

1. **3743 FREEDOM, LLC ZONING MAP AMENDMENT AND MELODY VILLAGE UNIT 3-C BLK C LOT 12 (FREEDOM SENIOR APARTMENTS) DEVELOPMENT PLAN**

- a. **PLN-MAR-24-00008: 3743 FREEDOM, LLC** – a petition for a zone map amendment to modify Conditional Zoning Restriction to increase allowable square footage from 60,000 to 80,000 square feet, for 5.124 net (5.510 gross) acres for property located at 3743 Red River Drive.

COMPREHENSIVE PLAN AND PROPOSED USE

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

The applicant is seeking to modify the existing conditional zoning restrictions on the subject property to establish a four story senior affordable housing development. The applicant is proposing to retain the existing school building and community center structure.

The Zoning Committee Recommended: Postponement.

The Staff Recommends: Postponement, for the following reasons:

1. The applicant should provide information regarding neighborhood outreach regarding the proposed modification and development.
2. The applicant should provide greater information regarding more specific physical, economic, or social changes in this area since the 2017 rezoning that would justify the modification of the conditions.

- b. **PLN--MJDP-24-00033: MELODY VILLAGE, UNIT 3-C, BLOCK C, LOT 12 (FREEDOM SENIOR APARTMENTS) (AMD)** (8/3/24)* - located at 3743 RED RIVER DRIVE, LEXINGTON, KY.

Council District: 8
Project Contact: Qk4

Note: The purpose of this plan is to depict new building and parking layout in support of the requested amendment to the conditional zoning restrictions.

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

1. Provided the Urban County Council approves the requested amendment to the conditional zoning; 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. Urban Forester's approval of tree preservation plan.
5. Greenspace planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval if environmentally sensitive areas.
7. Addition of dimensions for all driveways, walkways, parking spaces, points of Ingress and egress, and buildings.
8. Addition of street cross-sections and location on plan face.
9. Clarification of information in site statistics box for the entire development to include zoning and totals for property.
10. Addition of zoning information on plan face for this property, showing both zones.
11. Addition of 20' building line across all of the property per Plat R-758.
12. Addition of existing and proposed easements per plat R-758.
13. Addition of tree protection plan information per Article 26 of the Zoning Ordinance, denoting the DBH (diameter at breast height) of trees on layout.
14. Clarify intent of tree preservation statement.
15. Correct labeling for adult daycare centers from 17 to 16.9.
16. Clarify use of area adjacent to dog park.
17. Remove note for owner regarding Certificate of Occupancy.
18. Delete detention basin square footage and depth information.

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

Staff Presentation – Mr. Daniel Crum presented the supplementary staff report and recommendations for the zone change application. He displayed photographs of the subject property and the general area. He stated that the applicant was seeking a zone map amendment to modify conditional zoning restriction to increase allowable square footage from 60,000 to 80,000 square feet, for 5.124 net (5.510 gross) acres for property located at 3743 Red River Drive. Mr. Crum indicated that the applicant is seeking to increase the square footage in order to develop a senior affordable housing development and that there would be no discussion regarding Placemaker Criteria.

Mr. Crum highlighted the surrounding zoning, indicating that most of the area was single-family residences, and the conditional zoning restrictions that facilitated this request. According to Mr. Crum, the restrictions stem from a 2017 zone change that utilized an existing school building for an assisted living facility and some senior housing. Mr. Crum noted the size and shape of the structure and stated they are important to the current request so that the proposed four story development may go on the open portion of the property. Mr. Crum stated that the applicant would keep the existing structures, but needs to increase the allowable square footage to build the new proposed building.

Mr. Crum highlighted the current conditional zoning restrictions and noted that in order to change them, Staff looked at physical, economic, and social changes that were not anticipated at the time the original conditions were placed. Mr. Crum stated that the applicant argued there has been a physical change in the size of the structure, due to the previous engineer not counting the square footage of the basement. The current 60,000 square foot restriction would make it difficult for the applicant to build anything new. The applicant also opined that there has been a social change in that due to the demand in affordable senior housing in this area. Mr. Crum then presented census data that showed a significant increases in the population aged 60 and older within the property's census tract.

Mr. Crum concluded by stating Staff was recommending approval of the application for the reasons mentioned and could answer any questions from the Planning Commission.

Commission Questions and Comments – Mr. Nicol commended the Staff for their willingness to work with the applicant and make this application work.

Mr. Michler asked where the 80,000 square foot number came from and the justification behind that. Mr. Crum indicated that 80,000 square feet came from the request of the applicant and what they wanted to do with the development and was what the applicant was most comfortable with asking for.

Mr. Michler stated that he understood the logic behind it, but stated that this was size a limitation that he thought the Planning Commission was trying to get away from. Mr. Crum stated that the wording of conditions is dependent on the project and this just fit more in line with what this particular applicant requested.

Development Plan Presentation – Ms. Cheryl Gallt oriented the Planning Commission to the location and characteristics of the subject property. Ms. Gallt noted the proposed building, the access points, and the change from many buildings from the original development plan, to the new single structure. Ms. Gallt also mentioned the sidewalk easements, and noted the shape of the sidewalk and asked for the applicant's reasoning for having a zig-zag design in a development meant for seniors.

Ms. Gallt concluded by stating Staff was recommending approval of the application for the reasons mentioned and could answer any questions from the Planning Commission.

Commission Questions and Comments – Mr. Michler asked if there was discussion between Staff and the applicant about reorienting the office and activity center from the back to the front, and Ms. Gallt stated that the location of the office is where the site is more flat, and there is a slope towards the street.

Applicant Presentation – Shannon Huffer, project manager for the applicant, stated that the applicant had been awarded 10 million dollars' worth of tax credits to do this 52 unit senior affordable housing development. Ms. Huffer noted the greenhouse, as well as their mission of health and long living. Additionally, Ms. Huffer stated that residents in the adjoining neighborhood could transition to this development if living in their current homes became untenable.

Ms. Huffer stated that they had talked with various members of the neighborhood about the changes; however, they were not able to schedule a more formal meeting. She noted that they would be willing to have a more formal meeting to alleviate any concerns.

Ms. Huffer concluded that they are attempting do something that will be an overall benefit to the area and are in agreement with Staff's recommendations.

Commission Questions and Comments – Mr. Michler asked Ms. Huffer to discuss the orientation of the entrance and office area and Ms. Huffer said that in discussions with the engineer, this was the orientation that worked best and made the most sense.

Mr. Michler also asked about the aesthetic of the side that faces the neighborhood and she said she could not speak to that, but said that the complex would look very modern looking and nice.

Action – A motion was made by Mr. Johnathon Davis, seconded by Mr. Pohl and carried 11-0 to approve PLN-MAR-24-00008: 3743 FREEDOM, LLC for reasons provided by Staff.

Action – A motion was made by Mr. Johnathon Davis seconded by Mr. Pohl and carried 11-0 to approve PLN--MJDP-24-00033: MELODY VILLAGE, UNIT 3-C, BLOCK C, LOT 12 (FREEDOM SENIOR APARTMENTS) (AMD and changing condition #11 from “discuss” to “resolve”