

1. **LIBERTY PARK DEVELOPMENT, LLC ZONING MAP AMENDMENT AND ROSE H. BRIGDEN & MARK MCCLURE PROPERTY TRACT A DEVELOPMENT PLAN**

- a. **PLN-MAR-23-00013: LIBERTY PARK DEVELOPMENT, LLC** – a petition for a zone map amendment from a Wholesale and Warehouse Business (B-4) zone to a Planned Neighborhood Residential (R-3) zone, for 2.668 net (3.103 gross) acres for property located at 2833 & 2853 Liberty Road.

**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.

This petitioner is proposing the Planned Neighborhood Residential (R-3) zone in order to construct an attached single family residential development. As proposed, the development consists of 56 units, for a total density of 15.41 units per acre. The units will be three stories, ranging from 2,079-2,772 square feet, with primarily rear attached garages. The development will include two direct connections to the Brighton Trail, as well as a sidewalk connection to the adjoining multi-family residential development to the east.

**The Zoning Committee Recommended: Approval.**

**The Staff Recommends: Approval, for the following reasons:**

1. A rezoning to the Planned Neighborhood Residential (R-3) zone is in agreement with the Imagine Lexington 2045 Comprehensive Plan's Goals, Objectives, and Policies, for the following reasons:
  - a. The request supports infill and redevelopment throughout the Urban Service Area as a strategic component of growth (Theme A, Goal #2), and will be assisting in redeveloping an underutilized corridor (Theme E, Objective #1.d) by activating a vacant and underutilized portion of land along a minor arterial corridor to provide additional housing.
  - b. The proposed project will expand housing choices by supplementing the existing detached single-family residential and multi-family residential housing in this area with attached single-family residential units (Theme A, Goal #1).
  - c. The proposed development will provide for well-designed neighborhoods and encourage safe social interactions by providing safe pedestrian connectivity to Liberty Road, Liberty Park, Brighton Trail, and the adjoining multi-family residential development (Theme A, Objective #1.b; Them A, Objective #3.e; Theme A, Objective #4.a).
  - d. By providing significant connections to multi-modal paths and trails, the proposal reduces dependence on single-user vehicles (Theme B, Goal #2.d).
  - e. The proposed attached townhomes will act as a context sensitive transition between the single- family detached homes in Cadentown, and the adjoining multi-family residential development (Theme A, Design Policy #4).
  - f. By orienting the structures to Liberty Road and the Brighton Trail, the request creates pedestrian friendly street patterns, and a walkable development. (Theme A, Design Policy #5).
  - g. By providing a housing type oriented towards workforce housing, the request is helping to meet demand for housing across income levels (Theme A, Equity Policy #1).
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 it intensifies an underutilized property, provides a context-sensitive transition in housing types, reinforces the streetscape along Liberty Road, locates parking internally, and helps further activate the Brighton Trail.
  - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity through providing safe and effective connections to the Brighton Trail, as well as the existing pedestrian network along Liberty Road.
  - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as the proposal works with the existing landscape and has no impact on environmentally sensitive areas

3. This recommendation is made subject to approval and certification of PLN-MJDP-23-00046: Rose H. Brigden & Mark McClure Property Tract A & Cadentown Subdivision (Gentry Family) 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-23-00046: ROSE H. BRIGDEN & MARK MCCLURE PROPERTY, TRACT A & CADENTOWN SUBDIVISION (GENTRY FAMILY) (AMD) (11/5/2023)\*** - located at 2819, 2833, & 2853 LIBERTY ROAD, LEXINGTON, KY

Council District: 6  
Project Contact: Vision Engineering

Note: The purpose of this plan is to depict a townhouse residential development in support of the requested zone change from a Wholesale and Warehouse Business (B-4) zone to a Planned Neighborhood Residential (R-3) zone.

Note: The applicant submitted a revised plan on September 6, 2023. Based on that submittal, staff can offer the following revised conditions.

The Staff Recommends: Approval. There are questions regarding the tree protection map per Article 26 of the Zoning Ordinance.

The Staff Recommends: Approval, subject to the following conditions:

1. Provided the Urban County Council approves the zone change to R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers, and floodplain information.
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. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Division.
7. United States Postal Service Office's approval of kiosk locations or easement.
8. Provided the Planning Commission grants the requested waiver.
9. Provided the Planning Commission makes a finding for the proposed access easements
10. Discuss orientation of Lots 31 & 32.
11. Discuss Placebuilder criteria.

Staff Presentation – Mr. Daniel Crum presented the 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 petition for a zone map amendment from a Wholesale and Warehouse Business (B-4) zone to a Planned Neighborhood Residential (R-3) zone, for 2.668 net (3.103 gross) acres for property located at 2833 & 2853 Liberty Road. Mr. Crum indicated that the applicant is seeking to develop a 56-unit single-family attached townhome development at this location. Additionally, Mr. Crum stated that the applicant was choosing the Enhanced Neighborhood Place-Type and the Low Density Residential Development Type and that those selections were appropriate.

Mr. Crum presented a slight adjustment to the proposed findings for the zone change, which were displayed on the overhead screen. The revised findings are as follows:

1. A rezoning to the Planned Neighborhood Residential (R-3) zone is in agreement with the Imagine Lexington 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
  - a. The request supports infill and redevelopment throughout the Urban Service Area as a strategic component of growth (Theme A, Goal #2), and will be assisting in redeveloping an underutilized corridor (Theme E, Objective #1.d) by activating a vacant and underutilized portion of land along a minor arterial corridor to provide additional housing.

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

- b. The proposed project will expand housing choices by supplementing the existing detached single-family residential and multi-family residential housing in this area with attached single-family residential units (Theme A, Goal #1).
  - c. The proposed development will provide for well-designed neighborhoods and encourage safe social interactions by providing safe pedestrian connectivity to Liberty Road, Liberty Park, Brighton Trail, and the adjoining multi-family residential development (Theme A, Objective #1.b; Theme A, Objective #3.e; Theme A, Objective #4.a).
  - d. By providing significant connections to multi-modal paths and trails, the proposal reduces dependence on single-user vehicles (Theme B, Goal #2.d)
2. A rezoning to the Planned Neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan's Policies, for the following reasons:
- a. The proposed attached townhomes will act as a context sensitive transition between the single-family detached homes in Cadentown, and the adjoining multi-family residential development (Theme A, Design Policy #4).
  - b. By orienting the structures to Liberty Road and the Brighton Trail, the request creates pedestrian friendly street patterns, and a walkable development. (Theme A, Design Policy #5).
  - c. By providing a housing type oriented towards workforce housing, the request is helping to meet demand for housing across income levels (Theme A, Equity Policy #1).
3. The justification and corollary development plan are in agreement with Development Criteria of the 2018 Comprehensive Plan.
- a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as it intensifies an underutilized property, provides a context-sensitive transition in housing types, reinforces the streetscape along Liberty Road, locates parking internally, and helps further activate the Brighton Trail.
  - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity through providing safe and effective connections to the Brighton Trail, as well as the existing pedestrian network along Liberty Road.
  - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as the proposal works with the existing landscape and has no impact on environmentally sensitive areas
4. This recommendation is made subject to approval and certification of PLN-MJDP-23-00046 Rose H. Brigden & Mark McClure Property Tract A & Cadentown Subdivision (Gentry Family) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

Mr. Crum highlighted the adjoining multi-family and single family developments, as well as the H-1 overlay zoned properties associated with Cadentown directly across from the property, and the connections to the Liberty Trail. Mr. Crum displayed the development plan and noted that one parcel on the plan was rezoned about a year ago, but with the addition of the two parcels to be rezoned, the applicant has added more townhomes to the site. Mr. Crum stated that the site would be providing low density residential and would be adding additional housing and utilizing this site for additional housing.

Mr. Crum concluded his presentation stating that Staff is recommending Approval of this application, and could answer any questions from the Planning Commission.

Development Plan Presentation – Mr. Tom Martin oriented the Planning Commission to the location and characteristics of the subject property. Mr. Martin reiterated that this site has 56 townhouses with a connected access easement system from the previous zone change on this property. Additionally, Mr. Martin stated that the new development would extend the frontage from the previous development on the Brighton Trail and had the same orientation as the development the Planning Commission previously approved. Mr. Martin also noted an emergency connection on the east side of the property that was required.

Mr. Martin indicated that there was an associated waiver and access easement request, but Mr. Martin noted that the waiver was identical to one on the previously approved plan for frontage on the Brighton Trail. The Staff recommends approval of the waiver and finding.

Mr. Martin noted the conditions, including condition #10 and indicated that Staff had spoken at length during the Subdivision Committee meeting about the orientation of lots 31 & 32.

Mr. Martin concluded that Staff was recommending Approval of the development plan and could answer any questions from the Planning Commission.

Commission Questions – Mr. Nicol asked if condition #10 could be struck out, and Mr. Martin indicated that it could.

Applicant Presentation – Dick Murphy, attorney for the applicant, stated that they agree with Staff's recommendations on both the zone change and the development plan. Mr. Murphy stated that this will provide townhomes for working class families. Additionally, Mr. Murphy stated that originally they had requested a waiver to build a private pump station, but thanks to the applicant buying the land associated with the zone change, the private pump station, that was no longer necessary.

Mr. Murphy concluded by reaffirming his support for the Staff's recommendations and stating he could answer any questions from the Planning Commission.

Action – A motion was made by Mr. Nicol, seconded by Ms. Meyer, and carried 8-0 (Forester and Wilson absent) to Approve PLN-MAR-23-00013: LIBERTY PARK DEVELOPMENT, LLC for reasons provided by Staff.

Action – A motion was made by Mr. Nicol, seconded by Ms. Worth, and carried 8-0 (Forester and Wilson absent) to Approve PLN-MJDP-23-00046: ROSE H. BRIGDEN & MARK MCCLURE PROPERTY, TRACT A & CADENTOWN SUBDIVISION (GENTRY FAMILY) (AMD) for reasons provided by Staff and removing condition #10.

Action – A motion was made by Mr. Nicol, seconded by Ms. Barksdale and carried 8-0 (Forester and Wilson absent) to Approve the waiver and finding request for reasons provided by Staff.