

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

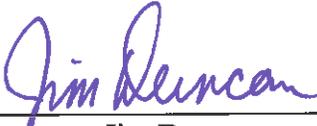
IN RE: **PLN-MAR-21-00010: LEXINGTON HOME OWNERSHIP** - a petition for a zone map amendment from a Neighborhood Business (B-1) zone to a Planned Neighborhood Residential (R-3) zone, for 0.32 net (0.47 gross) acre, for properties located at 309, 311 and 315 Race Street and 431 and 433 E. Third Street. (Council District 1)

Having considered the above matter on **September 23, 2021**, 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 Planned Neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed project will establish a residential development on currently underutilized land (Theme A, Goal 2, Objective a.; Theme E, Goal 1, Objective d.; Theme E, Goal 3) and will expand housing choices for the neighborhood (Theme A, Goal 1).
 - b. The proposed rezoning and development project will provide increased density in the defined Infill and Redevelopment Area (Design Policy #8; Sustainability Policy #3), specifically add the missing-middle housing type, which is compatible in scale and form with surrounding structures in the neighborhood (Growth Policy #9).
 - c. The addition of new trees on the properties, adding both internal canopy and street trees along the frontages of the property will reduce the impact of the development on the environment and will create a walkable streetscape along Race and East Third Street (Theme A, Goal 3, Objective d.; Restoration Policy #1; Connectivity Policy #3).
 - d. The proposed project will allow for easy access to nearby facilities and amenities, including community centers, parks and entertainment destinations (Theme A, Goal 3, Objective b.; Theme D, Goal 1, Objective a.; Theme D, Goal 1, Objective b.; Sustainability Policy #2; Design Policy #5; Sustainability Policy #4; Livability Policy #7; Connectivity Policy #3).
 - e. The proposed development provides safe and desirable affordable housing to low and moderate income individuals and families (Theme A, Goal #1.c).
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.
 - b. The proposed rezoning includes safe facilities for the potential users of the site by prioritizing the inclusion of safe 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, limits the impacts on the surrounding environment, and adds tree canopy coverage in the form of street trees and landscape buffers.
3. The proposed development is in agreement with the East End Small Area Plan as it meets the following goals:
 - a. Goal #2: The proposed development will create housing that is affordable, accessible, and attractive to a diverse range of people.

- b. Goal #3: The proposed development will ensure compatibility and encourage a complimentary relationship between adjacent land uses by adding a denser housing type (townhomes), but one that is equivalent in size and use.
4. This recommendation is made subject to approval and certification of PLN-MJDP-21-00040: Wilgus Lots (Race on Third), 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 14th day of October, 2021.


Secretary, Jim Duncan

LARRY FORESTER
CHAIR

Note: The corollary development plan, PLN-MJDP-21-00040: WILGUS LOTS (RACE ON THIRD) was approved by the Planning Commission on September 23, 2021 and certified on October 7, 2021.

K.R.S. 100.211(7) requires that the Council take action on this request by December 22, 2021.

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

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (10) Barksdale, Bell, Davis, de Movellan, Forester, Meyer, Michler, Nicol, Penn, and Worth

NAYS: (0)

ABSENT: (1) Pohl

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-21-00010** carried.

Enclosures: Application
Justification
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: LEXINGTON HOME OWNERSHIP, 300 WEST NEW CIRCLE ROAD, LEXINGTON, KY 40505
Owner(s): LEXINGTON HOME OWNERSHIP, 300 WEST NEW CIRCLE ROAD, LEXINGTON, KY 40505
Attorney: BRANDEN GROSS, 300 WEST VINE STREET, STE 1200, LEXINGTON, KY 40507

2. ADDRESS OF APPLICANT'S PROPERTY

309, 311, AND 315 RACE STREET, LEXINGTON, KY 40508 431 AND 433 THIRD STREET, LEXINGTON, KY 40508

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

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
B-1	VACANT	R-3	TOWNHOUSE	0.32	0.47

4. COMPREHENSIVE PLAN

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

5. EXISTING CONDITIONS

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

6. URBAN SERVICES STATUS (Indicate whether existing, or how to be provide

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



August 2, 2021

Urban County Planning Commission
Division of Planning – Planning Services Section
101 E Vine Street, Floor 7
Lexington, KY 40507

Re: Justification Letter – Lexington Home Ownership Commission II, Inc.
309, 311 and 315 Race Street (17028700, 16763550 and 15930700); and
431 and 433 East Third Street (17170950 and 16508800)
From: Neighborhood Business (B-1) Zone
To: Planned Neighborhood Residential (R-3) Zone
Proposed Place-Type: Enhanced Neighborhood
Proposed Development Type: Low Density Residential

Dear Members of the Planning Commission:

We submit this justification letter for Lexington Home Ownership Commission II, Inc.’s (“Applicant”) application for a zone map amendment request for 309, 311 and 315 Race Street and 431 and 433 East Third Street from Neighborhood Business (B-1) Zone to Planned Neighborhood Residential (R-3) Zone. The Applicant is proposing to construct two new single family attached buildings on the property. As discussed below, the project meets numerous goals and objectives of the Comprehensive Plan, and further complies with relevant standards articulated in “Placebuilder” included as part of the Comprehensive Plan.

The project will enhance an existing neighborhood with six new residential units. The property’s net acres is under 1/3 acres, consisting of five lots. The property is located at the corner of Race Street and East Third Street, within the East End Neighborhood (a/k/a William Wells Brown Neighborhood). The Applicant has unsuccessfully marketed the property for sale for the last few years. The project will consist of the consolidation of the five lots into one lot on which the Applicant will develop a Group Residential Project. The project will allow the development of two buildings with three units each (six new residential units) on vacant land. The property was last utilized as a package liquor store (which was demolished in 2013). The project will bring much needed residential development on underutilized land (Theme A, Goal 2, Objective a.; Theme E, Goal 1, Objective d.; Theme E, Goal 3). The project will expand housing choices for the neighborhood. The new housing-types will assist with the sustainability of the neighborhood (Theme A, Goal 1).

The expansion of housing in the neighborhood will help sustain the neighborhood-serving services that have developed over the recent years. The Lyric Theatre & Cultural Art Center went through an extensive renovation to provide a community and cultural arts center. Martine's Pastries and Frank's Donuts have opened new operations in commercial buildings on East Third Street. The Met is a mixed use development at the intersection of East Third Street and Midland Avenue, which includes residential units and retail spaces. The Charles Young Community Center & Park provides community based activities and open space for the neighborhood. The Artists' Village is being developed as live/work space to house artists and weekend art fairs, live performances, art classes, and musical events. There are also a number of redevelopment project percolating for the commercial area on the 500 block of East Third Street. The expansion of housing will assist these neighborhood-serving services to be sustainable though attracting new residents and giving existing residents housing options.

The development consists of two 2-story buildings with a total of 6 units, which will increase density in the defined Infill and Redevelopment Area (Theme A, Goal 1, Objective b.; Design Policy #8; Sustainability Policy #3). The project will provide the missing-middle housing type compatible in scale and form with other buildings in the neighborhood (Growth Policy #9). The Applicant is proposing rectangle units that are pushed and oriented to the streets that will complement the existing shotgun houses (Theme A, Goal 2, Objective b.). The Applicant plans to use alternating facades and elevations to distinguish each unit. The Applicant plans to provide new trees on the property, creating a walkable streetscape along Race and East Third Street (Theme A, Goal 3, Objective d.; Restoration Policy #1; Connectivity Policy #3). The parking will be shielded from East Third Street by the building facing said street (Design Policy #7). The Comprehensive Plan recognizes that all new apartments create a "downward pressure on rents," and therefore, they assist with providing more affordable housing across the city (Equity Policy #1). The Applicant anticipates utilizing a local building company for the construction of the project (Prosperity Policy #1). This project will provided additional housing choices, while blending into the existing neighborhood.

The Applicant is working on architectural renderings for the buildings. The Applicant anticipates the architectural designs to be similar to the multi-family structures they built on Glen Arvin Avenue (Theme A, Goal 2, Objective b.; Density Policy #2). The Applicant plans to use alternating facades and elevations to distinguish each unit. The Applicant anticipates to have architectural renderings for the building prepared during the application process. The project will comply with the multi-family design standards, as discussed below (Design Policy #3). The Applicant intends for the design of the buildings to enhance the streetscape.

There are already pedestrian connections at the property through sidewalks and bicycle lanes, allowing the residents to reach the many amenities in the area, including, community centers, parks and entertainment destinations (Theme A, Goal 3, Objective b.; Theme D, Goal 1, Objective a.; Theme D, Goal 1, Objective b.; Sustainability Policy #2; Design Policy #5; Sustainability Policy #4; Livability Policy #7; Connectivity Policy #3). A bus route and stop is located one block from the property. This multi-modal network is an efficient transportation

system that provides viable options for all users. The Applicant anticipates private open space as shown on the plan, which will include porches and patios for the residents. In addition, there are already open spaces designed to fit the needs of the neighborhood, with access to Legacy Trail and Town Branch Commons to reach the nearby neighborhood-serving commercial/employment uses, including music, restaurants and entertainment, along with community centers and parks (Theme C, Goal 2, Objective d.; Livability Policy #6; Protection Policy #8). The Charles Young Park and Murphy Memorial Arts Garden is within walking distance of the property. The residents will have ample multi-modal connections to these open spaces and neighborhood-serving amenities.

The property is located within the East End Small Area Plan (“SAP”). The SAP was developed to steer neighborhood revitalization and redevelopment while also improving the amenities for the existing neighborhoods. At the time that the SAP was developed, the property was used as a liquor package store. The possibility that that building would be removed was not considered. The land use recommendations in the small area plans are to help guide development, and the implementation strategies are important to fulfill the goals and objectives in the plan. The conceptual plans in the SAP recommended that the land be used as mixed-use, but the plan does not mandate that those are the only uses available for the land. The project make the area more sustainable and livable for residents. The project will activate the street by pushing and orienting the buildings to the street. Each unit will also have pedestrian access to the streets. The buildings are closer in size to the demolished building that single family buildings in the area. This project meets goals and objectives of the SAP.

In conclusion, the project meets numerous goals and objectives of the Comprehensive Plan, and the map amendment request is in agreement with the Comprehensive Plan.

DEVELOPMENT CRITERIA / THE PLACEBUILDER

In consultation with planning staff, we submit that the project could be evaluated as the Enhanced Neighborhood classified as Low Density Residential. The R-3 Zone is a suitable zone for an Enhanced Neighborhood. Attached hereto is a color-coded reflection of how we have addressed the design criteria listed in that Placebuilder category. Items highlighted in green are represented graphically on our preliminary development plan, items in yellow are addressed in this letter, and items highlighted in orange we do not believe are applicable to our proposal.

Standards That Are Applicable

SITE DESIGN, BUILDING FORM, & LOCATION

A-DS5-3 We are proposing rectangle units that are pushed and oriented to the streets that will complement the existing shotgun houses. Each building will orient to a different street. We have proposed the driveway along Race Street to minimize interactions between the driveway and multi-modal connections along East Third Street.

A-DS7-1 The parking will be located behind the building oriented to East Third Street to retain the streetscape along that roadway. We are proposing rectangle units that are pushed and oriented to the streets that will complement the existing shotgun houses, which limits the possible locations for parking. We anticipate vegetative screening between the parking lot and Race Street. We have proposed the driveway along Race Street to minimize interactions between the driveway and multi-modal connections along East Third Street.

A-DS7-2 The parking will be located behind the building oriented to East Third Street to retain the streetscape along that roadway. We are proposing rectangle units that are pushed and oriented to the streets that will complement the existing shotgun houses, which limits the possible locations for parking. We anticipate vegetative screening between the parking lot and Race Street. We have proposed the driveway along Race Street to minimize interactions between the driveway and multi-modal connections along East Third Street.

A-DS10-1 The project is within walking distance of The Lyric Theatre & Cultural Art Center, Charles Young Community Center & Park, The Met, The Artists' Village and Murphy Memorial Arts Garden.

A-DN2-1 This is an infill and redevelopment project that will increase density.

A-DN6-1 The project consists of two buildings with three units each.

B-SU11-1 We are not proposing green infrastructure.

D-PL7-1 We have spoken with a number of stakeholders, including, Community Ventures Corporation and owners of commercial properties in the area. We also held a public meeting for neighbors at the Charles Young Community Center.

E-GR9-3 We are proposing multi-family residences.

E-GR9-4 The project is using underutilized and vacant property.

TRANSPORTATION & PEDESTRIAN CONNECTIVITY

A-DS1-2 There are existing sidewalk along Race Street to access a transit route.

A-DS4-1 There is already connected multi-modal network to adjacent neighborhoods (East End), greenspaces (Charles Young Park and Murphy Memorial Arts Garden), developments (The Met) and complementary uses (The Lyric Theatre & Cultural Art Center).

A-DS5-1 There are currently adequate multi-modal infrastructure to ensure vehicular separation from other modes of transport on the site.

A-DS5-2 The building are pushed and oriented to the streets. We anticipate trees to enhance the streetscape.

GREENSPACE & ENVIRONMENTAL HEALTH

B-PR7-2 Street trees will be provided along with trees between the buildings.

B-PR7-3 The street trees and trees between the buildings will increase the tree canopy. An existing tree canopy is provided by the existing trees along the fence row.

B-RE1-1 We are anticipating new trees along East Third and Race Streets.

Standards Not Applicable

SITE DESIGN, BUILDING FORM, & LOCATION

- A-DS11-1 We are not proposing any common public uses.
- A-EQ7-1 No schools are proposed for site.
- B-PR9-1 There are no environmentally sensitive areas at the property.
- B-SU11-1 We are not proposing green infrastructure.
- C-LI6-2 We are not proposing ADUs; this is a multi-family project.
- C-LI7-1 This is a small development that is fully focused on residential.
- C-PS10-2 There is no availability for shared or flexible parking. We are proposing the maximum parking spaces (nine) allowed for the project. Our experience is that each unit would prefer two parking spaces (or 12 total). Our project will have three less parking spaces than the market prefers.
- C-PS10-3 The project is not overparked. We are proposing the maximum parking spaces (nine) allowed for the project. Our experience is that each unit would prefer two parking spaces (or 12 total). Our project will have three less parking spaces than the market prefers.
- D-PL9-1 There are no existing structures.
- D-SP1-1 There are no proposed schools.
- D-SP1-2 There are no proposed schools.
- D-SP3-1 There are already adequate rights-of-way and easements at the property.
- D-SP3-2 There are no proposed cellular tower antennae.
- S-SP9-1 These units are 2-story, with bedrooms located on the second floor. We are not proposing to designate these units for senior adults or people with disabilities.
- E-GR4-1 There are no existing structures.
- E-GR5-1 There are no existing structures.
- E-GR9-1 The project is too small to incorporate live/work units.

TRANSPORTATION & PEDESTRIAN CONNECTIVITY

- A-DS1-1 There is no transit route at this property.
- A-DS10-2 We are not proposing any new focal points. This is a small project.
- A-DS13-1 We are not proposing any stub streets.
- B-SU4-1 There are greenspace/community centers within walking distance of the property: Charles Young Community Center & Park, Murphy Memorial Arts Garden, and The Lyric Theatre & Cultural Art Center.
- D-CO1-1 We are not proposing new right-of-way or multimodal facilities.
- D-CO2-1 We are not proposing new multi-modal connections. We have proposed the driveway along Race Street to minimize interactions between the driveway and multi-modal connections along East Third Street.

D-CO2-2 We are not proposing new multi-modal connections. We have proposed the driveway along Race Street to minimize interactions between the driveway and multi-modal connections along East Third Street.

D-CO4-1 We are not proposing new streets.

D-CO4-2 We are not proposing new streets.

D-CO4-3 We are not proposing new streets.

D-CO5-1 We are not proposing new streets.

D-SP1-3 There are currently adequate multi-modal infrastructure.

GREENSPACE & ENVIRONMENTAL HEALTH

A-DS4-3 There are no key natural features at this site.

A-EQ7-3 We are not proposing community open space.

B-PR2-1 There is no environmentally sensitive areas within or adjacent to the proposed development site.

B-PR2-2 There is no floodplain at this property.

B-PR2-3 There is no floodplain at this property.

B-PR7-1 There are existing multi-modal connections to parks and greenways networks.

B-RE2-1 We are not proposing green infrastructure.

D-SP2-1 There is no proposed school.

D-SP2-2 There is no proposed school.

E-GR3-1 There are existing connections to the existing greenway networks.

E-GR3-2 No new focal points are proposed.

Multi-Family Design Standards

This is a multi-family project in the defined Infill and Redevelopment Area. This site is less than 1/3 acre. It is a small project. We are supplementing our discussion of Placebuilder Criteria A-DS3-1 above to include the multi-family design standards set forth below.

Site Planning

SP.1 The site consists of two road frontages, and each building will orient to a road. We anticipate a 6' fence separating the project from the adjacent residential lots.

SP.2 We are planning for each ground level unit to have a front and rear entry onto a porch or patio.

SP.3 Each front entry will be prominent, visible and accessible from the street.

SP.4 We are proposing rectangle units that are pushed and oriented to the streets that will complement the existing shotgun houses. Each building will orient to a different street.

SP.5 Each unit will connect to the existing pedestrian network.

SP.6 There are no proposed indoor or outdoor common areas. There are public community centers and open space within walking distance.

SP.7 The parking will be located behind the building oriented to East Third Street to retain the streetscape along that roadway. We are proposing rectangle units that are pushed and oriented to the streets that will complement the existing shotgun houses, which limits the possible locations for parking. We anticipate vegetative screening between the parking lot and Race Street. We have proposed the driveway along Race Street to minimize interactions between the driveway and multi-modal connections along East Third Street

SP.8 Given the small size of the lot, there is no room to break up the parking lot into smaller lots.

SP.9 The location of the porches and patios will provide direct access and views to open space. Given the small area for the project, we are primarily relying upon the various open space within walking distance.

SP.10 There are already connections at the neighborhood through streets, sidewalks and bicycle lanes.

SP.11 We are not proposing any improvements to streets or blocks. There are already pedestrian connections at the neighborhood through streets, sidewalks and bicycle lanes.

SP.12 East Third and Race Street are already improved. We are not proposing any traffic calming measures.

SP.13 There are already pedestrian connections at the neighborhood through streets, sidewalks and bicycle lanes.

SP.14 There are already pedestrian connections at the neighborhood through streets, sidewalks and bicycle lanes to public trails and parks in the area. We anticipate trees and plants to improve the streetscape.

SP.15 We have parking lot lighting for safety and avoidance of the negative impact on surrounding buildings.

SP.16 We are anticipating accessibility from the streets to the entries of the units.

SP.17 We are not adding any new streets.

Open Space & Landscaping

OS.1 We are planning for each unit to have a porch and patio. Given the small area for the project, we are primarily relying upon the various open space within walking distance.

OS.2 Given the small area for the project, we are not proposing a central common open space. We are primarily relying upon the various open space within walking distance.

OS.3 We are planning for each unit to have a porch and patio.

OS.4 We are relying upon design to distinguish between spaces. We anticipate vegetative screening between the parking lot and Race Street.

OS.5 We anticipate vegetative screening and landscaping around the parking lot.

OS.6 The anticipated 6' fence, vegetative screening, will buffer the parking lot and adjacent neighborhoods.

OS.7 Given the small size of the site and location of the utilities, we are not able to use berms. We are anticipating fencing.

OS.8 We are evaluating the necessity and location of detention areas.

OS.9 We are proposing a path from each unit and the parking lot to access the public sidewalks.

OS.10 We are not proposing any new streets.

OS.11 We are not proposing any internal streets.

OS.12 We are not ready to design the landscaping or lighting beyond what is shown on the plan.

OS.13 Our lighting design will avoid spillage and glare on private spaces.

Architectural Design

AD.1 We are proposing two buildings for the site, and we are preparing architectural plans. We intend to vary the facades and roof elevations.

AD.2 We are proposing two 2-story buildings. The surrounding houses are 1 to 1 ½ story. We are proposing rectangle units that are pushed and oriented to the streets that will complement the existing shotgun house design along Race Street.

AD.3 We have not had architectural plans prepared at this time, but we are proposing paths, trees, landscaping and green infrastructure along the streets that will break up the building.

AD.4 We have not had architectural plans prepared at this time, but we plan to maximize windows and views for the units.

AD.5 Given the location and size of the building, we do not plan to have large areas of blank wall facing the streets. We are proposing alternating façade materials and roof elevations. We are planning for each unit to have a porch and patio.

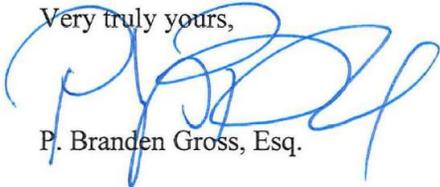
AD.6 We have not had architectural plans prepared at this time, but we are planning for each unit to have a porch and patio. We also anticipate alternating façade materials and roof elevations.

AD.7 We have not had architectural plans prepared at this time. We anticipate alternating façade materials and roof elevation.

AD.8 We have not had architectural plans prepared at this time. we are planning for each unit to have a porch and patio. We also anticipate alternating façade materials and roof elevations.

AD.9 We have not had architectural plans prepared at this time. There will be significant distance between the buildings.

Very truly yours,



P. Branden Gross, Esq.

cc: Lexington Home Ownership Commission II, Inc.
Barrett Partners, Inc.

BOUNDARY DESCRIPTION

LEXINGTON HOME OWNERSHIP COMMISSION II, INC.

Zone Change from B-1 to R-3

431 & 433 E. Third Street and 309, 311, and 315 Race Street

Lexington, Fayette County, Kentucky

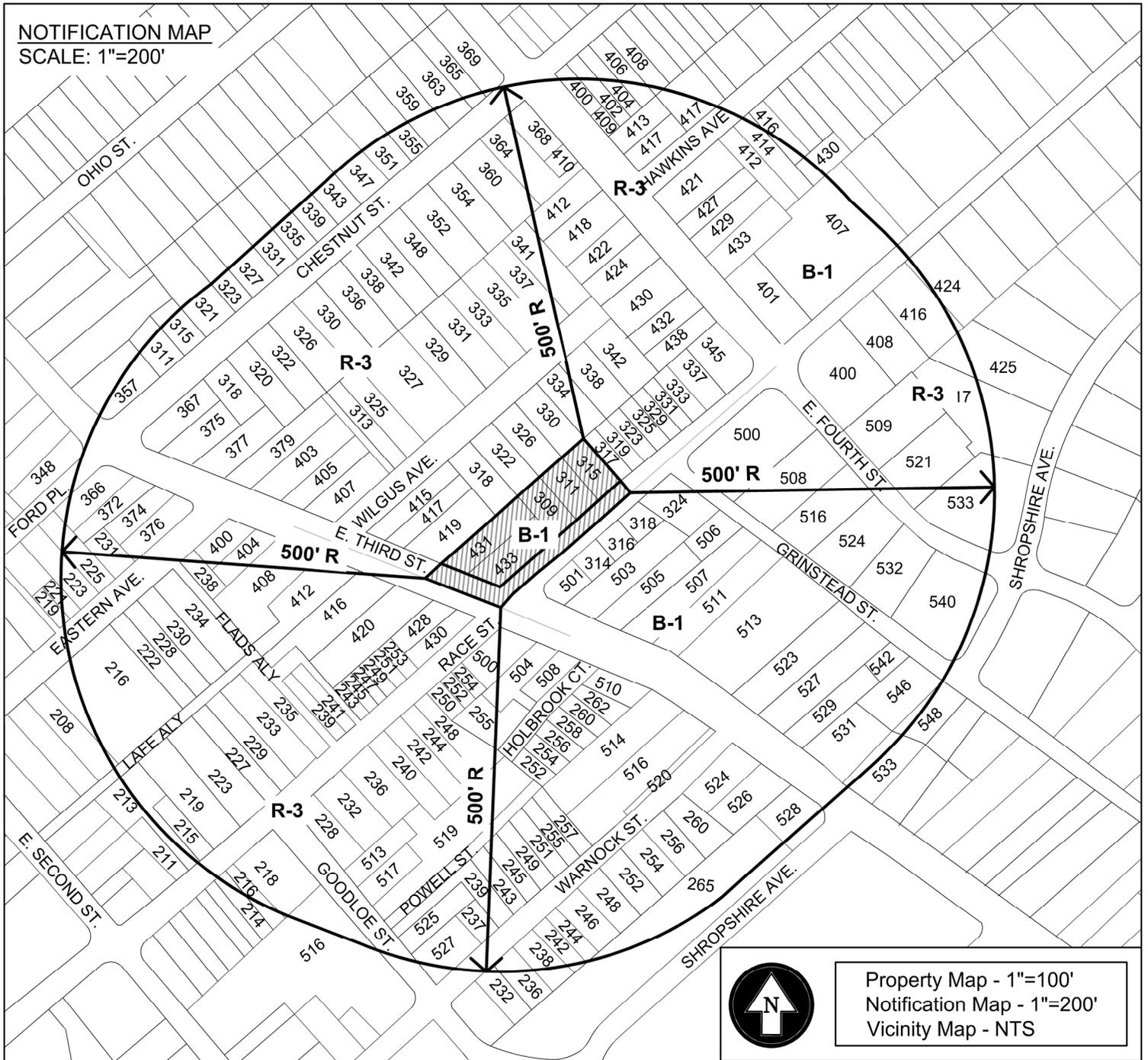
All that tract of land situated on the northwest side of the intersection of E. Third Street and Race Street in Lexington, Fayette County, Kentucky and being more described and bounded as follows, to-wit;

Beginning at the intersection of the center lines of E. Third Street and Race Street and being a new corner to the existing B-1 (Neighborhood Business) Zone, thence with the center line of E. Third Street and being a new line with the existing B-1 (Neighborhood Business) Zone N69°01'59"W 94.62 feet (more or less) to the corner of the existing R-3 (Planned Neighborhood Residential) Zone, thence with the existing R-3 (Planned Neighborhood Residential) Zone N21°53'10"E 27.06 feet (more or less) to the north right-of-way of E. Third Street, thence continuing with the existing R-3 (Planned Neighborhood Residential) Zone and being with the Wilgus Lots Subdivision for two calls N48°29'13"E 88.36 feet and N48°21'50"E 121.02 feet to new corner with the existing B-1 (Neighborhood Business) Zone; thence with a new line of the existing B-1 (Neighborhood Business) Zone and being with the line of 317 Race Street (Lots 22 & 23 Wilgus Lots Subdivision, P.C. 01, Slide 079) S41°38'10"E 78.00 feet to the west right of way of Race Street; thence continuing to the center line of Race Street and being a new line with the existing B-1 (Neighborhood Business) Zone S41°38'10"E 18.14 feet (more or Less) to a new corner with the existing B-1 (Neighborhood Business) Zone in the center line of Race Street; thence with the center line of Race Street and being a new line with the existing B-1 (Neighborhood Business) Zone S48°23'06"W 189.97 feet more or less to the beginning and containing 0.47 acres gross and 0.32 acres net.



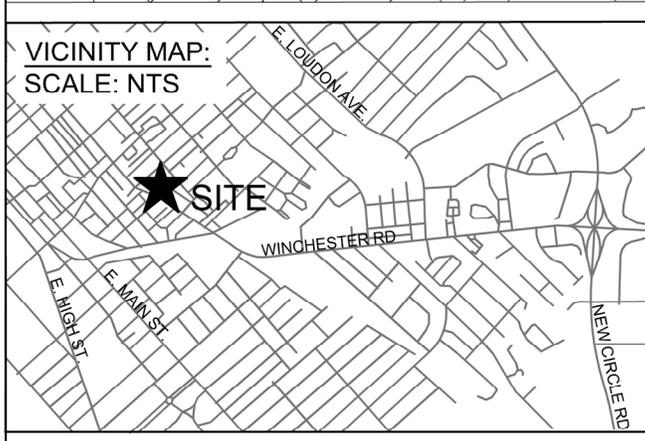
Frederick R. Eastridge
08/11/2021

NOTIFICATION MAP
SCALE: 1"=200'

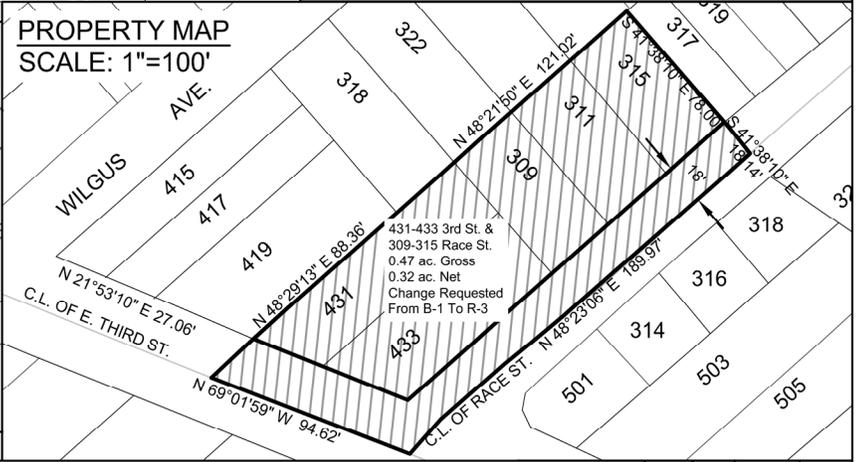


Property Map - 1"=100'
Notification Map - 1"=200'
Vicinity Map - NTS

VICINITY MAP:
SCALE: NTS



PROPERTY MAP
SCALE: 1"=100'



Title: Lexington Home Ownership Commission II, INC.
Property Address: 331-433 East Third Street & 309-315 Race Street Lexington,
Fayette County, Kentucky
Applicant Name/ Address: Lexington Home Ownership Commission II, INC.,
300 W. New Circle Rd. Lexington, KY 40505
Owner Name/ Address: Same

Prepared by: Thoroughbred
Date Filed or Amended: 08/02/2021

From	To	Net	Gross
B-1	R-3	0.32ac.	0.47ac
Total:			0.47ac

LEXINGTON HOME OWNERSHIP (PLN-MAR-21-00010)

309, 311 & 315 RACE STREET
431 & 433 EAST THIRD STREET

Townhouses constructed on vacant parcels.

Applicant/Owner

LEXINGTON HOME OWNERSHIP
300 West New Circle Road
Lexington, KY 40505
branden.gross@dentons.com



Application Details

Acreage:

0.32 net (0.47 gross) acres

Current Zoning:

Neighborhood Business (B-1) zone

Proposed Zoning:

Planned Neighborhood Residential (R-3) zone

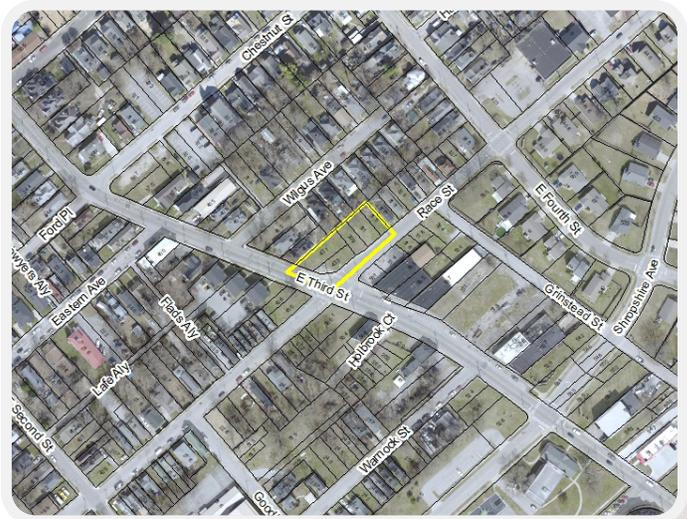
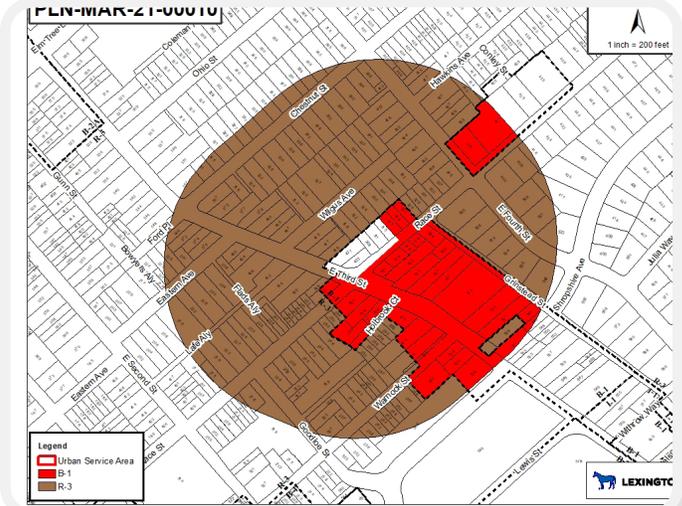
Place-Type / Development Type:

Enhanced Neighborhood /
Low Density Residential

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

Description:

The applicant is seeking to rezoning the properties to allow for the construction of six (6) attached single family residential dwelling units (townhomes) and associated parking.



Public Engagement

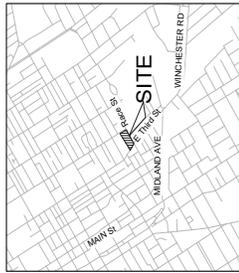
- The applicant has not indicated that they have conducted public engagement.

Status

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

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

Development Plan



VICINITY MAP

TREE PRESERVATION PLAN NOTES:

- EXISTING TREE COVERAGE: 3,750 SF 28%
- SOIL TYPE: B-3
- EXISTING TREES TO BE REMOVED: 0 SF
- PROPOSED TREES TO BE ADDED: 1,500 SF
- 2 LARGE TREES @ 756F
- SITE AREA: 14,465 SF 30.0%
- TREE COVERAGE REQUIRED: 4,246 SF 37%
- TREE COVERAGE PROPOSED: 5,230 SF 37%
- ALL REQUIRED TREES SHALL CONFORM WITH THE LFUDG PLANTING MANUAL
- PLANTINGS SHALL BE PLANTED A MINIMUM OF 10' FROM PRIOR TO PLANTING TREES. CALL 811 BEFORE YOUR DIG

SITE STATISTICS

EXISTING ZONE	B-3
PROPOSED ZONE	R-3
SITE AREA	0.32 AC. NET 0.47 AC. GROSS
BUILDING AREA	7,800 SQ. FT.
BUILDING COVERAGE	28%
FLOOR AREA RATIO	0.55
BUILDING HEIGHT	3 STORIES, 30'
MINIMUM SETBACKS REQUIRED	10% 1,415 SQ. FT. 34% 4,888 SQ. FT.
STREET FRONTAGE	84'
THIRD STREET	154'
PARKING REQUIRED	MINIMUM 6 SPACES
PARKING PROVIDED	6 SPACES (1 UNIT)
VIA INTERIOR LANDSCAPE	9 SPACES (60% MORE THAN REQUIRED)
	9 SPACES (3,307 SQ. FT.)
	NA

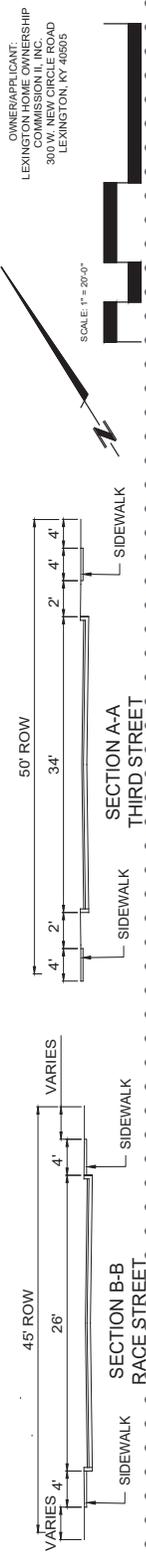
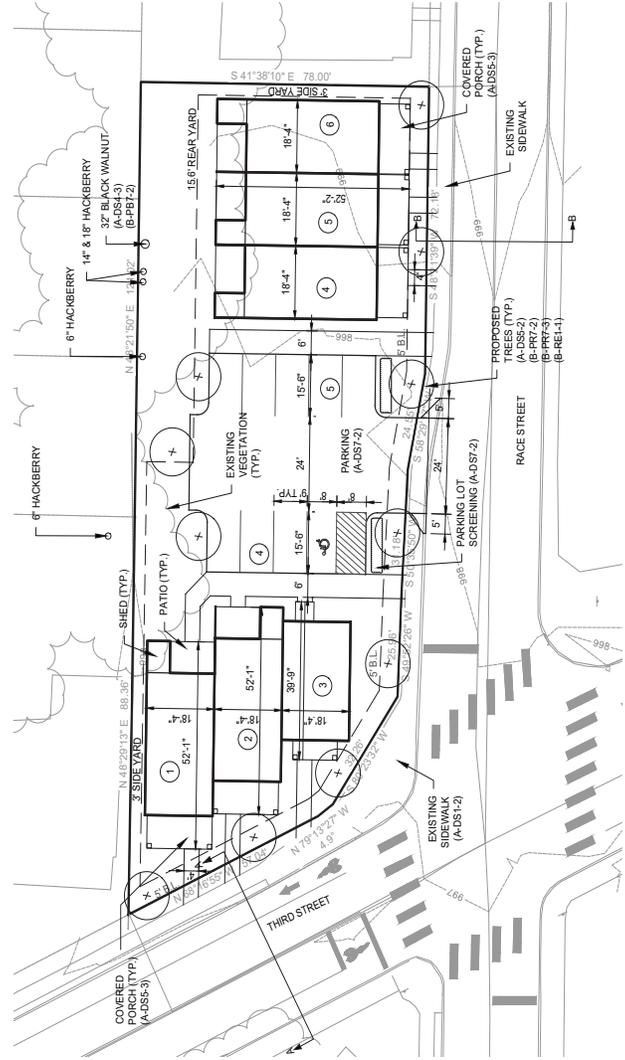
OWNERS CERTIFICATION:
I (WE) DO HEREBY CERTIFY THAT I (WE ARE) THE OWNERS OF THE PROPERTY AND I (WE) HAVE THE AUTHORITY TO EXECUTE AND ADOPT THIS DEVELOPMENT PLAN FOR THE PROPERTY.

OWNER: _____ DATE: _____

COMMISSIONS CERTIFICATION:
I DO HEREBY CERTIFY THAT THIS DEVELOPMENT PLAN WAS APPROVED BY THE URBAN COUNTY PLANNING COMMISSION AT ITS MEETING HELD ON _____ DATE: _____

PLANNING COMMISSION SECRETARY: _____ DATE: _____

- NOTES:**
- THIS DEVELOPMENT PLAN SHALL NOT BE USED AS THE BASIS FOR SALE OF THIS PROPERTY. ANY SALE SHALL BE BASED UPON AN APPROVED SUBDIVISION PLAN.
 - ACCESS SHALL BE LIMITED AS SHOWN ON THIS PLAN.
 - ALL UTILITIES SHALL BE DEEPENED AND APPROVED BY THE PLANNING COMMISSION AS SET FORTH IN THE ZONING ORDINANCE.
 - NO GRADING, STRIPPING, EXCAVATION, FILLING OR OTHER DISTURBANCE OF THE NATURAL GROUND COVER SHALL TAKE PLACE PRIOR TO APPROVAL OF AN EROSION CONTROL PLAN. SUCH PLANS MUST BE SUBMITTED IN ACCORDANCE WITH THE LFUDG PLANTING MANUAL.
 - ACCESS DETAILS SHALL BE APPROVED BY THE DIVISION OF TRAFFIC ENGINEERING.
 - STORMWATER MANAGEMENT, SANITARY SEWERS, STORM SEWERS, AND UTILITIES SHALL BE DEEPENED AND CONSTRUCTED IN ACCORDANCE WITH THE LFUDG PLANTING MANUAL.
 - SCREENING AND LANDSCAPING SHALL BE AS REQUIRED BY ARTICLE 19 OF THE ZONING ORDINANCE.
 - EXISTING VEGETATION CONSISTS OF HACKBERRY, BLACK WALNUT, HONEY LOCUST, AND OTHER TREES.
 - IF ANY PART OF THIS PLAN SHALL BE JUDGED INVALID, SUCH JUDGEMENT SHALL NOT INVALIDATE THE REMAINDER OF THE PLAN.
 - LOCATION OF ANY FIRE HYDRANTS, FIRE DEPARTMENT CONNECTIONS, FIRE SERVICE FEATURES, IF REQUIRED, SHALL BE APPROVED BY THE DIVISION OF FIRE ENGINEERING.
 - THESE PROPERTIES ARE OF RECORD PER RECORD PLATS FOUND IN PLAT CABINET E, SLIDE 78.
 - NO BUILDING PERMITS SHALL BE ISSUED UNLESS AND UNTIL A FINAL RECORD PLAT IS FILED WITH THE COUNTY CLERK'S OFFICE.
 - FINAL RECORD PLAT SHALL BE REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMITS TO CONSOLIDATE PROPERTIES.



LOW DENSITY RESIDENTIAL

SITE DESIGN, BUILDING FORM, & LOCATION

- A-DS5-3** Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
- A-DS7-1** Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
- A-DS7-2** Any non-residential or multi-family parking not buffered by a building should be screened from the streetscape view and adjacent properties.
- A-DS10-1** Residential units should be within reasonable walking distance to a focal point.
- A-DS11-1** Common public uses that serve as neighborhood focal points, such as parks and schools, should be on single loaded streets.
- A-DN2-1** Infill residential should aim to increase density.
- A-DN6-1** Allow and encourage new compact single-family housing types.
- A-EQ7-1** School sites should be appropriately sized.
- B-PR9-1** Minimize disturbances to environmentally sensitive areas by utilizing the existing topography to the greatest extent possible.
- B-SU11-1** Green infrastructure should be implemented in new development. (E-GR3)
- C-LI6-2** ADUs and/or affordable housing options should be incorporated into existing and new single-family residential development. (A-DN5)
- C-LI7-1** Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.
- C-PS10-2** Developments should explore options for shared and flexible parking arrangements for currently underutilized parking lots.
- C-PS10-3** Over-parking of new developments should be avoided. (B-SU5)
- D-PL7-1** Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
- D-PL9-1** Historically significant structures should be preserved.
- D-SP1-1** Elementary and middle schools should be located within residential neighborhoods, and high schools primarily along collector streets. (A-EQ7)
- D-SP1-2** An open and inviting school campus/locale should utilize frontage on single-loaded streets (also true for other support facilities, like parks, community centers, social services, healthcare).
- D-SP3-1** Adequate right-of-way, lease areas and easements for infrastructure, with emphasis on wireless communication networks should be provided to create reliable service throughout Lexington.

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

TRANSPORTATION & PEDESTRIAN CONNECTIVITY

- A-DS1-1** Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7).
- A-DS1-2** Direct pedestrian linkages to transit should be provided.
- A-DS4-1** A plan for a connected 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-DS13-1** Stub streets should be connected. (D-CO4)
- B-SU4-1** Where greenspace/community centers are not located within walking distance of a new development, applicants should attempt to incorporate those amenities. (A-DS9)
- D-CO1-1** Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type.
- D-CO2-1** Safe facilities for all users and modes of transportation should be provided.

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.

LOW DENSITY RESIDENTIAL

TRANSPORTATION & PEDESTRIAN CONNECTIVITY (CONT.)

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

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.

1. LEXINGTON HOME OWNERSHIP ZONING MAP AMENDMENT & WILGUS LOTS (RACE ON THIRD) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-21-00010: LEXINGTON HOME OWNERSHIP (10/31/21)*- a petition for a zone map amendment from a Neighborhood Business (B-1) zone to a Planned Neighborhood Residential (R-3) zone, for 0.32 net (0.47 gross) acre, for properties located at 309, 311 and 315 Race Street and 431 and 433 E. Third Street.

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 applicant is seeking to rezone the subject properties from a Neighborhood Business (B-1) zone to the Planned Neighborhood Residential (R-3) zone in an effort to construct a townhouse development.

The Zoning Committee Recommended: **Approval**, for the reasons provided by staff.

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

1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed project will establish a residential development on currently underutilized land (Theme A, Goal 2, Objective a.; Theme E, Goal 1, Objective d.; Theme E, Goal 3) and will expand housing choices for the neighborhood (Theme A, Goal 1).
 - b. The proposed rezoning and development project will provide increased density in the defined Infill and Redevelopment Area (Design Policy #8; Sustainability Policy #3), specifically add the missing-middle housing type, which is compatible in scale and form with surrounding structures in the neighborhood (Growth Policy #9).
 - c. The addition of new trees on the properties, adding both internal canopy and street trees along the frontages of the property will reduce the impact of the development on the environment and will create a walkable streetscape along Race and East Third Street (Theme A, Goal 3, Objective d.; Restoration Policy #1; Connectivity Policy #3).
 - d. The proposed project will allow for easy access to nearby facilities and amenities, including community centers, parks and entertainment destinations (Theme A, Goal 3, Objective b.; Theme D, Goal 1, Objective a.; Theme D, Goal 1, Objective b.; Sustainability Policy #2; Design Policy #5; Sustainability Policy #4; Livability Policy #7; Connectivity Policy #3).
 - e. The proposed development provides safe and desirable affordable housing to low and moderate income individuals and families (Theme A, Goal #1.c).
 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.
 - b. The proposed rezoning includes safe facilities for the potential users of the site by prioritizing the inclusion of safe 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, limits the impacts on the surrounding environment, and adds tree canopy coverage in the form of street trees and landscape buffers.
 3. The proposed development is in agreement with the East End Small Area Plan as it meets the following goals:
 - a. Goal #2: The proposed development will create housing that is affordable, accessible, and attractive to a diverse range of people.
 - b. Goal #3: The proposed development will ensure compatibility and encourage a complimentary relationship between adjacent land uses by adding a denser housing type (townhomes), but one that is equivalent in size and use.
 4. This recommendation is made subject to approval and certification of PLN-MJDP-21-00040: Wilgus Lots (Race on Third), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. PLN-MJDP-21-00040: WILGUS LOTS (RACE ON THIRD) (10/31/21)* - located at 431-433 EAST THIRD ST. & 309-315 RACE ST., LEXINGTON, KY.
Project Contact: Barrett Partners, Inc.

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

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

1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. United States Postal Service Office's approval of kiosk locations or easement.
7. Correct plan title to match staff report.
8. Verify area of right-of-way adjacent to northwest corner of the intersection.
9. Discuss Placebuilder criteria:
 - a. B-SU11-1 Green infrastructure should be implemented in new development. (E-GR3).

Staff Zoning Presentation – Mr. Baillie presented the 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 seeking to construct six attached townhouse units at this location. He said that the primary zoning in the area is the Planned Neighborhood Residential (R-3) zone, with Neighborhood Business B-1 zone to the southeast. He said that the subject properties are currently vacant. He said that the petitioner submitted their application under the Enhanced Neighborhood Place-Type and a Low Density Residential Development Type of the 2018 Comprehensive Plan. He said that in the past, townhouses or attached single-family dwelling units were seen as more high density, but the 2018 Comprehensive Plan, they are a lower density option because it is a single-family dwelling unit. He said that when reviewing the Low Density Residential Development Type, the focus is on the pedestrian facilities and adding other housing options. He said that the Legacy Trail is at the front of this property. He added that the Planned Neighborhood Residential (R-3) zone is a recommended zone within this Place-Type and Development Type. He said the proposed development has density of 18 dwelling units per acre.

Mr. Baillie said that when reviewing this application, other Small Area Plans may also needed to be reviewed. The East End Small Area Plan (SAP), which was primarily focused on providing housing options, and specifically affordable housing options. He said that the applicant is meeting those elements within this plan. He said that with the location of the Legacy Trail and the upgraded pedestrian facilities that are associated with the construction of the trail, the applicant is also meeting many of the pedestrian-oriented elements and goals of the SAP. He said that this application is in agreement with the 2018 Comprehensive Plan and the staff recommends approval of this proposed zone change.

Development Plan Presentation – Mr. Martin presented a rendering of the development plan associated with this zone change. He displayed a color rendering and said that this plan does comply with the R-1T standards within the R-3 zone. He said that there will be private open space. He said that the site is 0.3 net acres, the proposed six townhouses are 2 story, 30 feet in height, with similar layouts, with the exception of one at the front of the site. The townhouses will have a footprint of 4,250 square feet in total. The required parking for this property is only 6 spaces, and they are proposing 9 parking spaces, which will be accessed off of Race Street. The setback along the rear of the property also meets the Zoning Ordinance requirements. He said that condition #9, which is to discuss Placebuilder criteria has been met and can be removed. He said that condition #8, is to verify the right-of-way, located along the corner of Race Street and E. Third Street. He said that the Subdivision Committee had recommended approval of this development plan.

Mr. Baillie said that the staff had received one letter of support from the Neighborhood Association, which he distributed to the Planning Commission.

Applicant Presentation – Mr. Branden Gross, attorney, and Tony Barrett were present representing the petitioner. Mr. Gross said that they are in agreement with the staff's recommendation for the zone change and that he is available for any questions.

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

Zoning Action – A motion was made by Ms. Meyer, seconded by Mr. Bell, and carried 10-0 (Pohl absent) to approve PLN-MAR-21-00010: LEXINGTON HOME OWNERSHIP, for the reasons provided by the staff.

Development Plan Action – A motion was made by Ms. Meyer, seconded by Ms. Barksdale, and carried 10-0 (Pohl absent) to approve PLN-MJDP-21-00040: WILGUS LOTS (RACE ON THIRD), as presented by the staff, as follows:

1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. United States Postal Service Office's approval of kiosk locations or easement.
7. Correct plan title to match staff report.

8. Verify area of right-of-way adjacent to northwest corner of the intersection.
- ~~9. Discuss Placebuilder criteria:
 - ~~a. B-SU11-1 Green infrastructure should be implemented in new development. (E-GR3).~~~~