

MAR 2016-9

Date Received 3/7/16

Pre-Application Date 2/29/16

Filing Fee \$500.00

GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

1. ADDRESS INFORMATION (Name, Address, City/State/Zip & PHONE NO.)

APPLICANT/ OWNER:	Burlington Heights Condominiums, LLC 101 Stable Way, Nicholasville, Kentucky 40356
APPLICANT/ OWNER:	Wynndale Development, LLC 859-523-8612 101 Stable Way, Nicholasville, Kentucky 40356
ATTORNEY:	Jacob Walbourn, MMLK 859-231-8780 201 East Main Street, Suite 1000, Lexington, Kentucky 40356

2. ADDRESS OF APPLICANT'S PROPERTY (Please attach Legal Description)

256 & 260 Lexington Avenue

3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY (Use attachment, if needed--same format.)

Zoning	Existing Use	Zoning	Requested Use	Acreage	
				Net	Gross
R-4	Residential	R-5	Residential	0.59	0.69

4. SURROUNDING PROPERTY, ZONING & USE

Property	Use	Zoning
North	Residential	R-4
East	Residential	R-4
South	Residential	R-4
West	Residential	R-4

5. EXISTING CONDITIONS

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
b. Have any such dwelling units been present on the subject property in the past 12 months?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
c. Are these units currently occupied by households earning under ____ % 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 checked="" type="checkbox"/> NO ____ Units

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

Roads	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Storm Sewers	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Sanitary Sewers	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Curb/Gutter/Sidewalks	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Refuse Collection	<input checked="" type="checkbox"/> LFUCG	<input type="checkbox"/> Other		
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

7. DESCRIBE YOUR JUSTIFICATION FOR REQUESTED CHANGE (Please provide attachment.)

This is in... in agreement with the Comp. Plan more appropriate than the existing zoning due to unanticipated changes.

8. APPLICANT/OWNER SIGNS THIS CERTIFICATION

I do hereby certify that to the best of my knowledge and belief, all application materials are herewith submitted, and the information they contain is true and accurate. I further certify that I am OWNER or HOLDER of an agreement to purchase this property since _____.

APPLICANT *Jacob Walbourn*, ATTORNEY DATE 3/7/16

OWNER *Jacob Walbourn*, ATTORNEY DATE 3/7/16

LFUCG EMPLOYEE/OFFICER, if applicable _____ DATE _____

March 7, 2016

Mr. Mike Owens, Chairman
Lexington-Fayette Urban County Planning Commission
200 East Main Street
Lexington, Kentucky 40507

RE: Zone Change Application from R-4 to R-5
256 and 260 Lexington Avenue

Dear Chairman Owens:

Please be advised that we represent Wynndale Development LLC and Burlington Heights Condominiums LLC, which are the owners of 256 and 260 Lexington Avenue. My client desires to rezone these parcels from their current High Density Apartment (R-4) zone to the High Rise Apartment (R-5) zone. We believe that such a rezoning request is in accord with the Goals and Objectives of the 2013 Comprehensive Plan, as further explained herein.

Property Information

The two parcels we propose to rezone are located on Lexington Avenue in downtown Lexington. The area is immediately adjacent to both the Lexington urban core and the University of Kentucky. The majority of parcels in this area are zoned for high-density residential development. The parcels are slightly smaller than 0.6 acres combined, and the present structures on the site house 31 separate tenants. Our proposal for this site would be to remove the antiquated structures currently on the site and replace them with a modern apartment building, with a total of 36 bedrooms. This is a very slight increase in the existing density, and should not result in a noticeable change to the character of the neighborhood. However, allowing the zone change will permit the modernization of this housing, which is primarily utilized by University of Kentucky students. Though the increase in density is small, the present zoning regulations necessitate a request for a zone change in order to accommodate our proposed development.

Proposal in Agreement with 2013 Comprehensive Plan

The proposal to rezone the subject parcel is also in accord with several of the goals and objectives of the 2013 Comprehensive Plan. Our conclusion that this rezoning request is in agreement with the 2013 Comprehensive Plan (hereinafter "Comp Plan") is based on the following:

Growing Successful Neighborhoods

Theme A of the Comp Plan embraces several goals regarding residential life in Fayette County. We believe this redevelopment proposal embraces Goals 1, 2 and 3 articulated in Theme A of the Comp Plan.

Expand Housing Choices. Lexington seeks to create and implement housing incentives that strengthen the opportunity for economic development, new business, and jobs, including, but not limited to higher density and housing. “At its core, the 2013 Comprehensive Plan promotes neighborhood prosperity and success” (Comp Plan, p. 38). In pursuit of that goal, the Comp Plan encourages varied housing choices featuring townhomes, apartments, and condominium and duplex housing adjacent and mixed with single-family homes.

This proposal is in accord with the comprehensive plan because it maintains the housing mix already present in the neighborhood. Further, it provides a more modern and safe alternative to some of the existing apartments in the area, many of which are antiquated and/or have evolved from their original uses and are now utilized as apartments. For instance, the structure that is proposed to be replaced on 260 Lexington Avenue has essentially kept the face of the building, but now has a large expansion placed on the back to accommodate greater density. The current building does not function as originally intended, and the extension on the back is unattractive. This rezoning request will permit these repurposed buildings to be replaced with modern, attractive buildings.

Support infill and redevelopment throughout the Urban Service Area as a strategic component of growth. This goal is accomplished by identifying areas of opportunity for infill, redevelopment and adaptive reuse that respect the area’s context and design features whenever possible. This project utilizes vacant land within the Urban Service Boundary, which is becoming increasingly rare in Lexington. As you are no doubt aware, 95% of Fayette County’s population resides within the Urban Services Area (“USA”), and this number is expected to rise by nearly 35,000 people by 2020 (Comp Plan, p. 13). It is anticipated that the USA will reach its capacity within the next 12 to 17 years. Thus, redevelopment is needed to provide housing choices to the ever increasing population within the USA. The Comp Plan calls for quality connections with parks, schools, and stores, and pedestrian friendly streets and amenities (Comp Plan, p. 39).

This project is a prime example of the type of urban infill that is required to maintain the USA at its present location. This is an area that already has reasonably dense residential development, so this modest increase in density and will not be substantially noticeable to the neighborhood. However, by increasing density, the site will be able to house more tenants. Additionally, density is important in this area because of its prime location. The site is within walking distance of both UK and downtown, and has easy access to the Transit Center so that tenants may utilize public transit.

Provide well designed neighborhoods and communities. The Comp Plan calls not only for well-designed new developments, but to provide enhancements to existing neighborhoods to increase their desirability (Comp Plan, p. 38). Our proposed development will provide a modest increase in density to an area that has already developed, but will minimally impact the existing neighborhood. Additionally, this development will enhance the neighborhood by providing safe and modern housing stock in place of repurposed, unattractive buildings.

Creating Jobs and Prosperity

Theme C of the Comp Plan embraces goals related to continued economic prosperity in Fayette County. We believe this redevelopment proposal embraces elements of Theme C of the Comp Plan.

Attract the world's finest jobs, encourage 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. One way to attract new jobs and young professionals to Lexington is by providing entertainment and other quality of life opportunities that will bring a workforce of all ages and talents to the city. The proposed development will allow members of the working community to live in a desirable, walk-able neighborhood without having to commit to the substantial investment and maintenance required when purchasing a single-family home. These housing opportunities will be attractive not only to young-professionals, but also undergraduate and graduate students, young couples, and perhaps even older individuals wishing to downsize. The median age in Fayette County is 34 (Comp Plan, p. 17), and 34% of the population is between the ages of 20 and 39 (Comp Plan, p. 18). The opportunities for young professionals to live within the USA must be expanded to accommodate this growing demographic. This will in turn attract more young professional (and jobs) to Lexington. The Comp Plan also reflects commitment to allowing people to live where they work and creating opportunities to make this a reality (Comp Plan, p. 74). This property is centrally located, and is a short walk or bike ride from both the urban core and UK.

Maintaining a Balance Between Planning for Urban Uses and Safeguarding Rural Land

Theme E of the Comp Plan embraces goals related to preserving rural land while encouraging growth. We believe this redevelopment proposal embraces elements of Theme E of the Comp Plan.

Uphold the Urban Services Area concept. This goal requires the absorption of vacant or under-utilized land in the Urban Service Area as well as encouraging the compact, contiguous, and/or mixed-use sustainable development within the Urban Service Area to accommodate future growth needs. This project allows for a modest increase in density, and does not use any of Lexington's dwindling supply of "greenfield" development land.

The Comp Plan also encourages maintenance of this balance by encouraging infill, redevelopment, and adaptive reuse. As noted, this project replaces existing, outdated

apartments. The Comp Plan provides guidelines in what it calls “context-sensitive design.” This allows for a project to approach the development with an eye towards the exterior and architectural features that reflect, relate to, or are in proportion to the surrounding neighborhood (Comp Plan, p. 98). Context-sensitive design can quell many of the fears expressed by neighborhood residence when presented with an infill project (Comp Plan, p. 101). Infill and redevelopment are geared towards improvement, reinvigoration, and development of the quality neighborhoods that create compact development, livable neighborhoods, and viable neighborhood commercial centers (Comp Plan, p. 98). The Comp Plan admits that to successfully achieve infill and redevelopment, regulatory change to the Zoning Ordinance must be reviewed on a regular basis (Comp Plan, p. 99). Though this project admittedly is removing existing buildings, these buildings are not being utilized as originally designed, and are not particularly attractive or highly functional buildings.

Variances Requested

There are several variances necessary for this project due to its status as an urban infill project. The following variances are requested.

Parking

Due to the physical constraints of the site, as well as the need for the parking lot to function and allow traffic to circulate, the project will require a variance to the parking requirements. The applicant will have thirty-four (34) parking spaces when thirty-six (36) are required by the Zoning Ordinance. However, this will minimally impact the neighborhood, if at all. This property is very near in proximity to the Transit Center, the hub of Lextran’s operations. Furthermore, it is within walking distance of both the University of Kentucky and the downtown core, thus reducing the necessity for residents to have personal automobiles. This is not an unreasonable circumvention of the Zoning Ordinance, but rather, is a result of the urban infill nature of the property and the necessity to allow the parking lot to have sufficient handicapped parking and to function and circulate traffic appropriately.

Interior VUA Landscape Area

As above with parking, the site has limited space available for parking, and thus is requesting a variance from 5% to 0%. The applicant feels that maximizing the available spacing while maintaining safe drive aisles is important to the success of this development. Because the parking lot is largely screened from the public way by the mass of the building, the public will be unable to see the parking lot. This is not an unreasonable circumvention of the Zoning Ordinance, but rather, again reflects the project’s status as an urban infill project and is necessary so that the parking lot may function safely and effectively. There will be a positive impact on public and resident safety by allowing this variance.

Open Space

A variance to the open space requirement from 20% to 15% will also be necessary for this project to be successful. The development will provide private balcony space, so there will be open area for resident use. Furthermore, development in the University of Kentucky area is typically very dense; however, there is community open space available for residential use. The site is in near proximity to Phoenix, Thoroughbred, and Woodland Parks, and very near the University of Kentucky, which has abundant open space for public use. Additionally, it is anticipated that many residents will be University of Kentucky employees or students. We do not believe this is an unreasonable circumvention of the Zoning Ordinance, but rather reflects the dense character of development in the area. This should not impact the public in any way, and we believe there is more than sufficient recreational open space in the area that it will not be a detriment to the residents of the development.

Front Yard

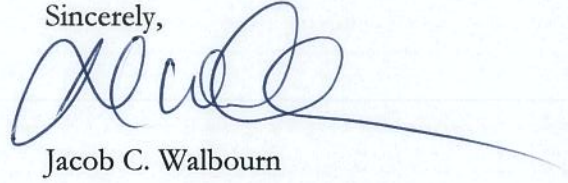
A variance to the required front yard setback is also necessary from 20' to 8'. This is needed in order to maximize the available parking area, and is generally in line with the standard setbacks on Lexington Avenue. This will not impact the health, safety, or welfare of the public, and will actually have a positive impact on maximizing the size of the parking area and will be more respectful of the neighborhood's as-built context. It is not an unreasonable circumvention of the Zoning Ordinance, but instead reflects the urban environment and promotes efficient and compact urban development.

Conclusion

As you can see, this proposal comports with many of the applicable goals and objectives of the Comp Plan. We believe this project is precisely the type of project the Comp Plan encourages – it provides for appropriate density in underutilized land, and encourages urban infill projects that recognize and protect the character of the existing neighborhood. Such a project is important to limiting expansion into Lexington's agricultural areas, and is the type of project needed to make Lexington a desirable community. This type of project is vitally important to preserving the USA boundary at its current location. In short, this project complies with the goals and objectives of the 2013 Comprehensive Plan.

Based on the foregoing, we respectfully request approval of our application as submitted.

Sincerely,

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

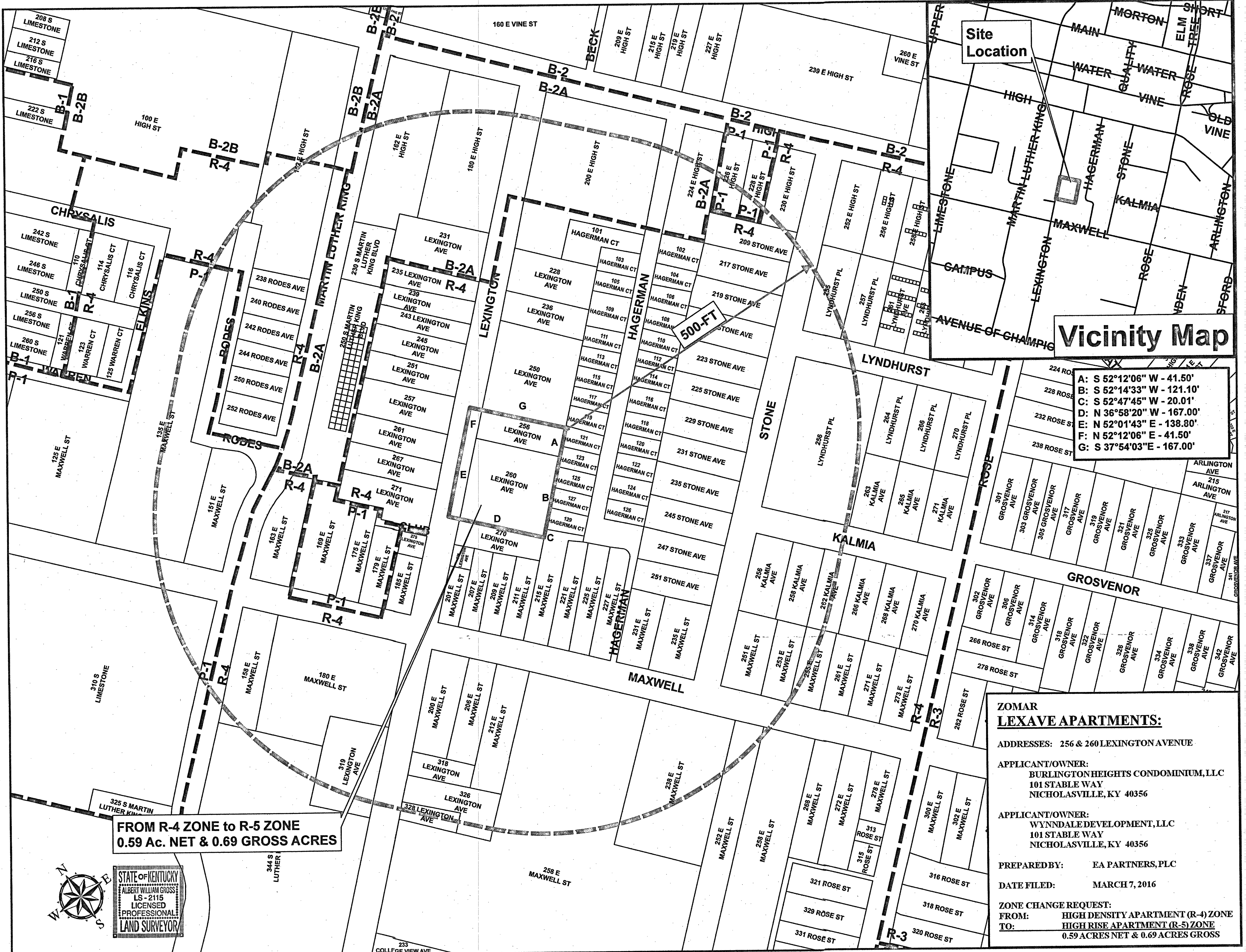
Jacob C. Walbourn

JCW/klm
Enclosures

Burlington Heights Condominium, LLC & Wynndale Development, LLC Property
Zone Change From R-4 to R-5
256 & 260 Lexington Avenue
Lexington, Fayette County, Kentucky

A TRACT OR PARCEL OF LAND SITUATED ADJACENT TO AND SOUTHEAST OF LEXINGTON AVENUE BETWEEN MAXWELL AVENUE AND HIGH STREET IN CENTRAL LEXINGTON, FAYETTE COUNTY, KENTUCKY AND BEING MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

BEGINNING at the point of intersection of the centerline of Lexington Avenue and the common line of 250 and 256 Lexington Avenue extended; thence S 37°54'03" E, 167.00 feet to a point; thence S 52°12'06" W, a distance of 41.50 feet to a point; thence S 52°14'33" W, a distance of 121.10 feet to a point; thence S 52°47'45" W, a distance of 20.01 feet to a point; thence N 36°58'20" W, a distance of 167.00 feet to a point being in the centerline of Lexington Avenue; thence with said centerline for the following two calls -- N 52°01'43" E, a distance of 138.80 feet to a point; thence N 52°12'06" E, a distance of 41.50 feet to the **POINT OF BEGINNING** containing 0.69 acres gross and 0.59 acres net.



Site Location

Vicinity Map

A:	S 52°12'06" W - 41.50'
B:	S 52°14'33" W - 121.10'
C:	S 52°47'45" W - 20.01'
D:	N 36°58'20" W - 167.00'
E:	N 52°01'43" E - 138.80'
F:	N 52°12'06" E - 41.50'
G:	S 37°54'03" E - 167.00'

FROM R-4 ZONE to R-5 ZONE
0.59 Ac. NET & 0.69 GROSS ACRES

**ZOMAR
LEXAVE APARTMENTS:**

ADDRESSES: 256 & 260 LEXINGTON AVENUE

APPLICANT/OWNER:
BURLINGTON HEIGHTS CONDOMINIUM, LLC
101 STABLE WAY
NICHOLASVILLE, KY 40356

APPLICANT/OWNER:
WYNNDALE DEVELOPMENT, LLC
101 STABLE WAY
NICHOLASVILLE, KY 40356

PREPARED BY: EA PARTNERS, PLC

DATE FILED: MARCH 7, 2016

ZONE CHANGE REQUEST:
FROM: HIGH DENSITY APARTMENT (R-4) ZONE
TO: HIGH RISE APARTMENT (R-5) ZONE
0.59 ACRES NET & 0.69 ACRES GROSS



Notification Map

