

# STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-25-00019: ANDERSON MIDTOWN APARTMENTS, LLC

## DESCRIPTION OF ZONE CHANGE

Zone Change: From a Planned Neighborhood Residential (R-3) zone  
To a Medium Density Residential (R-4) zone

Acreage: 0.585 net (0.793 gross) acres

Location: 401 Woodland Avenue



## EXISTING ZONING & LAND USE

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

## URBAN SERVICE REPORT

Roads - The subject property is located at the intersection of Euclid Avenue and Woodland Avenue. Euclid Avenue is a minor arterial roadway that connects the Ashland Park Neighborhood to the University of Kentucky Campus. The roadway experiences approximately 9,200 ADT. Woodland Avenue is a two/three lane local collector that connects East Main Street to the University of Kentucky and experiences approximately 8,100 ADT. These two roads handle a great deal of the traffic to and from the northern and eastern areas of campus.

Curb/Gutter/Sidewalks - E. Maxwell Street and Lexington Avenue have been improved with curb, gutter and sidewalks.

Storm Sewers - The subject property is located within the Town Branch watershed. Stormwater improvements may be required 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 and will be serviced by the Town Branch Wastewater Treatment Facility, located on Lisle Industrial Avenue inside New Circle Road, between Leestown Road and Old Frankfort Pike. 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 more intense land use.

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

Refuse - The Urban County Government serves residences in this portion of the Urban Service Area with collection on Mondays.

Police - The nearest police station is the main headquarters, located about 1 mile north of the subject property on East Main Street. This area is served by the Central Roll Call Center located at 1020 Industry Road.

Fire/Ambulance - The nearest fire station is Fire Station #5, located on Woodland Avenue approximately 1,000 feet northeast of the subject property.

Transit - Lextran services the area with inbound and outbound routes stopping directly adjacent to the property, at the intersection of Euclid and Woodland. Route 1, Route 3, Route 14, and Route 51 all utilize the stops at this location with other routes available nearby.

Parks - The subject property is located less than 1/2 of a mile west of Woodland Park.

## SUMMARY OF REQUEST

The applicant is seeking to rezone the subject property in order to add a three-story residential structure with an additional 24 units. If approved, the development would contain 48 units for a residential density of 82 units per acre.

Along with the rezoning request above, the applicant is requesting variances to reduce the vehicular use area perimeter buffer from 8' to 1.5' adjacent to 466 Euclid Avenue, from 8' to 6'-5" along Woodland Avenue right-of-way, and from 8' to 5' adjacent to 415 Woodland Avenue.

## PLACE-TYPE

SECOND 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, with interspersed single-family detached dwellings. Multi-family units should complement and enhance existing development through quality design and connections.

### Transit Infrastructure & Connectivity

Nearby commercial/employment uses and greenspace should be easily accessible, and bicycle and pedestrian modes should be maximized to connect residents to destinations.

### Parking

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



R-4

The intent of this zone is to provide for medium to medium-high density multi-family dwellings and supporting uses. This zone should be located in areas of the community where services and facilities are/ will be adequate to serve the anticipated population. The medium to medium-high density residential uses should be located along collector and arterial streets. Where lower density development occurs in this zone, it should be located along local streets. Adequate multi-modal connections should be available to all residents. Development should be in areas of the community where necessary services and facilities will be adequate to serve the anticipated population. Medium to medium-high density multi-family dwellings should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

## PROPOSED USE



The petitioner is proposing to add a 40-foot tall residential structure to the existing development, increasing the size of the residential development to 21,780 square feet of building size. The second residential building will accommodate 24 dwelling units, bringing the total to 48 units, for a density of 82 dwelling units per acre. As the proposed structure will be located within the existing parking lot, the overall number of parking spaces for the development will decrease from 40 to 28 motor-vehicle parking spaces and 4 bicycle spaces.

## APPLICANT & COMMUNITY ENGAGEMENT



The applicant has not indicated that public outreach or engagement has occurred at this time.

## PROPERTY & ZONING HISTORY



The subject property was originally zoned R-2 during the comprehensive rezoning of the City and County in 1969. The property was subsequently upzoned to the R-3 zone when the current structure was built in 1978. The footprint, configuration and zoning of this property have remained unchanged while the Woodland corridor, particularly between Euclid Avenue and campus, has experienced significant changes over the last 47 years.

The surrounding area features a mix of zones and uses. Adjoining the property to the west are properties with both purpose-built and retrofitted multi-family structures (R-3 zone). To the north, the properties retain their single-family structures and many are used for rental purposes within the R-2 zone. To the east is a pocket of commercial uses near the intersection of Woodland Avenue and Euclid Avenue. The properties to the south consist of single-family structures that have been converted to multi-family, many with additions that double the size of the structure (R-2 zone).

## COMPREHENSIVE PLAN COMPLIANCE



### GOALS AND OBJECTIVES

The 2045 Comprehensive Plan, *Imagine Lexington*, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The applicant opines that they are in compliance with the adopted Goals and Objectives of the 2045 Comprehensive Plan. They state that the request will allow for the site to redevelop into a higher density housing product that will help meet an increase in the demand for housing, particularly for University of Kentucky students (Theme A, Goal #1.b and #1.d; Theme A, Goal #2.a). Additionally, the applicant states that accessible units will be available (Theme A, Goal #1.c) and the new structure will resemble the existing structure in design and scale (Theme A, Goal #2.b). The existing greenspace will be retained which, along with the pedestrian oriented location, will encourage social interaction (Theme A, Goal #3.b and #3.c). Staff agrees with the applicant's assessment of this application's compliance with the Goals and Objectives of the Comprehensive Plan.

### POLICIES

Within the letter of justification, the applicant opines that the project is meeting Comprehensive Plan policies that call for proper road connections and pedestrian-friendly street patterns & walkable blocks in an area with excellent access to transit routes (Design Policy #2, Design Policy #5 and Connectivity Policy #3). Additionally, the applicant states that the proposed development will increase density while enhancing existing neighborhoods through context sensitive design (Density Policy #2). Staff agrees with the applicant's assessment of this application's compliance with the Policies of the Comprehensive Plan.

### PLACE TYPE, DEVELOPMENT TYPE, AND ZONE

In an effort to allow for the greatest contextual development of Lexington's Urban Service Area, applicants are asked to identify a Place-Type based on the location of the subject properties. Within each Place-Type there are recommended Development Types based on the form and function of the proposed development. Based on the Place-Type and Development Type there are also several recommended zones that are most appropriate based on the Goals, Objectives, and Policies of the Comprehensive Plan. While these zones are the ideal zoning categories to develop within a specified area, other zones may be considered, provided



there is an appropriate justification addressing the unique situation and provided the development is able to adequately meet the associated Development Criteria.

The applicant indicates that the project is located within the Second-Tier Urban Place-Type which is where significant infill and redevelopment opportunities exist to complement the urban core. The applicant is also proposing a Medium Density Residential Development Type. Although this Development Type is 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 Second-Tier Urban areas should be towards increased walkability and intensity.

Based on the property's location along numerous transit routes, close proximity to the University of Kentucky and easy access to grocery and other retail services, staff finds the choice in Place Type appropriate. The applicant's chosen Development Type is a recommended Development Type within the Second-Tier Urban Place-Type, and can be appropriate at this location with appropriate consideration given to the transition between the proposed development and the existing development in the area. The applicant's choice in zone, the Medium Density Residential (R-4) zone, is a recommended zone for the chosen Place-Type and Development Type.



## DEVELOPMENT 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 2045 Comprehensive Plan. The criteria for development represent the needs and desires of the members of the Lexington-Fayette Urban County community in hopes of developing a better built environment. The criteria are refined by the applicant based on the proposed place-type and development type. The applicant has indicated that the site is located within the Second-Tier Urban place-type and is seeking to create a medium density development. Staff concurs with the applicant's assessment of the place-type and agrees that the Medium Density Residential (R-4) zone can be appropriate for the subject property.

### 1. Land Use

Staff finds that this request meets the Development Criteria for Land Use. The applicant's proposal is located near a grocery and other retail services (A-DS12-1). This proposal would convert an underutilized parking lot into higher density residential use along a transit corridor (A-DN2-1 & D-CO3-1).

### 2. Transportation and Pedestrian Connectivity

Staff finds that this request meets the Development Criteria for Transportation and Pedestrian Connectivity. The proposal will provide multi-modal facilities (A-DS5-1) that incorporates connections to community anchors (A-DS10-1) with accessible pedestrian linkages directly to transit (A-DS1-2).

### 3. Environmental Sustainability and Resiliency

The proposed rezoning meets the criteria for Environmental Sustainability and Resiliency as the proposal will preserve existing greenscape and trees (B-PR7-1) while increasing the utility of the existing impervious surface by converting a portion of the parking area to residential use (B-SU4-1).

### 4. Site Design

Staff finds that this request meets the requirements for Site Design as the proposal will provide a pedestrian oriented and activated streetscape (A-DS5-4), enhance a well-connected public realm through activating the street corner (C-LI8-1), and reducing on-site parking to encourage foot, bicycle, and transit traffic (C-PS10-2).

### 5. Building Form

The applicant has stated that the new building will use the same exterior materials as the existing building with same scale and mass. The request meets the criteria for Building Form, as the applicant's proposal will minimize contrasts in design and scale to the surrounding context (A-DN2-2), while creating a pedestrian-friendly atmosphere through the building fronting on the intersection (A-DS5-3).

While staff agrees with much of the justification provided by the applicant, there are several criteria listed below that require further explanation or justification:



## 1. Land Use

*D-PL7-1: Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.*

The applicant has indicated that they intend to conduct public outreach for the project with the surrounding neighborhood. The applicant should provide greater information on those efforts.



## MULTI-FAMILY DESIGN STANDARDS

In connection with the proposed multi-family uses, the applicant submitted an a site plan, justifications and photos of the existing structure as an example of the proposed design to demonstrate compliance with the Multi-Family Design Standards. Below, staff discusses the respective criteria:

### Site Design:

The request meets the criteria for site design as the request uses the buildings to help reinforce the streetscape (SP.1). The request promotes connectivity by expanding the sidewalk network throughout the site and providing connections to the surrounding neighborhood (SP.5). The proposal locates the parking areas internally to limit their visual impact (SP.8).

### Open Space

Staff finds that the request meets the requirements for Open Space, as the open space areas are located centrally to the site (OS.1), and are accessible for residents in both the existing and proposed structures (OS.2).

### Architectural Design.

The proposed building design uses windows and alternating materials to avoid blank wall faces (AD.4; AD.5). The plan calls for the second structure to match the height of the existing structure to match the scale of the neighborhood (AD.2).



## PARKING DEMAND MITIGATION STUDY

Under the requirements of the Parking and Landscaping Zoning Ordinance Text Amendment, all “Significant Developments,” or developments with over 5,000 square-feet of building coverage that require a Zoning Map Amendment, shall provide a Parking Demand Mitigation Study for the project that details the following information:

1. Review of national best practices for parking calculations for the project, including the current ITE Manual Parking ranges or the ranges produced by the ITEParkGen Report;
2. The anticipated parking demand for the project;
3. How the anticipated parking demand will be satisfied on-site or off-site;
4. The methods and strategies to be implemented in order to reduce vehicle trips by site users;
5. The methods and strategies to be implemented in order to promote transportation options by site users;
6. The projected mode share by site users from the utilization of the study’s strategies.

Within the applicant’s review of the parking demand, they have provided specific calculations based on the ITE manual for the proposed residential multi-family use. Based on the provided number of units and commercial square footage, the study indicates indicate that the a multi-family development at the proposed scale would require 28 parking spaces for the proposed total of 48 units. This conclusion was reached by taking the Institute of Transportation Engineers standard value of 1.2 spaces per unit and factoring in the reduced need to account for transit, bike/pedestrian and switching the remaining spots to market rate availability.

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

1. The requested Medium Density Residential (R-4) zone is in agreement with the 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
  - a. The proposed project is in a location that promotes infill, redevelopment, adaptive reuse, and mixed-use developments (Theme A, Goal #2.a).
  - b. The proposed project will remain in scale with the surrounding context through the reuse of an existing, non-conforming structure (Theme A, Goal #2.b) while prioritizing multi-modal facilities promoting safer connectivity (Theme A, Goal #3.b).
2. The requested Medium Density Residential (R-4) zone is in agreement with the 2045 Comprehensive Plan's Policies, for the following reasons:
  - a. The proposal will reduce on-site parking, prioritizing multi-modal connectivity (Design Policy #7).
  - b. The site features pedestrian-friendly street patterns & walkable blocks in an area with excellent access to transit routes (Design Policy #2, Design Policy #5 and Connectivity Policy #3).
  - c. The proposed development will increase density while enhancing existing neighborhoods through context sensitive design (Density Policy #2).
3. The justification and corollary development plan are in agreement with the policies and development criteria of the 2045 Comprehensive Plan.
  - a. Staff finds that this request meets the Development Criteria for Land Use. The applicant's proposal is located near a grocery and other retail services (A-DS12-1). This proposal would convert an underutilized parking lot into higher density residential use along a transit corridor (A-DN2-1 & D-CO3-1).
  - b. The proposed rezoning meets the criteria for Environmental Sustainability and Resiliency as the proposal will preserve existing greenscape and trees (B-PR7-1) while increasing the utility of the existing impervious surface by converting a portion of the parking area to residential use (B-SU4-1).
  - c. The request meets the criteria for Building Form, as the applicant's proposal will minimize contrasts in design and scale to the surrounding context (A-DN2-2), while creating a pedestrian-friendly atmosphere through the building fronting on the intersection (A-DS5-3).
4. This recommendation is made subject to approval and certification of PLN-MJDP-25-00066: AYLESFORD ADDITION BLK 5 LOTS 1,2, & 3 (WOODLAND VILLAGE) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

## STAFF REPORT ON VARIANCE REQUEST



As part of their application, the petitioner is also seeking several dimensional variances to reduce the minimum required VUA perimeter requirements as regulated in Article 18-3(2)(d).

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 18-3(2)(d) states that a vehicular use area perimeter buffer shall be located between vehicular use areas and any adjacent streets and adjacent properties excluding required sight clearances at driveways and ingress/egress location. A continuous hedge, fence, wall, or earthen mound, except where trees require breaks and one (1) canopy tree (Group A or B) per twenty-five (25) linear feet of the total perimeter of the parking area.

### CASE REVIEW

The initial design for this proposal featured the construction of additional parking spaces, as well as a new driveway extending to connect to Euclid Avenue. At that time, the applicant requested several variances to reduce the required buffer from 8 feet to 1.5 feet adjacent to 466 Euclid Avenue, from 8 feet to 6 feet 5 inches along Woodland Avenue right-of-way, and from 8 feet to 5 feet adjacent to 415 Woodland Avenue.

The applicant has since provided a revised design that eliminates the additional access drive, a relocation of the dumpster, and the removal of the proposed new parking spaces. As a result, the variance to reduce the VUA buffer where it adjoins 466 Euclid Avenue is no longer necessary, as this drive aisle has been removed. Additionally, with the removal of the parking addition, there is now sufficient space between the parking lot and Woodland Avenue to provide the required buffer. Staff is recommending these two components of the variance address be withdrawn.

For the areas where the parking lot adjoins 415 Woodland Avenue, the applicant states that they are unable to meet the necessary screening requirement as the current distance between the parking area and the adjacent property is 5 feet. The applicant opines that strict adherence to the landscaping requirement would create an unnecessary hardship considering the area in question, as it would require a demolition and reconfiguration of existing parking. The applicant opines that they intend to retain the current condition, which has existed on the property for several decades. Staff finds this aspect of the request will not negatively impact the health safety or welfare of the general public. The subject property has a unique circumstance in that the parking area predates the current zoning regulations that was developed in such a way that installing the required landscaping is not feasible within this portion of the property.

**STAFF RECOMMENDS: APPROVAL OF THE REQUEST TO REDUCE THE REQUIRED VEHICULAR USE AREA BUFFER FROM EIGHT FEET TO FIVE FEET WHERE PROPERTY ADJOINS 415 WOODLAND AVENUE, FOR THE FOLLOWING REASONS:**



1. Approval of the landscape variance in this area should not adversely affect the public health, safety, or welfare, nor should it create a hazard or nuisance to the public. This area has historically featured parking, and the overall size of the parking area is being reduced with this request.
2. The lot shape and the location of the site's existing parking area represent special circumstances unique to the subject property that justify the need for a variance.
3. Removing the existing parking present on the site to accommodate the required landscaping buffer would unreasonably restrict the applicant's use of the property.
4. The circumstances of this variance are not a result of actions taken by the applicant subsequent to the adoption of the Zoning Ordinance.

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

- a. Provided the Planning Commission and Urban County Council approve the requested zone change to the R-4 zone, otherwise the requested variance shall be null and void;
- b. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy; and,
- c. Action of the Planning Commission shall be noted on the Subdivision Plan for the subject property.

**STAFF RECOMMENDS: WITHDRAWAL OF THE REQUEST TO REDUCE THE REQUIRED VEHICULAR USE AREA BUFFER WHERE THE PROPERTY ADJOINS 466 EUCLID AVENUE AND THE RIGHT-OF-WAY FOR WOODLAND AVENUE, FOR THE FOLLOWING REASONS:**

1. Due to changes in the proposed site layout, there is sufficient space to accommodate any necessary Vehicular Use Area screening within these areas.