

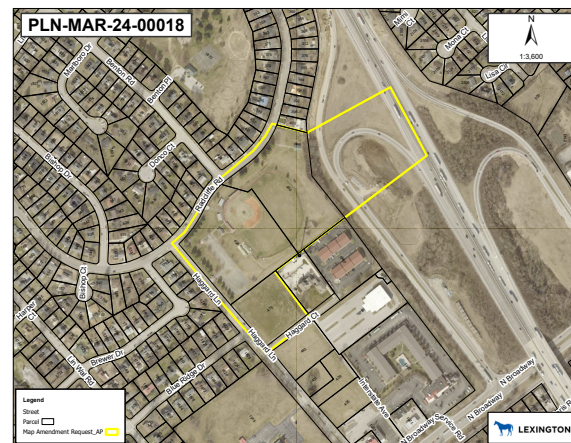
# STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-24-00018: TRANSY PROPERTY OWNERS, LLC

## DESCRIPTION OF ZONE CHANGE

Zone Change: From: Neighborhood Business (B-1), Corridor Business (B-3), Interchange Service Business (B-5P), and Mixed Low Density (R-2) zones  
To Mixed Low Density Residential (R-2), Planned Neighborhood Residential (R-3), Medium Density Residential (R-4) zones

Acreage: 12.49 (20.09 gross) acres

Location: 475 & 495 Haggard Lane, 450 Radcliffe Road



## EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Properties	B-1, B-3, R-2	Transylvania University Athletic Fields
To North	R-2	Residential
To East	P-1, B-5P, R-2	Interstate, Hotel and Church uses
To South	B-3, R-1C	Residential and Church uses
To West	R-1C	Residential

## URBAN SERVICE REPORT

**Roads** - The subject property is bordered by Haggard Lane and Radcliffe Road, both classified as urban collector roadways. Radcliffe Road connects to Russell Cave Road north of the subject properties. North Broadway connects Haggard Lane to New Circle (KY 4) in this part of Lexington-Fayette County. The I-64/I-75 interchange borders the subject properties to the east from North Broadway.

**Curb/Gutter/Sidewalks** - Curb, gutter and sidewalks exist along Haggard Lane and Radcliffe Road. The subject properties have existing sidewalk infrastructure on Haggard Lane and Radcliffe Road.

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

**Storm Sewers** - The subject property is located within the Cane Run watershed. Despite not being in a FEMA Special Flood Hazard Area, the Division of Engineering has stated that there are known flooding issues on Haggard Lane. The developer will be required to address stormwater management on the subject property in compliance with the Engineering Stormwater Manual.

**Sanitary Sewers** - This area is located within the Cane Run sewershed and will be serviced by the Town Branch Wastewater Treatment Facility. Sanitary sewer capacity will need to be verified by the Capacity Assurance Program (CAP) prior to certification of the final development plan.

**Refuse** - The Urban County Government serves this portion of the Urban Service Area with refuse collection on Thursdays. Multi-family development may be served by the Urban County Government with collection, although additional private collection is often utilized to supplement these services.

**Police** - The subject property is served by the West Sector Roll Call Center, although the nearest police station is located approximately 4 miles southeast of the subject property, at the Central Roll Call Center, located on the corner of Winchester Road and Industry Road.

**Fire/Ambulance** - The nearest fire station (No. 8) is located approximately 1 mile southwest of the subject property on North Broadway.

Transit - This area is served by Lextran Route #17, which has a stop at the intersection of Radcliffe Road and Benton Road, and is approximately 50 feet from the subject property.

Parks -Marlboro Park is located approximately 150 feet to the north, across Radcliffe Road. There are also several additional parks located within 2 miles, including Elkhorn Park, Mary Todd Park, Martin Luther King Park, and William Floyd Park.

## SUMMARY OF REQUEST

The applicant is seeking to rezone the subject properties from a Neighborhood Business (B-1), Corridor Business (B-3), Interchange Service Business (B-5P), and Mixed Low Density (R-2) zones to Mixed Low Density Residential (R-2), Planned Neighborhood Residential (R-3), and Medium Density Residential (R-4) zones to allow for the construction of an affordable housing development. Additionally, the applicant is seeking a variance in order to reduce the required front yard for a group residential project from twenty (20) feet to ten (10) feet.

## PLACE-TYPE

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

## DEVELOPMENT TYPES

**LOW DENSITY RESIDENTIAL**  
Primary Land Use, Building Form, & Design  
A mix of attached and detached single-family homes, of varying formats, and low density multi-family dwelling units. Homogeneous neighborhoods that do not include a mix of housing types should be avoided. Low density residential is only appropriate as a component of “Enhanced Neighborhoods” and “new Complete Neighborhoods” and should be supplemented by a variety of uses and housing options to create sustainable places.

Transit Infrastructure & Connectivity  
Multi-modal network connections, including connected streets, are required to keep an efficient transportation network that provides viable options for all users.

Quality of Life Components  
These developments should include intentional open space designed to fit the needs of area residents and be in walking distance of nearby neighborhood-serving commercial/employment uses.

**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

R-2

The intent of this zone is to provide for a mix of low density residential development and supporting uses. This zone should be in areas of the community where services and facilities are/will be adequate to serve the anticipated population. This zone should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan. This zone may be used for zero-lot-line houses, patio houses, and other compact housing types.

R-3

The intent of this zone is to provide for medium density mixed residential development, including multi-family dwellings, group residential housing, compact housing types, attached and detached single family dwellings, and supporting uses. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population. This zone should provide a variety of housing options rather than a single type. The medium density residential uses should be located along local and collector streets, with lower density residential uses located along local streets. Adequate multi-modal connections should be available to all residents, so to allow for long term viability and incremental growth.

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 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. 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 applicant is proposing the rezoning of the subject properties to construct an affordable housing development that consists of 29 single-family detached residential units, 26 single-family attached residential units, and 179 multi-family residential units, for an overall density of 18.73 units per acre. The proposal utilizes single-family residential uses along Radcliffe and Haggard Lane with R-2 zoning, and transitioning to single-family attached uses with R-3 zoning, culminating with multi-family residential uses in the R-4 zone. The multi-family residential component consists of a 4-story senior living use, and a series of smaller 3-story, garden style apartments. The applicant is proposing the construction of new public streets and alleys to serve the site. Sidewalk connections will be provided to link the entire development with the surrounding neighborhood.

## APPLICANT & COMMUNITY ENGAGEMENT



The applicant has indicated that they have met with members of the neighborhood on several occasions in 2024, the most recent official meeting being on November 11th to discuss the proposal. The applicant also indicated that they would continue to follow up with the neighborhood if further questions arose about the proposal.

## PROPERTY & ZONING HISTORY



The subject properties were zoned Neighborhood Business (B-1) at the time of the 1969 comprehensive rezoning of the City and County. In 1972, 475 Haggard Lane was rezoned to B-3 with the intent to develop a commercial retail development and convenience store. A subsequent development plan was approved for the site for a shopping center in 1986, but was never developed. Since 2000, the properties located at 450 and 495 Radcliffe Rd have been utilized by Transylvania University as their primary location for outdoor recreational fields and baseball activities. In 2019, Transylvania moved its baseball team to the Lexington Legends baseball stadium, Legends Field, located off North Broadway in Lexington. In 2024, a group of local businesspeople and nonprofits purchased the property from Transylvania University with the aim to convert the land from the current athletic use to create affordable housing, including single family detached, attached and multi-family dwelling units.

The predominant land use for the area is residential in nature. The areas located to the north, and southwest of the subject property are zoned Single Family Residential (R-1C as well as R-1D), and Mixed Low Density Residential (R-2) and are a part of the Elkhorn Park and Radcliffe neighborhoods. These neighborhoods are primarily comprised of single family homes. South of the subject properties exist several service zones, including Corridor Business (B-3), Interchange Business (B-5P), and Professional Office (P-1).

The request also includes portions of the right-of way for the interstate interchange, which includes portions of R-2 and B-5P zoning. These areas are included in the gross acreage of the request, but are not included in the area being developed.

## COMPREHENSIVE PLAN COMPLIANCE



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

### GOALS, OBJECTIVES & POLICIES

The applicant relays in their letter of justification that they are in agreement with the adopted Goals and Objectives of the 2045 Comprehensive Plan. The applicant also provides a brief discussion of the Goals and Objectives of the 2045 Comprehensive Plan that are being met with this request, noting that the development addresses a need for housing that is affordable, and emphasizes the proposed increase in residential density. The applicant details in their justification letter the intent of over seven stakeholders made up of local businesspeople and nonprofits with the aim to convert the land from the current athletic use to create affordable housing through a mix of creative funding mechanisms that the group hopes will be replicated (Theme A Goal #1.d; Theme E, Goal #1.d).

The applicant states that the request will provide additional variety in housing choice (Theme A, Goal #1.b), that will increase the density of the area in a context-sensitive manner in an area available for infill and redevelopment (Theme A, Goal #2.a & 2.b). The Elkhorn and Radcliffe neighborhoods primarily consists of detached single-family development, by introducing multi-family residential uses into an area predominately

characterized by single-family attached and detached units, the applicant justifies that they are meeting goals relating to providing a variety of housing types and densities. They further state that by developing an underutilized parcel of land within the Urban Service Area, that they are supporting policies relating to redevelopment and strategic growth. Additionally, the applicant's proposal includes opportunities for affordable and accessible housing options to meet the needs of Lexington's aging population (Theme A, Goal #1.c). The applicant's justification letter also notes the intent of the development to provide a well designed neighborhood along a major corridor, North Broadway, in Lexington (Theme E, Goal #1.b & Goal #3.b). The proposed development is located along LexTran's route #17, providing public transportation access, as well as near the I-75, I-64 highways and Russell Cave Road through neighborhood connections. Finally, the applicant also indicates that they are seeking to uphold the Urban Service Area concept (Theme E, Goal #1) by maximizing development on vacant land within the Urban Services Area (Theme E, Goal #1.d).

With respect to the policies of the Comprehensive Plan, the applicant opines that the request responds to the context of the surrounding area, providing additional density and intensity (Design Policy #4; Density Policy #1 and #2). The request will provide additional housing options for this area, which is predominately characterized by single family structures (Design Policy #8). Staff agrees that the applicant's proposal is in agreement with the Goals, Objectives, and Policies of the 2045 Comprehensive Plan.



## MULTI-FAMILY DESIGN STANDARDS

In connection with the proposed multi-family uses, the applicant submitted an annotated site plan, renderings of the proposed design, and a supplemental justification 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, and breaks the lots into smaller sections 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 each of the development's housing types (OS.2). These spaces are delineated and separated from the private open space (OS4).

### Architectural Design.

The development uses single-family attached and detached units, as well as two differing multi-family residential designs to provide visual variety for the development (AD.1). The development begins at a compatible height to the existing neighborhood, increases in height and intensity as the development steps back away from Radcliffe Road (AD.2). The proposed building design uses windows and alternating materials to avoid blank wall faces (AD.4; AD.5).



### **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 uses. Based on the provided square footage, the ITE manuals indicate that the development would require a minimum of 142 parking spaces. The applicant’s proposal calls for a total of 222 off-street parking spaces, as well as the potential for up to 59 on-street parking spaces. The applicant notes that the parking does exceed the amount recommended by the manual, but indicates that the higher parking total was implemented to address community concerns over parking spilling over into the neighborhood. The applicant notes that the overall parking demand will be reduced based on the use’s proximity to a transit route.



### **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 property. 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 2045 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 has indicated that the site is located within the Enhanced Neighborhood Place-Type. Due to the inclusion of several different housing types, ranging from single-family detached residences to four-story multi-family development, the applicant’s proposal contains elements of both the Low Residential and Medium Density Residential Development Type. Both Low and Medium Density Residential Development types are recommended within the Enhanced Neighborhood Place-Type. The applicant has chosen to utilize multiple zones in order to “step back” the intensity of development from the neighborhood. The applicant’s proposed R-2 and R-4 zones are recommended within the Placebuilder element; however, the applicant’s proposed R-3 zone is not. While the R-3 zone is not generally recommended for this Place-Type, staff finds its use in this application to be appropriate, as it provides for a transition between the allowable intensity between the R-2 and R-4 zones.



## **DEVELOPMENT CRITERIA**

The applicant has indicated that the site is located within the Enhanced Neighborhood Place-Type and is seeking to utilize the property as both Low Density Residential and Medium Density Residential Development Type. Staff concurs with the applicant's assessment of the Place-Type and agrees that a Low Density Residential and Medium Density Residential development can be appropriate for the subject property. Staff agrees with the applicant's assessment that the Mixed Low Density Residential (R-2), Planned Neighborhood Residential (R-3), Medium Density (R-4) zones can be appropriate for this location. As the applicant has chosen two separate development-types, staff will evaluate the criteria for both the Low Density Residential Development and the Medium Density Residential Development.

### 1. LAND USE

Staff finds that the proposed low density residential component of the development is in agreement with the criteria for Land Use as it increases the density on-site (A-DN2-1), provides for new compact single-family housing types (A-DN4-1), and is oriented towards providing affordable housing options (C-L16-1).

Staff finds that the proposed medium density residential component of the development is in agreement with the criteria for Land Use, as the request increases density (A-DN2-1), the applicant provided for significant levels of public input prior to the submission of the application (D-PL7-1), and provides for dedicated senior housing (D-SP9-1).

### 2. TRANSPORTATION, CONNECTIVITY, AND WALKABILITY

Staff finds that both the Low-Density and Medium-Density residential components of the development are in agreement with the criteria for Transportation, Connectivity, and Walkability as the request expands upon the existing pedestrian infrastructure present on-site (A-DSI-2), provides accessible routes to transit, as well as providing connections to nearby parks and other complementary uses (A-DSI-2; A-DS4-1; D-CO2-1; D-CO2-2).

### 3. ENVIRONMENTAL SUSTAINABILITY AND RESILIENCY

Staff finds that both the proposed Low-Density and Medium-Density residential development are in agreement with the criteria for Environmental Sustainability and Resiliency, as the request does not impact any environmentally sensitive areas (B-PR2-1), and improves the tree canopy present on-site (B-RE1-1).

### 4. SITE DESIGN

Staff finds that both the proposed Low-Density and Medium-Density residential development is in agreement with the criteria for Site Design criteria as the development is in walking distance from a park (A-DS9-2), parking is located to the interior of the site (A-DS7-1), and the development provides accessible and delineated open spaces (A-EQ9-2).

While these aspects of the criteria are being met, the applicant should provide greater information on how an affordable housing development will maintain designated open space areas. Additionally, the applicant should detail how several proposed parcels of public right-of-way will be dedicated to the city and the appropriateness of those designations.

### 5. BUILDING FORM

Staff finds that the proposed Low-Density Residential component meets the criteria for Building Form, as the building orientation maximizes connections with the street (A-DS5-3).

Staff also finds that the proposed Medium-Density Residential component meets the criteria for Building Form, as the buildings are primarily oriented towards the street and result in a pedestrian-friendly atmosphere (A-DS5-3), comply with the Multifamily Design Standards (A-DS3-1), and do not result in development that is out of scale with the general vicinity (A-DN2-2).

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

1. The requested Mixed Low Density Residential (R-2), Planned Neighborhood Residential (R-3), Medium Density (R-4) zones are in agreement with the 2045 Comprehensive Plan's Goals and Objectives for the following reasons:
  - a. The proposal will address a need for housing and provide for a variety of housing choices (Theme A Goal #1.d & 1.d; Theme E, Goal #1.d).
  - b. The proposal will increase the density of the area in a context-sensitive manner in an area available for infill and redevelopment (Theme A, Goal #2.a & 2.b).
  - c. The applicant's proposal includes opportunities for affordable and accessible housing options to meet the needs of Lexington's aging population (Theme A, Goal #1.c).
2. The justification and corollary development plan are in agreement with the policies of the 2045 Comprehensive Plan, for the following reasons:
  - a. The request responds to the context of the surrounding area, providing additional residential density and intensity (Design Policy #4; Density Policy #1 and #2).
  - b. The request will provide additional housing options for this area, which is predominately characterized by single family structures (Design Policy #8).
3. The justification and corollary development plan are in agreement with the development criteria of the 2045 Comprehensive Plan, for the following reasons:
  - a. The Low-Density residential component of the development is in agreement with the criteria for Land Use as it increases the density on-site (A-DN2-1), provides for new compact single-family housing types (A-DN4-1), and is oriented towards providing affordable housing options (C-L16-1). The proposed Medium Density residential component of the development is in agreement with the criteria for Land Use, as the request increases density (A-DN2-1), the applicant provided for significant levels of public input prior to the submission of the application (D-PL7-1), and provides for dedicated senior housing (D-SP9-1).
  - b. The Low-Density and Medium-Density residential components of the development are in agreement with the criteria for Transportation, Connectivity, and Walkability as the request expands upon the existing pedestrian infrastructure present on-site (A-DSI-2), and provides accessible routes to transit as well as providing connections to nearby parks and other complementary uses (A-DSI-2; A-DS4-1; D-CO2-1; D-CO2-2).
  - c. Both the proposed Low-Density and Medium-Density residential development are in agreement with the criteria for Environmental Sustainability and Resiliency, as the request does not impact any environmentally sensitive areas (B-PR2-1), and improves the tree canopy present on-site (B-RE1-1).
  - d. The proposed Low-Density and Medium-Density residential development is in agreement with the criteria for Site Design, as the development is in walking distance from a park (A-DS9-2), parking is located to the interior of the site (A-DS7-1), and the development provides accessible and delineated open spaces (A-EQ9-2).
  - e. The proposed Low-Density Residential component meets the criteria for Building Form, as the building orientation maximizes connections with the street (A-DS5-3). The proposed Medium-Density Residential component meets the criteria for Building Form, as the buildings are primarily oriented towards the street and result in a pedestrian-friendly atmosphere (A-DS5-3), comply with the Multifamily Design Standards (A-DS3-1), and do not result in development that is out of scale with the general vicinity (A-DN2-2).
4. The recommendation is made subject to approval and certification of PLN-MJDP-24-00093: MARLBORO MANOR SUBDIVISION, LEXINGTON MOTEL (BLAIR PROPERTY & KOPPIUS & HART PROPERTY) (TRANSY HAGGARD APARTMENTS) 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 a dimensional variance to reduce the required front yard for a group residential project from twenty (20) feet to ten (10) feet.

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 9-6(c) states that the required front yard for a group residential project in the R-4 zone is twenty (20) feet.

### CASE REVIEW

The applicant is seeking a dimensional variance for the northern portion of the “garden apartment” section of the development in order to reduce the required front setback. For group residential projects within the R-4 zone, a front yard of twenty (20) feet is required. The applicant wishes to reduce this required setback to ten feet. The applicant opines in their letter of justification that a reduced setback will result in a improved streetscape and a more activated development. The applicant also opines that the reduced setback supports the provisions of the Multi-Family Design Standards.

In staff’s review of the applicant’s justification, there does not appear to be any discussion of any unique circumstances surrounding the property that would justify the need for the requested variance. The subject properties total over 12 acres in size, and is greenfield development. Additionally, the applicant has not demonstrated that meeting the 20-foot requirement would limit their utilization of the property. It appears that there is sufficient room to meet the required setbacks by shifting the location of open spaces and parking areas. Due to the lack of special circumstances and the overall flexibility the applicant has with the design, staff cannot support the variance request as proposed.

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

1. The applicant has not provided sufficient justification to meet the requirements of article 7 of the zoning ordinance or KRS 100.243. There do not appear to be special circumstances that are unique to the subject property that do not generally apply to other property in the vicinity or in the same zone that justify the need for the variance. The property is a large greenfield site that does not feature any environmental constraints.
2. The applicant has not provided any information that demonstrates that meeting the 20-foot required setback on the 12.49 acre greenfield site would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant. It appears that the requirement could be met by relocating open space areas and parking areas.