

ORDINANCE NO. 95 - 2019

AN ORDINANCE CHANGING THE ZONE FROM A HIGH DENSITY APARTMENT (R-4) ZONE TO A DOWNTOWN FRAME BUSINESS (B-2A) ZONE, FOR .119 NET (.135 GROSS) ACRES, FOR PROPERTY LOCATED AT 171 SAUNIER STREET. (THE CLIFTON, LLC; COUNCIL DISTRICT 2).

WHEREAS, at a Public Hearing held on August 22, 2019, a petition for a zoning ordinance map amendment for property located at 171 Saunier Street from a High Density Apartment (R-4) zone to a Downtown Frame Business (B-2A) zone, for .119 net (.135 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 8-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for property located at 171 Saunier Street from a High Density Apartment (R-4) zone to a Downtown Frame Business (B-2A) zone, for .119 net (.135 gross) acres, more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - That the granting of this zone change is made subject to the following use restrictions as conditions of granting the zone change:

Under the provisions of Article 6-7 of the Zoning Ordinance, the property shall be subject to the following use and buffering restrictions via conditional zoning:

Prohibited Uses

- a. Automobile service stations, and auto repair.
- b. Amusement enterprises.
- c. Pawnshops.
- d. Community Center, private clubs and day shelter.
- e. Outdoor live entertainment.
- f. Cocktail lounges and nightclubs.

Other

- a. Operating hours shall end at 10:00p.m. Sunday,

11:00p.m. Monday-Thursday, and midnight on Friday
Saturday.

Section 3 - That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

Section 4 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: November 19, 2019



MAYOR

ATTEST:



CLERK OF URBAN COUNTY COUNCIL

Published: November 27, 2019

Legal Description of the
Calhoun Clifton (applicant)
Zone Change From R-4 to B-2A
At 171 Saunier Street
Lexington, Fayette County, Kentucky

ALL THAT TRACT OR PARCEL OF LAND SITUATED ON THE WEST SIDE OF SAUNIER STREET APPROXIMATELY 218 FEET SOUTH OF WEST SECOND STREET IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a point in the centerline of Saunier Street, said point being located approximately 218 feet south of the intersection of the centerline of Saunier Street with the centerline of West Second Street; thence along the centerline of Saunier Street south 48 degrees 14 minutes 33 seconds west 41.50 feet to a point; thence leaving Saunier Street north 41 degrees 45 minutes 27 seconds west 81.16 feet to a point; thence north 48 degrees 14 minutes 33 seconds east 4.97 feet to a point; thence north 41 degrees 24 minutes 58 seconds west 68.84 feet to a point; thence north 48 degrees 14 minutes 33 seconds east 36.12 feet to a point; thence south 41 degrees 45 minutes 27 seconds east 150.00 feet to the point of beginning and containing 0.135 gross acres and 0.119 net acres.

Rec'd by MS
Date: 9/16/19

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

IN RE: **PLN-MAR-19-00012: THE CLIFTON, LLC** - petition for a zone map amendment from a High Density Apartment (R-4) zone to a Downtown Frame Business (B-2A) zone, for 0.119 net (0.135 gross) acres, for property located at 171 Saunier Street. (Council District 2)

Having considered the above matter on **August 22, 2019**, at a Public Hearing, and having voted **8-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter for the following reasons:

1. The requested Downtown Business Frame (B-2A) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning supports infill and redevelopment (Theme A, Goal #2), by identifying areas of opportunity for adaptive reuse (Theme A, Goal #2.a), while also respecting the context and design features of surrounding development projects to ensure compatibility with the existing urban form (Theme A, Goal #2.b).
 - b. The proposal seeks to support & showcase local assets to allow for the creation of a variety of jobs (Theme C, Goal #1), while also adding services that promote and enhance tourism in the area (Theme C, Goal #1.d).
 - c. The applicant states that through the inclusion of the use, event space or banquet facility, that they will provide entertainment and other quality of life opportunities that attract young, and culturally diverse professionals, and a work force of all ages and talents to Lexington (Theme C, Goal #2.d).
 - d. The proposed development of the subject property seeks to protect and enhance the natural and cultural landscapes that give Lexington-Fayette County its unique identity and image (Theme D, Goal #3), by protecting historic resources (Theme D, Goal #3.a), including the renovation, restoration and maintenance of a historic commercial structure (Theme D, Goal #3.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 adaptively reuses an older structure that is located within a highly walkable area. Additionally, the proposed rezoning seeks to add new job opportunities, while increasing potential entertainment and quality of life opportunities that can draw more people into our downtown commercial areas.
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity, as the applicant is working with the surrounding property owners to provide shared parking arrangements that will reduce the proliferation of parking lots in the downtown area.
 - 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 does not impact the current tree lines and canopy.

3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use and buffering restrictions are recommended via conditional zoning:


Prohibited Uses

- a. Automobile service stations, and auto repair.
- b. Amusement enterprises.
- c. Pawnshops.
- d. Community Centers, private clubs and day shelter.
- e. Outdoor live entertainment.
- f. Cocktail lounges and nightclubs.

Other

- a. Operating hours shall end at 10:00 p.m. Sunday, 11:00 p.m. Monday – Thursday, and midnight on Friday and Saturday.
4. This recommendation is made subject to approval and certification of PLN-MJDP-19-00046: Saunier Livery, 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 16th day of September, 2019.


Secretary, Jim Duncan

MIKE OWENS
CHAIR

Note: The corollary development plan, PLN-MJDP-19-00046: SAUNIER LIVERY was approved by the Planning Commission on August 22, 2019 and certified on September 5, 2019.

K.R.S. 100.211(7) requires that the Council take action on this request by November 20, 2019.

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

OBJECTORS

- Bob Millward, Millward Funeral Home
- John Pica, President of Sts. Peter and Paul Regional Catholic School
- Windell Reading, 417 W. 2nd Street
- Doug Piatt, Broadway Christian Church, 187 N. Broadway.
- Sister Clara Fehringer, St. Paul Catholic Church
- Tom Brown, Roman Catholic Diocese of Lexington

OBJECTIONS

- Concerned with parking and the possibility of this site becoming an undesirable business.
- Concerned that the proposed establishment will change the area's culture and also parking.
- Concerned that the neighborhood was not engaged and able to participate in the process.
- Concerned with the integrity of their neighborhood and also parking.
- Concerned with the safety and increased traffic.
- Concerned with safety and parking.

VOTES WERE AS FOLLOWS:

AYES: (6) Mundy, Nicol, Owens, Penn, Plumlee, and Wilson

NAYS: (0)

ABSENT: (2) Bell and Brewer

ABSTAINED: (2) de Movellan and Pohl

DISQUALIFIED: (1) Forester

Motion for APPROVAL of PLN-MAR-19-00012 carried.

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

MAP AMENDMENT REQUEST (MAR) APPLICATION

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

Applicant: THE CLIFTON, LLC, 469 LAKESHORE DRIVE, LEXINGTON, KY 40502
Owner(s): BATTLE ROW PROPERTIES, LLC, 176 N MILL STREET, LEXINGTON, KY 40507
Attorney: NICK NICHOLSON, 300 W VINE STREET #2100, LEXINGTON, KY 40507, PH#: 859-231-3000

2. ADDRESS OF APPLICANT'S PROPERTY

171 SAUNIER STREET, LEXINGTON, KY 40507

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

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
R-4	LIVERY	B-2A	BANQUET FACILITY	0.119	0.135

4. COMPREHENSIVE PLAN

a. Utilizing Placebuilder, what Place-Type is proposed for the subject site?	DOWNTOWN
b. Utilizing Placebuilder, what Development Type is proposed for the subject site? If residential, provide the proposed density	HIGH DENSITY NON-RESIDENTIAL / MIXED-USE

5. EXISTING CONDITIONS

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

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

Roads:	LFUCG
Storm Sewers:	LFUCG
Sanity Sewers:	LFUCG
Refuse Collection:	LFUCG
Utilities:	<input checked="" type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas <input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable



July 1, 2019

Lexington-Fayette Urban County Planning Commission
Lexington-Fayette Urban County Government
101 E. Vine Street, 7th Floor
Lexington, Kentucky 40507
ATTN: Jim Duncan

Re: 171 Saunier Street

Dear Mr. Duncan:

I am writing to advise the Planning Commission that Calhoun Hipp Clifton and The Clifton, LLC has the permission of Battle Row Properties LLC to file an application for a zone change from R-4 zone to B-2A zone for its proposed development on the above listed address that is owned by Battle Row Properties LLC.

Battle Row Properties LLC



By: Darren J. Taylor

Its: Owner/Partner

Date: 6.26.2019



NICK NICHOLSON
DIRECT DIAL: (859) 231-3950
Nick.Nicholson@skofirm.com

300 WEST VINE STREET
SUITE 2100
LEXINGTON, KY 40507-1801
MAIN: (859) 231-3000
FAX: (859) 253-1093

July 1, 2019

Lexington-Fayette Urban County Planning Commission
Lexington-Fayette Urban County Government
101 East Vine Street
Lexington, KY 40507

Zone Change Request for 171 Saunier Street

Dear Members of the Planning Commission:

We represent Calhoun Hipp Clifton and The Clifton, LLC ("The Clifton" or "Applicant") and on its behalf have filed a zone change request for the property located at 171 Saunier Street (the "Property"). The Property consists of 0.119 net (0.135 gross) acres zoned High Density Apartment (R-4) and is currently vacant. The Applicant's request is to rezone the Property to Downtown Frame Business (B-2A) zone to allow for an events space.

The Property is still home to the existing structure that was erected between 1890-1896 as a horse & carriage stable. This use continued until fairly recently when the stables were vacated. Despite the history of the existing structure, the Property is not located in a Historical (H-1) overlay. The Applicant recently placed the Property under contract with the hope that it can renovate the impressive structure to its former glory and host events in full compliance with the Zoning Ordinance. As the original Victorian façade with the ornate masonry structure and wood frame interior still exists, we submit that the proposed project is a perfect example of the type of adaptive reuse of historical structures that our community highly encourages. The proposed development plan does not contemplate any type of expansion of the existing structure and we are only proposing necessary renovation work to the exterior of the structure.

This request is in agreement with the Comprehensive Plan for the multitude of reasons outline below. Primarily, the Property has been vacant and underutilized for many years leading to the deterioration of a historic structure. Providing the opportunity for a full renovation of an existing structure into a viable commercial space will help ensure the preservation of this historic property for years to come. The development will not put any strain on the surrounding infrastructure as the Property is located inside the downtown core and there is no proposed increase in the size of the existing structure. There also is an abundance of existing parking options for shared-use parking. The Applicant has already discussed the ability to use the adjacent parking lot of the Broadway Christian Church as there rarely is any overlap in the two uses.

In summary, this downtown core renovation project upholds the need to preserve Lexington's historical structures while offering attractive uses for our community and the tourism industry. As such, it is quite clear that the proposed zone change is in compliance with

the 2018 Comprehensive Plan. The proposed project meets the following Goals and Objectives of the Comprehensive Plan:

Theme A - Growing Successful Neighborhoods

Goal 2: Support infill and redevelopment throughout the Urban Service Area as a strategic component of growth.

Objectives:

- a. Identify areas of opportunity for infill, redevelopment, adaptive reuse, and mixed-use development.
- b. Respect the context and design features of areas surrounding development projects and develop design standards and guidelines to ensure compatibility with existing urban form.
- c. Incorporate adequate greenspace and open space into all development projects, which serve the needs of the intended population.

Goal 3: Provide well-designed neighborhoods and communities.

Objectives:

- a. Enable existing and new neighborhoods to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expand options for mixed-use and mixed-type housing throughout Lexington-Fayette County
- b. Strive for positive and safe social interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians and various modes of transportation.

Theme B - Protecting the Environment

Goal 3: Apply environmentally sustainable practices to protect, conserve and restore landscapes and natural resources.

Objectives:

- c. Incorporate green infrastructure principles in new plans and policies, including, but not limited to, land use and transportation.

Theme C – Creating Jobs & Prosperity

Goal 1: Support & showcase local assets to further the creation of a variety of jobs.

Objectives:

- d. Encourage development that promotes and enhances tourism.

Goal 2: Attract the world's finest jobs, encourage an entrepreneurial spirit, and enhance our ability to recruit and retain a talented, creative workforce by establishing opportunities that embrace diversity with inclusion in our community.

Objectives:

- d. Provide entertainment and other quality of life opportunities that attract young, and culturally diverse professionals, and a work force of all ages and talents to Lexington.

Theme D - Improving a Desirable Community

Goal 3: Protect and enhance the natural and cultural landscapes that give Lexington-Fayette County its unique identity and image.

Objectives:

- a. Protect historic resources and archaeological sites.
- b. Incentivize the renovation, restoration, development and maintenance of historic residential and commercial structures.
- c. Develop incentives to retain, restore, preserve and continue use of historic site and structures, rural settlements and urban and rural neighborhoods.

Placebuilder

The Property is located in Lexington's downtown core and the commercial use is non-residential in nature. As such, the natural Place Type is Downtown and the Development Type is High Density Non-Residential/Mixed-Use. We submit that this classification is appropriate because the general area already has substantial commercial uses and the proposed use maintains the historical commercial use of the Property. B-2A is one of the suggested zoning categories for this Place Type.

Also submitted with the Zone Map Amendment Request is the color-coded reflection of how the proposed project addresses the design criteria for the selected Development Type. Items highlighted in green are represented graphically on the submitted final development plan; items in yellow are addressed in this letter, and items highlighted in orange are not applicable to this proposal.

Standards That Are Applicable to Our Proposal

A-DS5-3: The existing building is oriented towards the street and situated right at the sidewalk line for easy pedestrian access.

A-DS5-4: The existing building is pedestrian oriented as the front door is directly off the sidewalk with an activated ground level with easy pedestrian access.

A-DN2-2: The existing building is not proposed to be expanded in footprint or in height. There are no concerns of contrasts in scale, massing, or design.

B-SU11-1: To the extent practicable, and as further contemplated upon submission of the final development plan and building permit applications, green infrastructure will be considered for inclusion.

C-DI1-1: The requested zone is one of the most flexible zones allowed by LFUCG.

C-DI5-1: This project is in an Opportunity Zone and is maintaining and reusing the existing structure.

C-LI6-1: This commercial project is in the downtown core. The surrounding downtown commercial uses are easily walkable from and to the Property.

C-LI7-1: This commercial project has safe access and is easily walkable from and to the surrounding downtown commercial uses.

C-PS10-2: The development is utilizing shared parking.

C-PS10-3: The development is not over-parked.

D-PL7-1: The adjacent churches, St Peter and Paul Church & Broadway Christian Church, as well as many neighbors have been consulted prior to filing.

D-PL9-1: The existing structure on the Property is proposed to be retained and reused.

E-GR4-1: The existing structure on the Property is proposed to be retained and reused.

E-GR5-1: The existing structure on the Property is proposed to be retained and reused.

E-GR9-4: The vacant and underutilized structure on the Property is proposed to be retained and reused.

E-GR10-2: The Property is easily walkable from and to the downtown core area.

A-DS1-2: This development is located on a side street in the downtown core. There are multiple sidewalks and transit connections within easy walking distance.

A-DS4-1: This development is located on a side street in the downtown core. There are multiple sidewalks and other multi-modal connections within easy walking distance.

A-DS5-1: This development is located on a side street in the downtown core. There are multiple sidewalks and other multi-modal connections within easy walking distance.

A-DS5-2: The existing structure at the sidewalk line is being preserved to maintain a vertical edge.

C-PS10-1: The development is utilizing shared parking.

D-CO1-1: This development is located on a side street in the downtown core and maintaining the existing building footprint. There are multiple sidewalks and other multi-modal connections within easy walking distance.

D-CO2-1: This development is located on a side street in the downtown core. There are multiple sidewalks and other multi-modal connections within easy and safe walking distance.

D-CO2-2: This development is located on a side street in the downtown core. There are multiple sidewalks and other multi-modal connections within easy walking distance.

Standards Not Applicable

A-DS4-2: This project does not propose any new construction at this time.

A-DS7-3: This project does not propose any parking structures.

A-DS10-1: This project does not propose any residential units.

A-DS12-1: This project does not propose any residential units and is in the downtown core.

A-DN1-1: This project does not propose any residential units and is in the downtown core.

A-DN2-1: This project does not propose any residential units and is in the downtown core.

A-DN3-2: This project does not propose any residential units and is in the downtown core.

A-EQ7-1: No school is proposed for this site.

B-SU5-1: There are no vehicle-oriented businesses proposed.

C-PS9-2: The Property is not current office space.

D-PL10-1: The existing building is currently located at the sidewalk line and the site is only 0.119 acres. There is no area for a public art easement.

D-SP3-1: The existing right-of-way and facilities are adequate to support our development.

E-GR10-1: This project does not propose any residential units due to the small size of the property and the need to preserve the existing structure.

E-GR10-3: This project does not propose shared common space due to the small size of the property and the need to preserve the existing structure.

A-DS1-1: This development is located on a side street in the downtown core. As there are multiple transit connections within easy walking distance, there is no need to provide additional infrastructure.

A-EQ3-2: This development is located on a side street in the downtown core. As there are multiple transit connections within easy walking distance, there is no need to provide additional infrastructure.

A-EQ7-2: This is not a healthcare or social service facility.

B-SU4-1: Greenspace is located within walking distance of this development.

D-CO4-2: This development is located on a side street in the downtown core. There are adequate existing streets and infrastructure to support the proposed development.

D-CO5-1: This development is located on a side street in the downtown core. There are adequate existing streets and infrastructure to support the proposed development.

D-SP1-3: No school is proposed for this site.

D-SP6-1: There are no social services or community facilities proposed for this site.

E-ST3-1: This development is located on a side street in the downtown core. There are adequate locations for ride sharing parking.

A-DS4-3: This development does not contain existing landscape or key natural features.

A-EQ7-3: This project does not propose shared common space due to the small size of the property and the need to preserve the existing structure.

B-PR2-1: There are no environmentally sensitive areas on this site.

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

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

B-PR7-1: There are no greenways, tree stands, or stream corridors on or near this site.

B-PR7-2: There are no existing trees on this site. The existing building is currently located at the sidewalk line and the site is only 0.119 acres. There is no room to add any grouping of trees. Landscaping in the rear patio is proposed.

B-PR7-3: The existing building is currently located at the sidewalk line and the site is only 0.119 acres. There is no room to improve the tree canopy. Landscaping in the rear patio is proposed.

B-RE1-1: The existing building is currently located at the sidewalk line. There is no room for street trees.

B-RE2-1: There is not a greenway network in this area.

D-SP2-1: No school is proposed for this site.

D-SP2-2: No school is proposed for this site.

E-GR3-1: There is not a greenway network in this area.

E-GR3-2: Due to the small size of the site, there are no proposed new focal points or geographic features unique to the site.

In addition to compliance with the Comprehensive Plan, the request is justified because the existing zoning is inappropriate and improper and the proposed zoning is appropriate. The current zoning is R-4 and any type of multi-family use is simply not feasible while retaining the existing historic structure. As demonstrated by the submitted pictures of the existing conditions, the structure is mostly just the historic bones of the exterior structure. The interior is still best suited for horse stables than it is for residential. In fact, we can find no record of any residential use of the Property in its 130 year history. As the structure is only 2300 square feet, the number of possible loft apartments is quite limited. In all likelihood, you could only house 4 or 5 units without completely altering the exterior of the structure by expanding the height and adding an addition in the rear. The financial impact of converting the existing site into loft apartments simply cannot be recouped by the limited amount of units that can be created. As such, a decision must be made, keep the underlying zone or keep the existing historical structure allowing commercial uses to continue on the Property. We believe that the Lexington community clearly sides with historic preservation in this type instance. Thus, we submit the requested B-2A zoning is appropriate. The Property is adjacent on two sides to existing downtown business zones, including B-2A. As the Property has always been used for commercial purposes and is not suited for residential use in the least, it is time that the zoning of the Property match the use that has always occurred on the site. Further, all but one of the adjacent parcels are commercial in nature, with either long time commercial garages (albeit non-conforming commercial uses in the R-4 zone like the Property), parking lots, churches, or multi-family residential use bordering the property. As such, rezoning the Property to match its commercial use will not have any type of adverse impact on the surrounding area.

We will be at the August 22nd public hearing in order to make a complete presentation of this application and request your favorable consideration.

Sincerely,

Stoll Keenon Ogden PLLC



Nick Nicholson

NN:NN

HIGH DENSITY NON-RESIDENTIAL / MIXED-USE

DOWNTOWN

SITE DESIGN, BUILDING FORM, & LOCATION

- A-DS4-2** New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.
- A-DS5-3** Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
- A-DS5-4** Development should provide a pedestrian-oriented and activated ground level.
- A-DS7-3** Parking structures should activate the ground level.
- A-DS10-1** Residential units should be within reasonable walking distance to a focal point.
- A-DS12-1** Medium-high density development should be located nearest to neighborhood-serving commercial areas.
- A-DN1-1** High density residential development (HR) should be located on corridors and downtown.
- A-DN2-1** Infill residential should aim to increase density.
- A-DN2-2** Development should minimize significant contrasts in scale, massing and design, particularly along the edges of historic areas and neighborhoods. (D-PL9, E-GR6)
- A-DN3-2** Development should incorporate residential units in commercial centers with context sensitive design.
- A-EQ7-1** School sites should be appropriately sized.
- B-SU5-1** Vehicle-oriented development, such as drive-through businesses, should not locate in the downtown area.
- B-SU11-1** Green infrastructure should be implemented in new development. (E-GR3)
- C-DI1-1** Consider flexible zoning options that will allow for a wide range of jobs.
- C-DI5-1** In Opportunity Zones with a clearly defined local context, consider adaptive reuse to enhance the existing context.
- C-LI6-1** Developments should incorporate multi-family housing and walkable commercial uses into development along arterials/corridors.
- C-LI7-1** Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.
- Modify current office space to include complementary uses.

- C-PS10-2** Developments should explore options for shared and flexible parking arrangements for currently underutilized parking lots.
- C-PS10-3** Over-parking of new developments should be avoided. (B-SU5)
- D-PL7-1** Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
- D-PL9-1** Historically significant structures should be preserved.
- D-PL10-1** Activate the streetscape by designating public art easements in prominent locations.
- D-SP3-1** Adequate right-of-way, lease areas and easements for infrastructure, with emphasis on wireless communication networks should be provided to create reliable service throughout Lexington.
- 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-GR9-4** Development should intensify underutilized properties and develop vacant and underutilized gaps within neighborhoods. (E-GR6)
- E-GR10-1** Developments should include multi-family residential components in B-6P and other Mixed Use Zones.
- E-GR10-2** Developments should provide walkable service and amenity-oriented commercial spaces.
- E-GR10-3** Shared common space in commercial developments should be provided to encourage experiential retail programming.

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-DSS-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-EQ3-2** Development on corridors should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities). (B-SU3)

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.

HIGH DENSITY NON-RESIDENTIAL / MIXED-USE

DOWNTOWN

TRANSPORTATION & PEDESTRIAN CONNECTIVITY (CONT.)

- A-EQ7-2** Multi-modal transportation options for healthcare and social services facilities should be provided. (E-ST3)
- 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)
- C-PS10-1** Flexible parking and shared parking arrangements should be utilized.
- D-CO1-1** Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type.
- D-CO2-1** Safe facilities for all users and modes of transportation should be provided.
- D-CO2-2** Development should create and/or expand a safe, connected multimodal transportation net-work that satisfies all users' needs, including those with disabilities.
- D-CO4-2** Roadway capacity should be increased by providing multiple parallel streets, which alleviate traffic and provide multiple route options, in lieu of additional lanes.
- D-CO5-1** Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.
- D-SP1-3** Developments should provide multi-modal transportation infrastructure to school sites, including sidewalks, shared-use paths, and roadways that can accommodate the bus and vehicle traffic associated with the site.
- D-SP6-1** Social services and community facilities should be accessible via mass transit, bicycle and pedestrian transportation modes. (A-EQ7)
- [Blank]** Development along major corridors should provide for ride sharing pick up and drop off locations along with considerations for any needed or proposed park and ride functions of the area. (E-GR10, E-GR7)

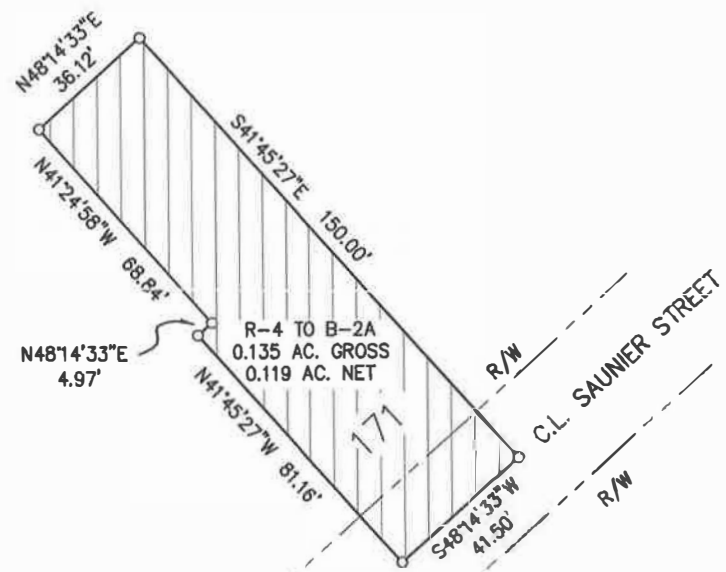
GREENSPACE & ENVIRONMENTAL HEALTH

- A-DS4-3** Development should work with the existing landscape to the greatest extent possible, preserving key natural features.
- A-EQ7-3** Community open spaces should be easily accessible and clearly delineated from private open spaces.
- [Blank]** Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.
- [Blank]** Dividing floodplains into privately owned parcels with flood insurance should be avoided.

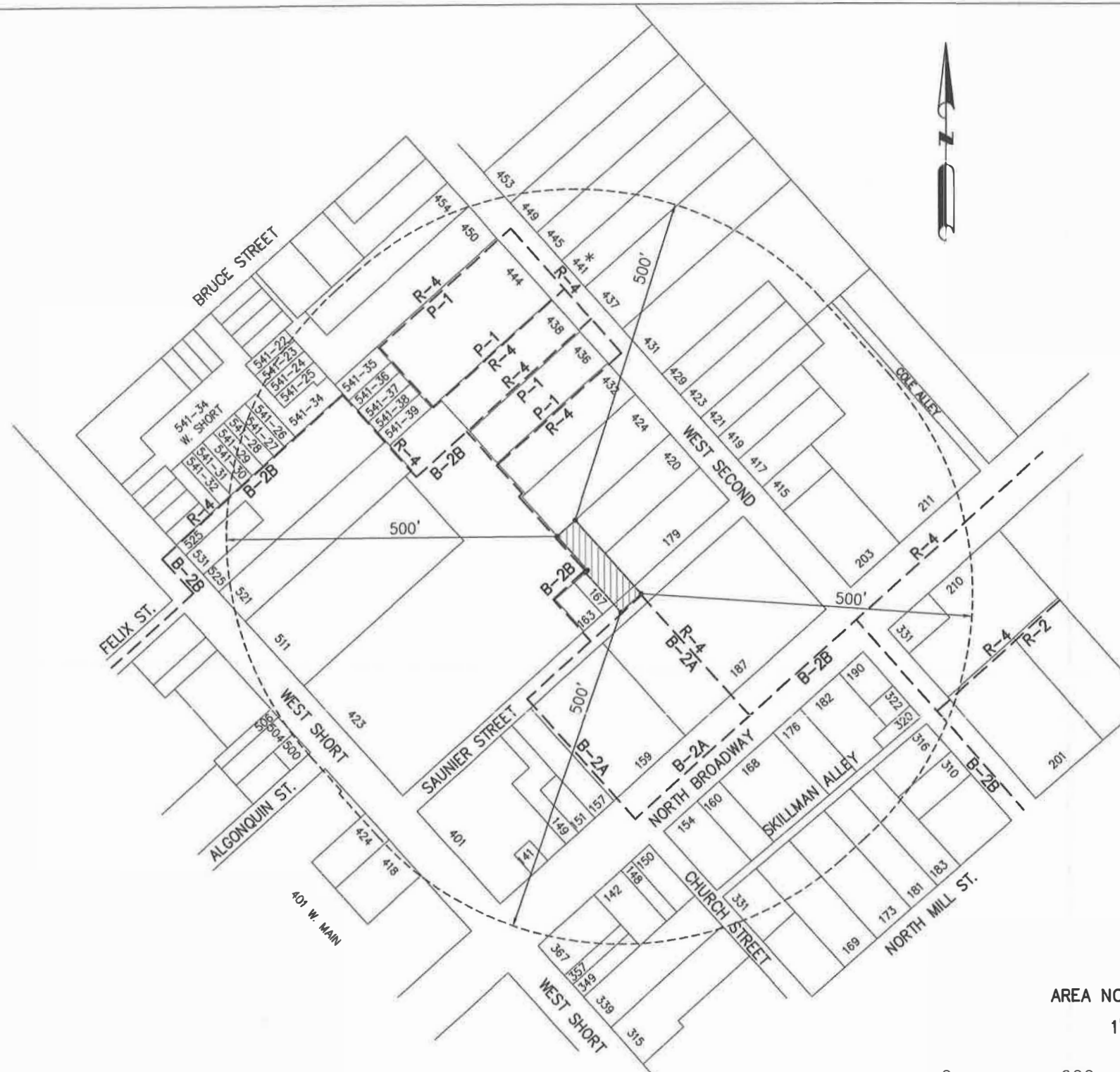
- [Blank]** Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them.
- [Blank]** Connections to greenways, tree stands, and stream corridors should be provided.
- [Blank]** Trees should be incorporated into development plans, prioritize grouping of trees to increase survivability.
- [Blank]** Developments should improve the tree canopy.
- [Blank]** Developments should incorporate street trees to create a walkable streetscape.
- [Blank]** 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.



PROPERTY MAP
1"=50'



AREA NOTIFICATION MAP
1"=200'

- * INCLUDES THE FOLLOWING CONDOMINIUM ADDRESSES AT 441 W. SECOND STREET
- 441-UNIT 10
 - 441-UNIT 110
 - 441-UNIT 120
 - 441-UNIT 130
 - 441-UNIT 140
 - 441-UNIT 210
 - 441-UNIT 220
 - 441-UNIT 230
 - 441-UNIT 240
 - 441-UNIT 310
 - 441-UNIT 410



VICINITY MAP
NTS

STATE OF KENTUCKY WESLEY B. WITT 2187 LICENSED PROFESSIONAL LAND SURVEYOR <i>Wesley B Witt</i>	ZOMAR: R-4 TO B-2A				
	TITLE: PLN-MAR-19-00012: THE CLIFTON, LLC.				
	PROPERTY ADDRESS: 171 SAUNIER STREET	FROM	TO	GROSS	NET
	OWNER: BATTLE ROW PROPERTIES, LLC APPLICANT: CALHOUN CLIFTON 176 N MILL STREET 469 LAKESHORE DRIVE LEXINGTON, KENTUCKY 40507 LEXINGTON, KENTUCKY 40502	R-4	B-2A	0.135 AC.	0.119 AC.
	PREPARED BY: WESLEY B WITT, INC. DATE PREPARED: JUNE 27, 2019	TOTAL		0.135 AC.	0.119 AC.

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-19-00012: THE CLIFTON, LLC

DESCRIPTION OF ZONE CHANGE

Zone Change: From a High Density Apartment (R-4) zone
To a Downtown Frame Business (B-2A) zone
Acreage: 0.119 net (0.135 gross) acres
Location: 171 Saunier Street



EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	R-4	Livery
To North	R-4	Multi-Family/Parking Lot
To East	R-4 / B-2A	Church
To South	R-4 / B-2A	Church/Funeral Home
To West	B-2B	Church/School

URBAN SERVICE REPORT

Roads - Saunier Street is a local road that extends between West Second Street and West Short Street. While the road is categorized as a street, it performs more like an alleyway. The road provides access to and from parking for the businesses, churches, and the school that front on North Broadway and West Short Street. Additionally, the cross-section for the street does not meet current standards.

Curb/Gutter/Sidewalks - Saunier Street has been improved with curb, gutter and sidewalks. The sidewalks in this location do not have any separation or greenspace, which is typical to accommodate utilities and street trees.

Utilities - All utilities, including gas, electric, water, phone, and cable TV are available in the area, and have served the properties for many years.

Storm Sewers - The subject property is located within the Town Branch watershed. Stormwater improvements may be required to address 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 watershed 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 multi-family residential land use.

Refuse - Refuse collection is provided by the Urban County Government to this portion of the Urban Service Area on Thursdays. Commercial uses often contract for more frequent service with private refuse haulers, as necessary.

Police - The nearest police station is the main headquarters, located about ½ mile south of the subject properties at East Main Street and Martin Luther King, Jr. Boulevard.

Fire/Ambulance - Fire Station #4 is the nearest station to the subject property. It is located approximately ½ mile to the north on Jefferson Street.

SUMMARY OF REQUEST

The petitioner has requested a zone change from a High Density Apartment (R-4) zone to a Downtown Frame Business (B-2A) zone for 0.119 net (0.135 gross) acres for the property located at 171 Saunier Street. The proposed development seeks to retain the current structure and adapt it for special event space.

PLACE-TYPE

DOWNTOWN

Downtown is the urban epicenter of commerce and entertainment. The core should be anchored by high-rise structures with ground-level pedestrian engagement opportunities surrounded by mid-rise buildings increasingly offering dense residential uses. Lexington's Downtown should continue to be notable for its mix of uses and variety of transportation options. Parking should be addressed as a shared urban core asset, eliminating dedicated surface parking lots in favor of structures.

DEVELOPMENT TYPE

HIGH DENSITY NON-RESIDENTIAL / MIXED-USE

Primary Land Use, Building Form, & Design

Primarily regional-serving commercial uses, services, places of employment, and/or a mix of uses within high-rise structures with a high Floor Area Ratio. Mixed-use structures typically include an abundance of multi-family residential units, places of employment, and entertainment options, and the retail and commercial options generally draw from a regional geographic area. Screening and buffers should be provided to adjoining lower-density residential developments, however those adjoining neighborhoods should retain convenient access to the development.

Transit Infrastructure & Connectivity

These developments are generally located along higher intensity roadways. Mass transit infrastructure, on par with that of other modes, should be provided, and bicycle and pedestrian connections to adjoining developments are required. Internal multi-modal connectivity throughout the development is critical.

Parking

Parking is generally provided in structures with activated ground levels.

PROPOSED ZONING



This zone is intended to accommodate existing and proposed development in the transitional "frame," which surrounds the downtown core area, by providing for comparable and compatible uses while anticipating the future expansion of the downtown core area.

PROPOSED USE



The petitioner is proposing the Downtown Frame Business (B-2A) zone to adaptively reuse the current structure for special events or as a banquet facility. The B-2A zone allows for such activities and provides for a reduction in the necessary parking due to the high level of walkability downtown and availability of on-street parking, as well as private lots and structured parking.

APPLICANT & COMMUNITY ENGAGEMENT



The petitioner has indicated that they have reached out to surrounding neighborhoods, but have not received any response. The representative has noted that the owner of The Clifton, LLC has spoken with the owners of the properties surrounding 171 Saunier Street, including the churches, the adjacent commercial lots, and the owners of 420 and 424 West Second Street. The petitioner has received one response from their notification letter from Mr. John Martin and Mr. Wendell Redding, the owners of 415 and 417 West Second Street, as well as 521 West Short Street (the Greentree Tea Room), a popular lunch and meeting venue. Their concerns were night-time noise and parking.

PROPERTY & ZONING HISTORY



The subject property is located within a mixed-use neighborhood that currently includes various residential, business, and office land uses. The zoning surrounding the property includes the High Density Apartment (R-4), Downtown Frame Business (B-2A), and Downtown Center Business (B-2B) zones. The B-2A and B-2B zones offer a wide variety of potential uses and the fewest site restrictions, which are meant to allow for the greatest utilization of the downtown landscape. Those properties that directly abut the subject property include two churches, Broadway Christian Church and St. Paul the Apostle Catholic Church, a private school, Sts. Peter and Paul Regional Catholic School, and a Funeral Home, Milward Funeral Directors. North of the subject property, is a parking lot owned by the Broadway Christian Church and a multi-family residential structure.

The subject property was previously within the General Business District (B-4) zone, which was changed to Wholesale and Warehouse Business (B-4) zone with the 1975 update to the LFUCG Zoning Ordinance. The subject property was rezoned from the B-4 zone to the High Density Apartment (R-4) zone in 1969, during the comprehensive modification of the county wide zoning. This change was made to allow greater continuity with the multi-family residential uses located along Second Street and Short Street.

The subject property borders the eastern edge of the Historic Western Suburb Neighborhood and the eastern edge of Historic Northside Neighborhood. The Western Suburb neighborhood achieved its Historic District (H-1) Overlay zone in 1975 and expanded the overlay in 2014. The Northside neighborhood achieved its H-1 overlay zone in two different sections in 1986. While this property does not fall under either of the H-1 overlay zones, the property does have a historic background. The property was originally constructed between 1890 and 1896 as a horse & carriage stable. Use as a livery continued until recently. The LFUCG mounted police utilized the site to stable their horses, before moving their facilities to Coolivan Park.

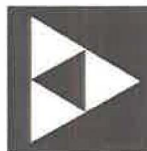
COMPREHENSIVE PLAN: GOALS & OBJECTIVES



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

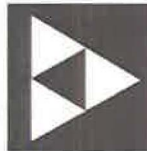
The applicant opines that the proposed development is in agreement with the Goals and Objectives of the 2018 Comprehensive Plan. They state that the proposed rezoning supports infill and redevelopment (Theme A, Goal #2), by identifying areas of opportunity for adaptive reuse (Theme A, Goal #2.a), while also respecting the context and design features of surrounding development projects to ensure compatibility with the existing urban form (Theme A, Goal #2.b). Furthermore, the petitioner indicates that their plan seeks to support & showcase local assets to allow for the creation of a variety of jobs (Theme C, Goal #1), while also adding services that promote and enhance tourism in the area (Theme C, Goal #1.d). The applicant states that through the inclusion of the use, event space or banquet facility, that they will provide entertainment and other quality of life opportunities that attract young, and culturally diverse professionals, and a work force of all ages and talents to Lexington (Theme C, Goal #2.d). Finally, the applicant opines that their proposed rezoning will protect and enhance the natural and cultural landscapes that give Lexington-Fayette County its unique identity and image (Theme D, Goal #3), by protecting historic resources (Theme D, Goal #3.a), including the renovation, restoration and maintenance of a historic commercial structure (Theme D, Goal #3.c).

Staff agrees with these aspects of the applicant's proposal and that these specific goals and objectives can be met. However, within the applicant's justification, they state they are in agreement with several other Goals and Objectives that need greater discussion, are not applicable, or are not within the purview of the applicant. The applicant indicates that the proposed rezoning and the corollary development will enable existing and new neighborhoods to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expand options for mixed-use and mixed-type housing throughout Lexington-Fayette County (Theme A, Goal #3.a). This objective is inwardly



focused on the Urban County Government and Staff, and is not within the purview of the applicant as they are not seeking to improve regulation or expand opportunities. The applicant also indicates that they will strive for positive and safe social interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians and various modes of transportation (Theme A, Goal #3.b). While the applicant is within a more walkable area, they are not including new elements or strategies that will increase the connectedness of the area beyond what is already available. Thus this objective is not applicable to their development unless additional modifications are proposed. Finally, the applicant has indicated that they will apply environmentally sustainable practices to protect, conserve and restore landscapes and natural resources (Theme B, Goal #3) by incorporating green infrastructure principles in new plans and policies, including, but not limited to, land use and transportation (Theme B, Goal #3.c). Staff needs additional information as to how this will be accomplished on this site.

COMPREHENSIVE PLAN: 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 2018 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 Downtown place-type and is seeking to create a High Density Non-Residential/Mixed-Use development. Staff concurs with the applicant's assessment of the place-type and agrees that High Density Non-Residential/Mixed-Use can be appropriate for the subject property within a Downtown Frame Business (B-2A) zone.

1. Site Design, Building Form and Location

The proposed rezoning addresses the majority of the criteria for Site Design, Building Form and Location. The site, as proposed, adaptively reuses an older structure that is located within an area with high levels of walkability. Additionally, the proposed rezoning seeks to add new job opportunities, while increasing potential entertainment and quality of life opportunities that can draw more people into our downtown commercial areas.

Despite compliance with the majority of criteria for Site Design, Building Form and Location, there is one area of concern that the applicant should expand upon. In response to Development Criterion B-SU11-1: Green infrastructure should be implemented in new development, the applicant stated that they would further contemplate the inclusion of green infrastructure, to the extent possible, at the time of submission of the final development plan and building permit applications. The corollary development plan that has been submitted with this zone change is a Final Development Plan; therefore, now is the time to contemplate the inclusion of green infrastructure and provide details.

2. Transportation and Pedestrian

The proposed rezoning meets the criteria for Transportation and Pedestrian. Due to the small size of the property and the fact that the applicant is adaptively reusing the structure, many of the Transportation and Pedestrian criteria are not applicable. However, the location of the site in the downtown area provides higher levels of walkability and a greater access to multi-modal transportation options. The applicant is also working with the surrounding property owners to provide shared parking arrangements that will reduce the proliferation of parking lots in the downtown area.

3. Greenspace and Environmental Health

The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, limits the impacts on the surrounding environment, and does not impact the current tree lines and canopy. The subject property's location within the downtown environment and the size of the site limits the impacts that it may have on the surrounding environment. The required side yard setback and buffers adjacent to the existing residential dwelling units in the immediate area will help to mitigate the proposed structure, located at the rear of the subject property.

STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASON:



1. The requested Downtown Business Frame (B-2A) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning supports infill and redevelopment (Theme A, Goal #2), by identifying areas of opportunity for adaptive reuse (Theme A, Goal #2.a), while also respecting the context and design features of surrounding development projects to ensure compatibility with the existing urban form (Theme A, Goal #2.b).
 - b. The proposal seeks to support & showcase local assets to allow for the creation of a variety of jobs (Theme C, Goal #1), while also adding services that promote and enhance tourism in the area (Theme C, Goal #1.d).
 - c. The applicant states that through the inclusion of the use, event space or banquet facility, that they will provide entertainment and other quality of life opportunities that attract young, and culturally diverse professionals, and a work force of all ages and talents to Lexington (Theme C, Goal #2.d).
 - d. The proposed development of the subject property seeks to protect and enhance the natural and cultural landscapes that give Lexington-Fayette County its unique identity and image (Theme D, Goal #3), by protecting historic resources (Theme D, Goal #3.a), including the renovation, restoration and maintenance of a historic commercial structure (Theme D, Goal #3.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 adaptively reuses an older structure that is located within a highly walkable area. Additionally, the proposed rezoning seeks to add new job opportunities, while increasing potential entertainment and quality of life opportunities that can draw more people into our downtown commercial areas.
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity, as the applicant is working with the surrounding property owners to provide shared parking arrangements that will reduce the proliferation of parking lots in the downtown area.
 - 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 does not impact the current tree lines and canopy.
3. This recommendation is made subject to approval and certification of PLN-MJDP-19-00046: Saunier Livery, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

V. ZONING ITEMS

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

2. THE CLIFTON, LLC ZONING MAP AMENDMENT & SAUNIER LIVERY ZONING DEVELOPMENT PLAN

- a. PLN-MAR-19-00012: THE CLIFTON, LLC (9/29/19)*- a petition for a zone map amendment from a High Density Apartment (R-4) zone to a Downtown Frame Business (B-2A) zone, for 0.119 net (0.135 gross) acres, for property located at 171 Saunier 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 petitioner has requested a zone change from a High Density Apartment (R-4) zone to a Downtown Frame Business (B-2A) zone for 0.119 net (0.135 gross) acres for the property located at 171 Saunier Street. The proposed development seeks to retain the current structure and adapt it for special event space.

The Zoning Committee Recommended: Approval to the full Commission.

The Staff Recommends: Approval, for the following reasons:

1. The requested Downtown Business Frame (B-2A) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning supports infill and redevelopment (Theme A, Goal #2), by identifying areas of opportunity for adaptive reuse (Theme A, Goal #2.a), while also respecting the context and design features of surrounding development projects to ensure compatibility with the existing urban form (Theme A, Goal #2.b).
 - b. The proposal seeks to support & showcase local assets to allow for the creation of a variety of jobs (Theme C, Goal #1), while also adding services that promote and enhance tourism in the area (Theme C, Goal #1.d).
 - c. The applicant states that through the inclusion of the use, event space or banquet facility, that they will provide entertainment and other quality of life opportunities that attract young, and culturally diverse professionals, and a work force of all ages and talents to Lexington (Theme C, Goal #2.d).
 - d. The proposed development of the subject property seeks to protect and enhance the natural and cultural landscapes that give Lexington-Fayette County its unique identity and image (Theme D, Goal #3), by protecting historic resources (Theme D, Goal #3.a), including the renovation, restoration and maintenance of a historic commercial structure (Theme D, Goal #3.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 adaptively reuses an older structure that is located within a highly walkable area. Additionally, the proposed rezoning seeks to add new job opportunities, while increasing potential entertainment and quality of life opportunities that can draw more people into our downtown commercial areas.
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity, as the applicant is working with the surrounding property owners to provide shared parking arrangements that will reduce the proliferation of parking lots in the downtown area.
 - 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 does not impact the current tree lines and canopy.
 3. This recommendation is made subject to approval and certification of PLN-MJDP-19-00046: Saunier Livery, 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-19-00046: SAUNIER LIVERY (9/29/19)* - located at 171 SAUNIER STREET, LEXINGTON, KY.
Project Contact: Barrett Partners

The Subdivision Committee Recommended: Approval, for the following reasons:

1. Provided the Urban County Council rezones the property B-2A; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Landscape Examiner's approval of landscaping and landscape buffers.

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

5. Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of tree preservation plan.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.

Subsequent to the Technical Committee meeting, Planning Staff completed an evaluation of the Placebuilder development criteria.

10. Resolve the following Placebuilder criteria:
 - I. B-SU11-1: Green infrastructure should be implemented in new development. (E-GR3).

Staff Zoning Presentation – Mr. Baillie said that the staff has received three letters of opposition, which he distributed to the Planning Commission. He presented the staff report and recommendations for the amended zone change. He displayed photographs of the subject property and aerial photographs of the general area. He said that the applicant is proposing this zone change to adaptively reuse the current structure for special event space or as a banquet facility. He said that the proposed B-2A zone allows for such activities and provides for a reduction in the required parking, due to the high level of walkability downtown and availability of on-street parking, as well as private lots and structured parking. He said that Saunier Street is categorized as a street, but it performs more like an alley by providing access to and from parking for the businesses, churches, and schools in the area. He added that the cross-section of the street doesn't meet current local street standards.

Mr. Baillie said that the subject property is located within a mixed-use neighborhood that currently includes various residential, business, and office land uses. The zoning surrounding the property includes the High Density Apartment (R-4), Downtown Frame Business (B-2A), and Downtown Center Business (B-2B) zones. The B-2A and B-2B zones offer a wide variety of potential uses and the fewest site restrictions, which are meant to allow for the greatest utilization of the downtown environment. The subject property was previously within the General Business District (B-4) zone, which was changed to Wholesale and Warehouse Business (B-4) zone with the 1975 update to the LFUCG Zoning Ordinance. The subject property was rezoned from the B-4 zone to the High Density Apartment (R-4) zone in 1969, during the comprehensive modification of the county wide zoning. This change was made to allow greater continuity with the multi-family residential uses located along Second Street and Short Street.

Mr. Baillie said that the subject property borders the eastern edge of the Historic Western Suburb Neighborhood and the eastern edge of Historic Northside Neighborhood. The Western Suburb neighborhood achieved its Historic District (H-1) Overlay zone in 1975 and expanded the overlay in 2014. The Northside neighborhood achieved its H-1 Overlay zone in two different sections in 1986. While this property does not fall under either of the H-1 overlay zones, the property does have a historic background. The property was originally constructed between 1890 and 1896 as a horse and carriage stable. Use as a livery continued until recently. The LFUCG mounted police utilized the site to stable their horses, before moving their facilities to Coolivan Park.

Mr. Baillie said that one of the concerns of this zone change is the parking. He said that the B-2A zone allows for a reduction down to 25% of the required parking for any use. He said that this proposal only requires 6 parking spaces. He said that the applicant is proposing two separate lots; one of them would provide the necessary 6 spaces, within 300-foot area of the property, and the other providing an additional 84 spaces. He added that there are various different lot and structured parking throughout the area. He said that this is also located within the downtown area and that there is the connection to the walkability of downtown Lexington, as well as access to multi-modal transportation.

Mr. Baillie said that the applicant opines that the proposed development is in agreement with the Goals and Objectives of the 2018 Comprehensive Plan and states that the proposed rezoning supports infill and redevelopment by identifying areas of opportunity for adaptive reuse, while also respecting the context and design features of surrounding development projects to ensure compatibility with the existing urban form. He said the petitioner indicates that their plan seeks to support and showcase local assets to allow for the creation of a variety of jobs, while also adding services that promote and enhance tourism in the area. The applicant states that through the inclusion of the use, event space or banquet facility, that they will provide entertainment and other quality of life opportunities that attract young, and culturally diverse professionals, and a work force of all ages and talents to Lexington. He added that the applicant opines that their proposed rezoning will protect and enhance the natural and cultural landscapes that give Lexington-Fayette County its unique identity and image by protecting historic resources, including the renovation, restoration and maintenance of a historic commercial structure.

Mr. Baillie said that staff agrees with these aspects of the applicant's proposal and that these specific goals and objectives can be met. He said that applicant's justification states that meets the development criteria for this subject property regarding transportation and pedestrian connections, and greenspace and environmental health. Despite compliance for the majority of the criteria for site design, building form, and location, there is one area of concern that the applicant should expand upon at today's hearing. In response to Development Criterion B-SU11-1: Green infrastructure should be implemented in new development, the applicant stated that they would further contemplate the inclusion of green infrastructure, to the extent possible. He said that during the

Zoning Committee meeting, the applicant discussed the inclusion of pavers or other type of green infrastructure in the rear of the property. Mr. Baillie said that the staff and the Zoning Committee recommended approval of this proposed zone change.

Development Plan Presentation – Mr. Martin presented a rendering of the final development plan associated with this zone change. He said that it is a final development because the applicant is proposing to use the existing structure, which is approximately 4,000 square feet. He pointed to the main entrance off of Saunier Street. He said that the applicant is proposing a covered walkway. He added that they are proposing a new, 900 square foot building that will have restroom facilities and preparation areas for the activities that will be taking place on the site. He also pointed to a large open space in the rear of the property.

Mr. Martin said that the Subdivision Committee recommended approval of this development plan, subject to the sign-off conditions. He also said that the type of green infrastructure that will be used on the property needs to be noted on the plan.

Mr. Baillie said that there was a mistake on one of the slides in his presentation. He said that in the findings, located on the slides there was a different zone noted, and that the agenda has the correct findings.

Applicant Presentation – Mr. Nick Nicholson, attorney; Tony Barret, engineer; and Calhoun Clifton, applicant, were present. He believes that this is a great downtown core project that will be able to be inviting to tourism and Lexingtonians alike. He said that this is a recognition of the historic use of this property versus trying to change the spectrum of use that is allowed on this property. He said that in the 134 year history of this structure, there is no indication that any residential use has ever occurred. It has always been a commercial property. He showed a presentation of photos of the existing structure and gave a brief history of it. He said that the exterior shell of the building will be preserved, but the interior does need to be fully renovated, since there are stables inside. He said that the roof's condition will be addressed. He said that the rear of the property will be renovated to add a covered walkway and an accessory type building. He said that in regards to the green infrastructure, they don't know which type of material will be used at this time.

Mr. Nicholson said that the subject property is mostly surrounded by commercial uses, with the exception of a multi-family nearby. There is one single family residence adjacent and there will be landscaping buffer between them, as well as the accessory building. He then displayed an aerial photo of the property and said that due to its size, any type of true multi-family structure would compromise the historic façade and would be very difficult to construct in compliance with Zoning Ordinance. He said that the building is approximately 2,300 square feet. He said that this will be an adaptive reuse project on historic property according to the Comprehensive Plan, which he believes this project is in compliance with.

Mr. Nicholson said that in regards to the development plan, they are proposing to create a covered walkway, which will be made out of pavers to reduce the impervious surface, as well to catch additional stormwater. He pointed to the proposed accessory structure, which is located off of the rear wall and meets the required setback. He added that there will be a fence along the entire property boundary.

Mr. Nicholson said that he has spoken with several of the neighbors and some of their concerns were noise and parking. He said that in regards to the noise, they added a note to the development, which states the time events must end on this property. He said that by adding to the development, if this property ever sells or the use turns into something else, the owner will need to submit an amended development plan. He said those time limits are ending at 10:00 p.m. on Sunday, 11:00 p.m. Monday through Thursday and 12:00 a.m. on Friday and Saturday nights. In regards to the parking concerns, he said that there are over 780 public spaces, within 1,000 feet of this property. He said that he doesn't believe that this use will generate much parking to be an issue. He added that the city is trying to get away from being an auto centric society, especially in the downtown area.

Commission Questions – Wilson asked the applicant if there will be any reserved parking spaces for this property. Mr. Nicholson said that they have the ability to reserve 90 spaces for this use. Mr. Wilson then asked if they can only be reserved when no other event is going on in the area. Mr. Nicholson said that is why they have those spaces reserved.

Ms. Plumlee asked if they had any proposed hours of operation. Mr. Nicholson said that since this will event driven, there are not any set hours but will have ending hours.

Mr. Owens asked if there would be any live outdoor entertainment. Mr. Nicholson said that there will not be any live outdoor entertainment.

Mr. Penn asked if there was any entertainment that it would be indoors. Mr. Nicholson said that it would be.

Citizen in opposition – Mr. Bob Millward, Millward Funeral home, said that he received the staff report and that the statement in the applicant and community engagement section is false. He said that the petitioner states that they have reached out to the surrounding neighborhoods and haven't received any responses. He said that his property is adjacent to the subject property and that he hasn't spoken with anyone. He said that he is opposed to this zone change because there are many undesirable businesses allowed in the B-2A zone and he fears what could go into this property. He said that he also opposed to any use of this

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

building because there isn't any parking, not even for their staff. He added that many of the parking lots in the area either belong to the Christian Church, St. Paul Catholic Church or to his funeral home, and that none of them are available as public parking. He also said that the public parking Mr. Nicholson said is available for parking is adjacent to his property and he doesn't want these people cutting through his lots for liability issues. He said that Saunier Street is an alley and that there isn't any parking to unload food or equipment and he is concerned about moving his clients out of the funeral home safely when there is an event happening. He asked the Planning Commission to not approve this zone change.

John Pica, President of Sts. Peter and Paul Regional Catholic School, said that he is opposed to this zone change. He said that the parking lot of the Catholic Church, and the parking lot and play yard of the school abut the subject property. Since the proposed property doesn't have any parking to offer their patrons of a business establishment, he is in agreement with their neighbors to oppose this zone change. He said that the Church will need to expend extra resources in order to ensure that parking is monitored for the availability of parishioners, school families, and guests of both the school and the church. He added that their programs vary throughout the week and weekends. He also said that the proposed establishment will change the areas culture, which is comprised of churches, a funeral home, an opera house, and a school. He is also concerned of the future use of this property.

Windell Reading, 417 W. 2nd Street, said that he representing his immediate neighbors and said that none of them were contacted by the applicant. He said that he had contacted them to inquire of this proposal. He said that this will be disturbing to a residential neighborhood. He said that he is concerned of what could move into this property in the future and added that there is currently a concern with the public parking in the private lots. He said that there could be other adaptive use for this site, but doesn't believe that this is the best choice for those that live in the neighborhood.

Doug Piatt, Executive Pastor of Broadway Christian Church, 187 N. Broadway. He said that he concurs with his neighbors to object to this zone change. He said that that Ms. Clifton had met with him to ask of provisional use of his property. He said that his church is not a one day a week church, there are activities here every day. He said that they were unable to share space with Ms. Clifton. He said that their church shares a border with the subject property and they are also concerned with the future use of this property. He also said that their Church will not offer any parking and is asking the Planning Commission to not approve this plan.

Sister Clara Fehringer, St. Paul Catholic Church, is concerned for the safety of their parishioners because some are elderly and some are children. She said that they also have activities every day and she is concerned about the increased traffic and the parking issues. She said that they would need a fulltime attendant to keep their parking spaces for their parishioners.

Tom Brown, superintendent schools for the Roman Catholic Diocese of Lexington, said that he is opposed to this zone change because of the safety of his students. He said that his school is also not only open during the daytime, that they have night activities almost every night. He said that he has agreements with their neighbors to share parking, which is a major issue and concern. He said that they have small children attending their school and they work very hard to maintain a safe environment for all of their students.

Applicant Rebuttal - Mr. Nicholson said this application was submitted to the staff approximately six weeks ago and that they have had conversations with the neighbors since that time. He said that he spoke with Mr. Millward, the churches, and Mr. Reading. He added that he sent notices to the Northside Neighborhood Association and didn't get any response in return. In regards to this leading to improper uses, he said that those individuals are currently in B-2A or B-2B zoned properties and that that those individuals are acceptable with an adaptive re-use but just not this one. He then said that anything that is not multi-family residential requires a zone change to the B-2A or B-2B zones. He said that the question is should this property remain zoned as R-4 or should it change to recognize the commercial nature of it. He added that all the neighboring B-2A or B-2B zoned properties are eligible to be these toxic uses that they all are fearful of this becoming. He added that this will not be a full time operation and that they are projecting three to four events per week, lasting one to four hours each. He said in regards to the parking, that none of the church lots or the funeral home, were counted. He only counted public parking lots, not street parking.

Staff Rebuttal – Mr. Baillie clarified that what the applicant is proposing does meet the guidelines for parking. He said that for the B-2A zone they are required six parking spaces within 300 feet, which they are providing.

Commission Question – Mr. Wilson asked what else could go in this site. Mr. Baillie said that many activities could occur in the B-2A zone, including the one being proposed today, and all of those principal permitted uses in B-2 and B-1 zones, which there are 17 principal permitted uses exclusive to the B-2 zone, and 47 other uses permitted in the B-1 zone. Mr. Wilson then asked if adult uses or massage parlors. Mr. Baillie said that those would be permitted because of their proximity to residences, schools and churches.

Mr. Owens said that Mr. Nicholson had offered to note on the development plan that if any other use will need to come back to Planning Commission. Mr. Nicholson said that the note on the development plan is related to timing of operation. Mr. Baillie added that there is a concern regarding parking at this time. He added that if there was a change in the use that would necessitate a greater amount of parking, they would need to return to the Planning Commission. Mr. Nicholson reiterated that if there is any change in use, it would return to the Planning Commission.

Ms. Plumlee asked if conditional uses could be added at this time. Mr. Baillie said that they could be added at this time.

Mr. Forester asked the applicant to address the safety concerns near the schools. Mr. Nicholson said that the events happening at the same time as school is in session would be more business-like, which wouldn't cause grave concern to students. He said that this property may operate for a maximum of 16 hours per week.

Mr. Owens asked how many residential units would be allowed in the R-4 zone, the current zoning of the property. Mr. Baillie said that it would be very difficult to do multi-family residential at this location, because of the need for various different waivers, and the required parking.

Ms. Mundy asked that the R-4 zone is inappropriate. Mr. Baillie said that the R-4 uses would be very difficult to meet requirements.

Citizen Comment – Mr. Pica said that since the operating hours of the schools was mentioned, he said there are activities in the evening, many times until 9 pm.

Mr. Nicholson said that this proposed use is allowed in this area at this time.

Ms. Plumlee asked if the staff has any conditional use restrictions to suggest in regards to the future of this property. Mr. Martin said that any change in the use of this property will need to have an amended development plan to address the change in parking. Ms. Plumlee said that she is just trying to accommodate the neighbors so they know that they have been heard.

Mr. Nicol asked for confirmation this property is not included in H-1 Overlay. Mr. Baillie said that it is not located within the overlay. Mr. Nicol then asked if this property remained R-4 zone, could the building be demolished. Mr. Baillie said that they could demolish the current building, however, the parking issue would remain because of the small size of the lot. Mr. Martin said that there are many criteria to meet in order to determine how many units will fit on a lot, such as parking, open space, setbacks, etc.

Commission Comments – Mr. Penn said that the fear of the unknown is driving the opposition to this zone change request. He said that they are in between trying to assure the neighbors that the unknown isn't as fearful as they are thinking and all of the B-1 and B-2 uses that could be used on this property. He then asked one of the Zoning Committee members if they could advise the other Planning Commission members as to why they made their decision to approve this zone change.

Mr. Nicol said that at the Zoning Committee meeting held on August 5, 2019, they were tasked to determine if this proposal is appropriate or inappropriate. He said that no one from the neighborhood was present at that meeting. He said that from strictly from a land use perspective, he recommended approval of this zone change. He continued, and said that now this has become something more than strictly a land use issue.

Mr. Forester said that he concurs with Mr. Nicol regarding the Zoning Committee recommendation and added that there wasn't anyone in opposition.

Mr. Owens said that this is land use issue and as far as infill and redevelopment and adaptive re-use, however the concerns of the neighbors are very valid and he appreciates them. He said that the request is to provide a business in the area, which will have the same type of activities that is currently happening at the neighboring locations. He said that it may add more traffic but is that enough to deny this request.

Note: Mr. Pohl said that he need to abstain from this vote, because he is friends with two of the neighbors. Mr. de Movellan also need to abstain from this vote, because he is related to Mr. Millward. Mr. Forester recused himself because his son attends Sts. Peter and Paul Regional Catholic School.

Ms. Wade asked if the Planning Commission would like for the staff to draft conditional zoning restrictions. Mr. Owens said that they will review them.

Mr. Baillie said that based on the comments made at today's hearing, the staff is recommending a prohibited use list, which is as follows:

4. The subject property shall be restricted via conditional zoning in the following ways.

Prohibited Uses

- a. Automobile service stations, and auto repair.
- b. Amusement enterprises.
- c. Pawnshops.
- d. Community Centers, private clubs and day shelter.
- e. Outdoor live entertainment.

- f. Cocktail lounges and nightclubs.

Other

- a. Operating hours shall end at 10:00 p.m. Sunday, 11:00 p.m. Monday – Thursday, and midnight on Friday and Saturday.

Mr. Nicol asked about the proximity to the school, all of the adult uses are not permitted. Mr. Baillie agreed that the adult entertainment uses are not allowed due to the proximity of the school, residential, and to the churches.

Mr. Owens asked the applicant if they are in agreement with the restrictions recommended by the staff. Mr. Nicholson said that are in agreement with the staff's recommendation.

Zoning Action – A motion was made by Mr. Penn, seconded by Ms. Mundy, and carried 6-0 (de Movellan and Pohl abstained; Forester recused; Bell and Brewer absent) to approve PLN-MAR-19-00012: THE CLIFTON, LLC, for the reasons provided by the staff, including the conditional restrictions to protect the adjoining the property owners.

Development Plan Action – A motion was made by Mr. Penn, seconded by Ms. Mundy, and carried 5-1 (de Movellan and Pohl abstained; Forester recused; Plumlee opposed; Bell and Brewer absent) to approve PLN-MJDP-19-00046: SAUNIER LIVERY, as presented by the staff.