shall apply under specific circumstances. The allowable reductions can generally be taken for multi-family dwellings in residential and/or mixed use zones; however, the section of the Zoning Ordinance only permits the bicycle rack reduction for parking lots of fifty or more spaces (5% reduction) and for transit stops or shelters within 300 feet of the site (5% or 10%, respectively). A maximum of 15% of the required parking may be reduced utilizing the provisions of Article 16-10.

CASE REVIEW

The LFUCG Zoning Ordinance provides two methods of calculating the minimum required off-street parking for group residential developments. The first method is based on the number of beds that are planned for a multi-family development and requires a ratio of parking of 0.9 spaces per every bed. The second method is based on the total number of dwelling units within the structure and requires 3 spaces per two dwelling units. The Ordinance requires an applicant to use the form of calculation that generates the greatest amount of parking. The purpose of such a calculation was meant to maintain a proper amount of parking, especially for those developments that have a higher rate of dwelling units that contain two and three bedrooms. The applicant is currently proposing 385 units, which would require a total of 577 off-street parking spaces. The applicant is also proposing a total of 430 beds, which would require a total of 387 off-street parking spaces. Utilizing the



calculations for the proposed development, the applicant's required parking would be based on the per unit calculation.

Within the Infill and Redevelopment Area there are available reductions for development that are meant to incentivize the utilization of properties within the Urban Service Area and densify where able. As such, Article 16-10 permits a reduction of 5% for parking for lots of fifty or more spaces that provide bicycle racks and an additional 10% reduction for sites that have transit stops with shelters within 300 feet of the site. Both of these provisions promote alternative mobility patterns and reduce Lexington's carbon footprint. A maximum of 15% of the required parking may be reduced utilizing these provisions. The applicant is seeking to provide both of these portions of infrastructure, which allow the applicant to reduce their needed parking from 577 parking spaces to 491 parking spaces.

The applicant is requesting a variance to further reduce the required number of off-street parking spaces by 104 spaces (22%). The applicant is seeking this reduction as it would allow them to provide the greatest amount of density on the site, while also providing the necessary parking for potential residents. Additionally, the count of 387 off-street parking matches the total amount of parking required when utilizing the per bed calculation of 0.9 spaces per bed. As such, the applicant, while not able to conform with the per dwelling unit calculation is seeking to conform with the regulations of the LFUCG Zoning Ordinance. This does not constitute a willful violation of the zoning regulation by the applicant, but an adherence to a less restrictive portion of the ordinance and the greatest use of the lot.

The proposed variance for the property and the reduction in parking utilizing the infill and redevelopment incentives would result in a 33% reduction from the total required under the ordinance. While the reduction is more than those permitted utilizing the reductions outlined in the Infill and Redevelopment Area, Article 7-6(b) states that the Board, or in this case the Planning Commission, may grant a variance to reduce the number of parking spaces by 50% of the otherwise required number in accordance with Article 16-10 for projects within the defined Infill & Redevelopment Area. Any reduction granted by the Planning Commission shall account for and include all other allowable parking reductions. As such, it is within the purview of the Planning Commission to grant such a variance.

The applicant also notes that the aerial photography for the area shows that the parking for the other student housing projects in the area have surplus of parking available in the individual projects. That is indicative that the required parking under the per dwelling unit calculation may be greater than the on the ground need.

The applicant states that the need for the variance arises from the special circumstances of the proposed development, which is a redevelopment of an already built out parcel at a higher level of density. The applicant has employed creative methods to employ off-street parking by putting parking underneath buildings and orienting it away from the street. The applicant is also seeking to apply the floor area ratio (F.A.R.) available within the zone, without utilizing the bonus F.A.R. that is available in the Infill and Redevelopment Area. Further, this project is unique in comparison to similar projects, as the applicant is proposing a high proportion of one-bedroom units, which substantially increases the amount of dwelling units on the site. This is reinforced by average bed count per dwelling unit of 1.12 beds per unit. The strict application of the off-street parking regulation would create an unnecessary hardship on the proposed development as it would reduce the available F.A.R. and the associated density for the site for parking that surrounding development has not needed.

Finally, the applicant states that the granting of this variance will neither adversely impact the public health, safety, or welfare nor will it alter the essential character of the general area. The decrease in the off-street parking will not cause a hazard or nuisance, as sufficient parking is provided. The applicant opines that the request is not an unreasonable circumvention of the ordinance, but rather, provides parking in accord with what is necessary at the site.

The staff agrees with these aspects of the applicant's proposed variance.

STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASONS:



1. Granting the requested variance should not adversely affect the public health, safety, or welfare; nor should it affect the character of the general vicinity. The property is located within the defined Infill & Redevelopment Area where parking variances of up to 50% may be granted. The general vicinity has adequate pedestrian facilities, on-street parking and public transportation is available.
2. The need for the variance arises from the special circumstances of the proposed development, which is a redevelopment of an already built out parcel at a higher level of density.
3. The project is unique in comparison to similar projects, as the applicant is proposing a high proportion of one-bedroom units, which substantially increases the amount of dwelling units on the site. This is reinforced by average bed count per dwelling unit of 1.12 beds per unit. The strict application of the off-street parking regulation would create an unnecessary hardship on the proposed development as it would reduce the available F.A.R. and the associated density for the site for parking that surrounding development has not needed.
4. The request is not a result of a willful violation of the Zoning Ordinance. The applicant has taken care to go through the necessary process for this project and has requested the variance prior to commencing construction.

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

- a. Provided the Planning Commission approves the requested zone change to the R-5 zone, otherwise the requested variance shall be null and void.
- b. The development shall be constructed in accordance with the approved Final Development Plan, or as that plan is amended to address design requirements of the Divisions of Engineering, Traffic Engineering, or Building Inspection.
- 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-19-00014: F2 COMPANIES



STAFF REVIEW

In the period following the Subdivision and Zoning Committee meetings, the applicant provided supplemental documentation regarding the proposed development and its agreement with the 2018 Comprehensive Plan. The new information provided by the applicant addresses many of the multi-family design standards (A-DS3-1) recommended by the Comprehensive Plan. While the applicant has sufficiently addressed the multi-family design standards for the zone change process, at the time of final development a greater amount of detail should be provided regarding safe pedestrian circulation internal to the site (SP.6 and SP.12). The applicant has worked diligently to provide an active street frontage and amenities to potential residents within the subject property. It is imperative that those who choose to live at this location are able to safely traverse between buildings and to the transit and pedestrian facilities along the Angliana Avenue frontage. Additionally, at the time of the final development plan the applicant should provide the Planning Commission and staff more detailed descriptions regarding the structure articulation and how the facades will be addressed. The applicant also provided a description of the sheltered space they are proposing for the depicted transit stop along the frontage of the property (A-DS1-1), direct pedestrian linkages to the proposed transit stop (A-DS1-2), and incorporated a safe pull-off for food delivery and ride sharing within the proposed development (E-ST3-1).

Staff can now recommend approval of the proposed zone change from a Wholesale and Warehouse Business (B-4) zone to a High Rise Apartment (R-5) zone, as the proposal is in agreement with the 2018 Comprehensive Plan, including the applicable Goals and Objectives, Policies, and Development Criteria.

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



1. The requested High Rise Apartment (R-5) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning accommodates the demand for housing in Lexington responsibly, prioritizing higher density apartments, at a density of 68.75 dwelling units per acre, (Theme A, Goal #1), while also supporting infill and redevelopment of an underutilized property, and replacing a warehouse structure with modern, safe, and dense housing (Theme A, Goal #2).
 - b. The proposed development provides a well-designed neighborhood (Theme A, Goal #3) by varying the mobility patterns of potential residents, and promoting alternative modes of transportation, specifically focusing on the availability of transit services including Lextran Routes 8, 12, 13, and 15.
 - c. The proposed new transit stop along the frontage of the subject property will help reduce dependency on passenger vehicles in the area (Theme D, Goal #1.a and c).
 - d. The proposed development's proximity to the University of Kentucky's campus and the increased opportunities for various mobility patterns can reduce Lexington-Fayette County's reliance on automotive-centric mobility patterns and reduce our carbon footprint (Theme B, Goal #2)
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site creates a residential development that supports pedestrian mobility, while also providing access to focal points and private open space. Additionally, the proposed rezoning seeks to increase the intensity of use along a collector street, prioritizing a higher density residential development.
 - b. The proposed rezoning includes safe facilities for the potential residents of the site by prioritizing multi-modal connections and increasing bike and pedestrian facilities. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018



Comprehensive Plan.

- c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, reduces the amount of impervious surfaces, limits the impacts on the surrounding environment, and provides new private amenities and access to open space.
3. This recommendation is made subject to approval and certification of PLN-MJDP-19-00045: Haynes Brothers Properties, LLC, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

Abbreviated public hearings will be held on petitions meeting the following criteria:

- The staff has recommended approval of the zone change petition and related plan(s)
- The petitioner concurs with the staff recommendations
- Petitioner waives oral presentation, but may submit written evidence for the record
- There are no objections to the petition

1. **F2 COMPANIES ZONING MAP AMENDMENT & HAYNES BROTHERS PROPERTY, LLC ZONING DEVELOPMENT PLAN**

- a. **PLN-MAR-19-00014: F2 COMPANIES (11/21/19)***- a petition for a zone map amendment from a Wholesale and Warehouse Business (B-4) zone to a High Rise Apartment (R-5) zone, for 5.6 net (5.951 gross) acres, for property located at 840 Angliana Avenue.

COMPREHENSIVE PLAN AND PROPOSED USE

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

The petitioner has requested a zone change from a Wholesale and Warehouse Business (B-4) zone to the High Rise Apartment (R-5) zone in order to construct a multi-family development for 5.6 net (5.91 gross) acres for the properties located at 840 Angliana Avenue. The proposed development includes five (5) multi-family apartment buildings, with a total of 385 dwelling units. The proposed development represents a density of 68.75 dwelling units per acre. Associated with the dwelling units, the petitioner is seeking to include resident amenities on-site. A variance is also requested to reduce the off-street parking requirements.

The Zoning Committee Recommended: **Postponement** to the full Commission.

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

1. The zone change application for the subject property, as proposed, does not completely address the development criteria for a zone change within the 2nd Tier Urban Place Type, and the Medium Density Residential Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
 1. Site Planning.
 2. Open Space and Landscaping.
 3. Architectural Design
 - b. A-DS1-1: Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7).
 - c. A-DS1-2: Direct pedestrian linkages to transit should be provided.
 - d. E-ST3-1: Development along major corridors should provide for ride sharing pick up and drop off locations along with considerations for any needed or proposed park and ride functions of the area. (E-GR10, E-GR7).

b. REQUESTED VARIANCE

1. To reduce the number of required parking spaces from 491 to 387 within the Infill and Redevelopment Area.

The Zoning Committee recommended: **Approval** for the following reason.

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

1. Granting the requested variance should not adversely affect the public health, safety, or welfare; nor should it affect the character of the general vicinity. The property is located within the defined Infill & Redevelopment Area where parking variances of up to 50% may be granted. The general vicinity has adequate pedestrian facilities, on-street parking and public transportation is available.
2. The need for the variance arises from the special circumstances of the proposed development, which is a redevelopment of an already built out parcel at a higher level of density.
3. The project is unique in comparison to similar projects, as the applicant is proposing a high proportion of one-bedroom units, which substantially increases the amount of dwelling units on the site. This is reinforced by average bed count per dwelling unit of 1.12 beds per unit. The strict application of the off-street parking regulation would create an unnecessary hardship on the proposed development as it would reduce the available F.A.R. and the associated density for the site for parking that surrounding development has not needed.
4. The request is not a result of a willful violation of the Zoning Ordinance. The applicant has taken care to go through the necessary process for this project and has requested the variance prior to commencing construction.

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

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

- a. Provided the Planning Commission approves the requested zone change to the R-5 zone, otherwise the requested variance shall be null and void.
 - b. The development shall be constructed in accordance with the approved Final Development Plan, or as that plan is amended to address design requirements of the Divisions of Engineering, Traffic Engineering, or Building Inspection.
 - 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.
- c. PLN-MJDP-19-00045: HAYNES BROTHERS PROPERTY, LLC (11/21/19)* - located at 840 ANGLIANA AVE., LEXINGTON, KY.
Project Contact: Vision Engineering

Note: The purpose of this plan is to rezone the property.

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

1. Provided the Urban County Council rezones the property R-5; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. United States Postal Service Office's approval of kiosk locations or easement.
7. Denote lot coverage and building height per Article 21 of the Zoning Ordinance.
8. Denote pool and pool courtyard dimensions.
9. Denote Building F open plaza dimensions and remove plus/minus (\pm) from the typical building layout on the plan.
10. Discuss access to Porter Place.
11. Discuss compliance with Article 15-7 of the Zoning Ordinance regarding Infill and Redevelopment requirements.
12. Resolve stormwater quantity and quality features at the time of the final development plan.
13. Discuss open space compliance.
14. Discuss requested parking variance.
15. Discuss compliance with Placebuilder criteria:
 - a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
 - b. A-DS1-1: Mass transit infrastructure, such as seating and shelters, should be provided/enhanced along transit routes.
 - c. A-DS1-2: Direct pedestrian linkages to transit should be provided.
 - d. E-ST3-1: Development along major corridors should provide for ride sharing pick up and drop off locations along with considerations for any needed or proposed park and ride functions of the area.

Staff Zoning Presentation – Mr. Baillie presented the revised staff report and recommendations for the zone change application. He displayed photographs of the subject property and aerial photographs of the general area. He said the applicant is proposing this zone change to allow for six multi-family apartment buildings, a total of 385 dwelling units, which will be a residential density of approximately 69 dwelling units per acre. He said that the petitioner is also requesting a variance for the subject property. The subject property is surrounded by residential zones to the west, and warehouse, light industrial, and heavy industrial zones to the east. He added that this property is located along the railway, therefore it was utilized in the past as warehousing. Over time, many of those properties have been rezoned to allow for the construction of multi-family residential. He said that the current building is a tobacco warehouse and covers most of the property. He pointed out Porter Place, a local street that connects to Porter Alley, which is primarily used for commercial use for the shops of specialty trade. He said that the staff is recommending approval of this zone change and directed the Planning Commission to the revised staff recommendation, as follows:

1. The requested High Rise Apartment (R-5) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning accommodates the demand for housing in Lexington responsibly, prioritizing higher density apartments, at a density of 68.75 dwelling units per acre, (Theme A, Goal #1), while also supporting infill and redevelopment of an underutilized property, and replacing a warehouse structure with modern, safe, and dense housing (Theme A, Goal #2).
 - b. The proposed development provides a well-designed neighborhood (Theme A, Goal #3) by varying the mobility patterns of potential residents, and promoting alternative modes of transportation, specifically focusing on the availability of transit services including Lextran Routes 8, 12, 13, and 15.
 - c. The proposed new transit stop along the frontage of the subject property will help reduce dependency on passenger vehicles in the area (Theme D, Goal #1.a and c).
 - d. The proposed development's proximity to the University of Kentucky's campus and the increased opportunities for various mobility patterns can reduce Lexington-Fayette County's reliance on automotive-centric mobility patterns and reduce our carbon footprint (Theme B, Goal #2).

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

2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site creates a residential development that supports pedestrian mobility, while also providing access to focal points and private open space. Additionally, the proposed rezoning seeks to increase the intensity of use along a collector street, prioritizing a higher density residential development.
 - b. The proposed rezoning includes safe facilities for the potential residents of the site by prioritizing multi-modal connections and increasing bike and pedestrian facilities. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, reduces the amount of impervious surfaces, limits the impacts on the surrounding environment, and provides new private amenities and access to open space.
3. This recommendation is made subject to approval and certification of PLN-MJDP-19-00045: Haynes Brothers Properties, LLC, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

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

1. Provided the Urban County Council rezones the property R-5; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. United States Postal Service Office's approval of kiosk locations or easement.
7. Denote lot coverage and building height per Article 21 of the Zoning Ordinance.
- ~~8. Denote pool and pool courtyard dimensions.~~
- ~~9. Denote Building F open plaza dimensions and remove plus/minus (+/-) from the typical building layout on the plan.~~
- ~~10. Discuss access to Porter Place.~~
8. ~~44. Discuss~~ Denote compliance with Article 15-7 of the Zoning Ordinance regarding Infill and Redevelopment requirements shall be determined at time of Final Development Plan.
- ~~9. 42. Resolve~~ stormwater quantity and quality features at the time of the final development plan.
- ~~10. 43. Discuss~~ Revise open space compliance statistics to meet Group Residential requirements.
- ~~11. 44. Discuss~~ Provided the Planning Commission grants the requested parking variance.
- ~~12. 45. Discuss~~ Resolve compliance with Placebuilder criteria per the Zone Map Amendment Request (MAR) Staff Report:
 - a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
 - b. A-DS1-1: Mass transit infrastructure, such as seating and shelters, should be provided/enhanced along transit routes.
 - c. A-DS1-2: Direct pedestrian linkages to transit should be provided.
 - d. E-ST3-1: Development along major corridors should provide for ride sharing pick up and drop off locations along with considerations for any needed or proposed park and ride functions of the area.

Mr. Martin displayed a rendering of the proposed development. He said that there are four buildings oriented along the exterior of the property, and one larger building located in the center. He pointed to the location of the pool and the pool house. He also pointed out the access points onto Angliana Avenue and Porter Place. Mr. Martin then pointed out an access road located along the rear of the property that services the Red Mile Race Track. He said that the buildings are 4-stories in height, and will house 385 units. He said that they are required to have 491 parking spaces; however, they are requesting a variance to reduce the total parking required to 387 parking spaces. He said the total combined floor area of all these buildings is 312,432 sq. ft. He said that buildings C, D, and F will be built on platforms with parking below taking advantage of the grade of the property, which slopes down to the rear of the property. He pointed to an open courtyard and said that condition #10 is to revise the statistics to meet Group Residential requirements. He said in regards to Condition #8 there are some requirements for infill and redevelopment standards. These are for architectural issues that need to be met in order to be in compliance with Article 15-7 of the Zoning Ordinance. He added that compliance will need to be addressed on the final development plan. He said that the Subdivision Committee and the staff recommended approval with these revisions, as well as, resolving stormwater features and compliance with Placebuilder criteria per the Zone Map Amendment Request.

Variance Presentation – Mr. Baillie presented the variance associated with this zone change. He said that the applicant is requesting a reduction in the number of parking spaces for this development. He said that the Planning Commission must abide by the following criteria: 1) that the variance will not adversely affect the public health, safety or welfare; 2) will not alter the essential character of the general vicinity; and 3) will not allow an unreasonable circumvention of the site. He added that this this request arises from a special circumstance of the site. The current parking regulations for this zone require 0.9 spaces per bed, or 1.5 spaces per dwelling unit. The reduction for the Infill and Redevelopment Area include bike racks (up to 5% for lots that have greater than 50 parking spaces), and another 10% for a covered transit stop within 300 feet of the site. This a 15% reduction from the required per unit count, which is 577 parking spaces, to 490 parking spaces. He said that within the Infill and Redevelopment Area, the Planning Commission, may grant a variance to reduce the number of parking spaces by 50% of the otherwise required

number in accordance with Article 16-10 for projects within the defined Infill & Redevelopment Area. He said that the Planning Commission can grant up to a 50% parking reduction.

Mr. Baillie said that the applicant is requesting to reduce the number of parking spaces to the required per the number of bedrooms, which is 0.9 spaces per bedroom (387 spaces). He said that the staff is recommending approval for this variance request. This development consists of more studio and one bedroom apartments rather than two and three bedroom apartments, which will benefit the student wants and needs, as well as those transitioning from college to young professionals.

Commission Questions – Mr. Wilson asked if the reduction of parking spaces has any impact on the required number of hand-cap spaces. Mr. Baillie replied that it doesn't affect that number.

Applicant Presentation – Mr. Jacob Walbourn, attorney representing the petitioner. He said they are in agreement with the staff's recommendations and findings. He expressed his appreciation to the staff for working with them to get this approval. He said that this request for the R-5 zone is not for a high-rise building, but for the floor area ratio (FAR). He said that in regard to the variance, that the 0.9 parking spaces per bed requirement is being met before applying any reductions they are entitled to. However, because of the higher number of units, instead of the bed count, they are held accountable to the per unit requirement, which he believes would lead to over-parking of the development. He added that he and Matt Carter, Vision Engineering are available for any questions and that they are requesting the Planning Commission's approval.

Commission Question – Mr. Penn asked if this development is only for students. Mr. Walbourn said that is the intent of the development, but it is not only for them.

Zoning Action – A motion was made by Mr. Penn, seconded by Mr. Forester, and carried 10-0 (Brewer absent) to approve PLN-MAR-19-00014: F2 COMPANIES, for the reasons provided by the staff.

Variance Action – A motion was made by Mr. Penn, seconded by Mr. Forester, and carried 10-0 (Brewer absent) to approve the VARIANCE REQUEST, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Penn, seconded by Mr. Forester, and carried 10-0 (Brewer absent) to approve PLN-MJDP-19-00045: HAYNES BROTHERS PROPERTY, LLC, for the revised recommendations presented by the staff.

C. FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS - Following abbreviated hearings, the remaining petitions will be considered.

The procedure for these hearings is as follows:

- Staff Reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) Proponents (10 minute maximum OR 3 minutes each)
 - (b) Objectors (30 minute maximum) (3 minutes each)
- Rebuttal & Closing Statements
 - (a) Petitioner's comments (5 minute maximum)
 - (b) Citizen objectors (5 minute maximum)
 - (c) Staff comments (5 minute maximum)
- Hearing closed and Commission votes on zone change petition and related plan(s)

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the hearing. The Chair will announce its decision at the outset of the hearing.

1. APTITUDE DEVELOPMENT ZONING MAP AMENDMENT & LYNTHURST SUBDIVISION BLK D LOTS 2-7 (THE MARSHALL LEXINGTON) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-19-00013: APTITUDE DEVELOPMENT (11/21/19)*- a petition for a zone map amendment from a High Density Apartment (R-4) zone to a Downtown Frame Business (B-2A) zone, for 1.810 net (2.274 gross) acres, for properties located at 201, 207, 209, 211, 215, 221, 225, 227, & 231 E. Maxwell Street, and 245, 247, & 251 Stone Avenue.

COMPREHENSIVE PLAN AND PROPOSED USE

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