

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-19-00014: F2 COMPANIES

DESCRIPTION OF ZONE CHANGE

Zone Change: From a Wholesale and Warehouse Business (B-4) zone
To a High Rise Apartment (R-5) zone
Acreage: 5.6 net (5.91 gross) acres
Location: 840 Angliana Avenue



EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	B-4	Tobacco Warehouse
To North	B-4	Single Family/Shops of Specialty Trade
To East	I-2	Industrial
To South	R-4	Multi-Family
To West	R-2	Single/Two-Family

URBAN SERVICE REPORT

Roads - The subject property has frontage along three roadways: Angliana Avenue, Porter Place, and Porter Alley. Angliana Avenue is a two-lane collector street that connects South Broadway (US 27) to Versailles Road (US 60), and generally parallels the Norfolk-Southern Railroad at this location. Angliana Avenue has a 50-foot right-of-way and approximately 32 feet of pavement. Approximately 6,800 vehicles travel along this collector street daily. South Broadway and Versailles Road are both five-lane major arterial roadways in this vicinity, and each has a signalized intersection with Angliana Avenue. Porter Place and Porter Alley are both local roadways that form a loop connecting to and from Versailles Road. These roadways act as access for the various shops of specialty trade that are located north of the subject property. While both are designated as a local roadways, their cross-sections do not meet current standards.

Curb/Gutter/Sidewalks - Angliana Avenue has intermittent curb, gutter and sidewalk facilities. Recent improvements have been constructed to the east and south of the subject property, as redevelopment of the area has occurred. The subject property currently has no curb, gutter or sidewalk facilities, which should be provided with any redevelopment of the site. Porter Place also has intermittent curb, gutter and sidewalk facilities, whereas Porter Alley has been constructed without curb, gutter and sidewalk facilities.

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

Storm Sewers - The subject property is located within the Town Branch watershed, and storm sewers do exist in this portion of the Urban Service Area. Additional stormwater facilities may be required for the residential redevelopments in this general area to address both water quantity and 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 sewershed. The property is served by the Town Branch Sewage Treatment Facility, located on Lisle Industrial Avenue, southeast of New Circle Road. The adequacy of sewer mains in the area were evaluated as the adjoining multi-family residential development was reviewed during the past few years. Improvements were made in the vicinity by the developer at that time. No further improvements are necessary to accommodate the proposed use of the subject property. 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 - The Urban County Government serves this area with refuse collection on Mondays. Supplemental service may be required to serve the needs of the proposed residential land use. This can be accomplished by contracting with private refuse collectors, if desired.

Police - The nearest police station is the main headquarters, located about 1 mile north of the subject properties at East Main Street and Martin Luther King, Jr. Boulevard.

Fire/Ambulance - The nearest fire station (#6) is located less than one mile to the south at the intersection of Scott Street and South Limestone, across from the University of Kentucky's campus

SUMMARY OF REQUEST

The petitioner has requested a zone change from a Wholesale and Warehouse Business (B-4) zone to the High Rise Apartment (R-5) zone in order to construct a multi-family development for 5.6 net (5.91 gross) acres for the properties located at 840 Angliana Avenue. The proposed development includes five (5) multi-family apartment buildings, with a total of 385 dwelling units. The proposed development represents a density of 68.75 dwelling units per acre. Associated with the dwelling units, the petitioner is seeking to include resident amenities on-site. A variance is also requested to reduce the off-street parking requirements.

PLACE-TYPE

2ND TIER URBAN 2nd Tier Urban is where significant infill and redevelopment opportunities exist to complement the urban core. While not expected to be as intensely developed as the downtown core, high-rise opportunities are not precluded provided that they are context-sensitive. The forward trend for development in the 2nd tier urban areas should be towards increased walkability and intensity.

DEVELOPMENT TYPE

MEDIUM DENSITY RESIDENTIAL

Primary Land Use, Building Form, & Design
Primarily attached and multi-family units. Multi-family units should complement and enhance existing development through quality design and connections.

Transit Infrastructure & Connectivity
Nearby commercial/employment uses and greenspaces should be easily accessible, and bicycle and pedestrian modes should be maximized to connect residents to destinations.

Quality of Life Components
These developments should include intentional open space designed to fit the needs of area residents, and a variety of neighborhood-serving commercial/employment uses.

PROPOSED ZONING



This zone is primarily for multi-family dwellings and particularly for high rise apartments. The R-5 zone should be at locations and at the density (units/acre) recommended by the Comprehensive Plan, and in areas of the community where necessary services and facilities will be adequate to serve the anticipated population.

PROPOSED USE



This petitioner is proposing the High Rise Apartment (R-5) zone to construct a high density residential development containing five (5) multi-story, multi-family structures and an associated resident facilities. The developer is planning to own and manage the multi-family buildings, and will have staff on-site. The developer has indicated that the proposed development will be targeted at providing housing to University of Kentucky students, but will not be limited to that population due to the proximity to the downtown area.

APPLICANT & COMMUNITY ENGAGEMENT



The petitioner has indicated that they have reached out to surrounding neighborhoods and property owners. The petitioner has not described the response from their outreach and should provide a fuller description of the outcome.

PROPERTY & ZONING HISTORY



The subject property is located mid-block along Angliana Avenue and was the site of the Burly Tobacco Warehouse. The subject property is currently developed as a 200,000 square foot warehouse facility, which covers almost the entirety of the subject property. While the property is still currently utilized for warehousing, the structure itself is beginning to degrade. Whereas several of the older warehouses in Lexington were constructed of brick and have been targeted for adaptive reuse, this structure is a metal clad construction, and does not have the same design elements and structural integrity that have been sought to be retained.

Angliana Avenue has historically been characterized by a number of different uses, but primarily served as a location for warehousing and other industrial uses. A small residential area exists near the intersection of Angliana Avenue and Versailles Road. Retail, commercial and industrial uses exist along Angliana Avenue as it approaches South Broadway. With the exception of the residential uses, the zoning in the area is congruent with the historical land uses. Those properties located along the eastern portion of Angliana Avenue and abut the Norfolk-Southern Railroad were historically a blend of Light Industrial (I-1) and Heavy Industrial (I-2) zones, while the properties located along the western side of Angliana Avenue were primarily within the Wholesale and Warehousing (B-4) zone. The transition from I-1 and I-2 zones to the B-4 zone represented a decrease in the intensity of land use as development moved closer to residential use along Bennett Avenue and toward the agricultural uses occurring on the Red Mile property.

Over the course of the last 12 years, there have been three zone changes along Angliana Avenue that have shifted the character of development in the area from warehousing and industrial uses to a higher density residential use. The properties located at 497 through 534 Angliana Avenue have all been rezoned from I-2 or B-4 zones to High Density Apartment (R-4) or High Rise Apartment (R-5) zones. The zone changes in this area were focused on providing housing opportunities, primarily targeting University of Kentucky students. The proposed development at 840 Angliana Avenue is also seeking to convert to the high density residential use.

COMPREHENSIVE PLAN COMPLIANCE



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 they are in agreement with the adopted Goals and Objectives of the 2018 Comprehensive Plan. They state that the proposed rezoning accommodates the demand for housing in Lexington responsibly, prioritizing higher density options and a mixture of housing types (Theme A, Goal #1), while also supporting infill and redevelopment with modern, safe, and dense housing (Theme A, Goal #2). The applicant also indicates that they are seeking to provide a well-designed neighborhood (Theme A, Goal #3) by varying the mobility patterns of potential residents, and promoting alternative modes of transportation, specifically focusing on the availability of transit services including Lextran Routes 8, 12, 13, and 15. The applicant is also proposing a new transit stop along the frontage of the subject property, which will also seek to reduce dependency on passenger vehicles in the area (Theme D, Goal #1.a and c). Finally, the petitioner opines that the location of the development is advantageous for a higher density residential use, as situated between two major arterial roadways that support transit and alternative modes of transportation. The proposed development's proximity to the University of Kentucky's campus and the increased opportunities for various mobility patterns can reduce Lexington-Fayette County's reliance on automotive-centric mobility patterns and reduce our carbon footprint (Theme B, Goal #2).

The staff agrees with these aspects of the applicant's proposal and that these goals and objectives can be met.



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 Lexington-Fayette Urban County community in hopes of developing a better built environment. The applicable criteria are defined based on the proposed place-type and development type. The applicant has indicated that the site is located within the 2nd Tier Urban place-type and is seeking to create a medium density residential development. Staff concurs with the applicant's assessment of the place-type and agrees that medium density residential can be appropriate for the subject property within a High Rise Apartment (R-5) zone.

1. Site Design, Building Form and Location

While staff agrees with much of the justification provided by the applicant, there are several areas of concern as to how the applicant has not applied or not addressed the criteria. While the applicant has indicated that they are meeting the Multi-family Design Standards (A-DS3-1), there are still several areas of discussion remaining related to these standards. The petitioner has not addressed the Site Planning standards, Open Space and Landscaping standards, or Architectural Design standards. The Site Planning Standards seek to enhance the natural environment, connect the project to its surroundings, promote walkability, ensure effective access and circulation, include green-design features, and provide for services and storage. The Open Space and Landscaping standards seek to provide safe, active, and accessible gathering places in the community that encourage social interaction and a sense of community. The Architectural Design standards seek to create visual interest, character, and identity for the project while maintaining a relationship to the human scale and natural environment, creating and enhancing a sense of community and neighborhood, incorporating environmentally sustainable features, and being compatible to the surrounding areas. Staff understands of the site constraints and that it may not be possible for all these standards to be applied; however, the standards should be discussed by the applicant to demonstrate that they are meeting this criteria to the fullest extent possible.

2. Transportation and Pedestrian

With the proposed reduction of parking within the subject property, a greater emphasis must be provided on transit infrastructure and alternative modes of transportation. The Comprehensive Plan notes that mass transit infrastructure, such as seating and shelters, should be provided/enhanced along transit routes (A-DS1-1). The applicant has shown a new transit stop; however, they have not indicated whether the stop will have transit infrastructure. This is also important as the applicant is within the Infill and Redevelopment Area and transit infrastructure allows for a reduction in the required off-street parking.

In addition to the transit infrastructure, the applicant should consider providing direct pedestrian linkages to the proposed transit stop (A-DS1-1). While the proposed stop is along the sidewalk, there is an opportunity to locate the stop within the sight-line of the proposed development and provide direct access along the eastern side of the proposed pool location.

Finally, with the growth of the shared/gig economy, there is a need to provide appropriate infrastructure to handle new forms of mobility and delivery. The applicant should consider a safe pull-off for food delivery and ride sharing (E-ST3-1). This could be either located internal to the site or, with consideration by the Division of Traffic Engineering, along the right-of-way.

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, maintains many of the current tree lines and canopy, and provides delineated access to the open space.

STAFF RECOMMENDS: POSTPONEMENT, FOR THE FOLLOWING REASONS:



1. The zone change application for the subject property, as proposed, does not completely address the development criteria for a zone change within the 2nd Tier Urban Place Type, and the Medium Density Residential Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
 1. Site Planning
 2. Open Space and Landscaping
 3. Architectural Design
 - b. A-DS1-1: Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7).
 - c. A-DS1-2: Direct pedestrian linkages to transit should be provided.
 - d. E-ST3-1: 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)

VARIANCE REQUEST



As part of their application, the petitioner is seeking a variance for the total amount of off-street parking required for the proposed development. The petitioner is seeking to reduce the number of required parking spaces from 491 to 390 within the Infill and Redevelopment Area.

Before any variance is granted, the Planning Commission must find the following:

- a. The granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Planning Commission shall consider whether:
 1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone.
 2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
 3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
- b. The Planning Commission shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

ZONING ORDINANCE

Article 6-4(c) states that the Planning Commission may hear and act upon requested variances associated with a zone change. In such cases, they may assume all of the powers and responsibilities of the Board of Adjustment, as defined in Article 7-6(b) of the Zoning Ordinance.

Article 7-6(b) states that the Board may grant a variance to reduce the number of parking spaces by 50% of the otherwise required number in accordance with Article 16-10 for projects within the defined Infill & Redevelopment Area. Any reduction granted by the Board shall account for and include all other allowable parking reductions.

Article 8-14(n) refers back to Article 8-12(n), which states that, for multiple family dwellings three (3) parking spaces are required for every two (2) dwelling units; or, in the alternative, 0.9 spaces per bedroom, whichever is greater.

Article 15-7(d) states that there should be special considerations for Infill & Redevelopment areas. "The intent of the Infill and Redevelopment regulations is to allow new construction that is compatible with existing development patterns in older, established neighborhoods. Unique circumstances may require appropriate Board of Adjustment action to allow some relief of yard requirements where strict application of the regulations would cause unusual hardship or a development incompatible with the existing pattern of the neighborhood."

Article 16-10 states that all parking reductions shall apply under specific circumstances. The allowable reductions can generally be taken for multi-family dwellings in residential and/or mixed use zones; however, the section of the Zoning Ordinance only permits the bicycle rack reduction for parking lots of fifty or more spaces (5% reduction) and for transit stops or shelters within 300 feet of the site (5% or 10%, respectively). A maximum of 15% of the required parking may be reduced utilizing the provisions of Article 16-10.

CASE REVIEW

The LFUCG Zoning Ordinance provides two methods of calculating the minimum required off-street parking for group residential developments. The first method is based on the number of beds that are planned for a multi-family development and requires a ratio of parking of 0.9 spaces per every bed. The second method is based on the total number of dwelling units within the structure and requires 3 spaces per two dwelling units. The Ordinance requires an applicant to use the form of calculation that generates the greatest amount of parking. The purpose of such a calculation was meant to maintain a proper amount of parking, especially for those developments that have a higher rate of dwelling units that contain two and three bedrooms. The applicant is currently proposing 385 units, which would require a total of 577 off-street parking spaces. The applicant is also proposing a total of 430 beds, which would require a total of 387 off-street parking spaces. Utilizing the



calculations for the proposed development, the applicant's required parking would be based on the per unit calculation.

Within the Infill and Redevelopment Area there are available reductions for development that are meant to incentivize the utilization of properties within the Urban Service Area and densify where able. As such, Article 16-10 permits a reduction of 5% for parking for lots of fifty or more spaces that provide bicycle racks and an additional 10% reduction for sites that have transit stops with shelters within 300 feet of the site. Both of these provisions promote alternative mobility patterns and reduce Lexington's carbon footprint. A maximum of 15% of the required parking may be reduced utilizing these provisions. The applicant is seeking to provide both of these portions of infrastructure, which allow the applicant to reduce their needed parking from 577 parking spaces to 491 parking spaces.

The applicant is requesting a variance to further reduce the required number of off-street parking spaces by 104 spaces (22%). The applicant is seeking this reduction as it would allow them to provide the greatest amount of density on the site, while also providing the necessary parking for potential residents. Additionally, the count of 387 off-street parking matches the total amount of parking required when utilizing the per bed calculation of 0.9 spaces per bed. As such, the applicant, while not able to conform with the per dwelling unit calculation is seeking to conform with the regulations of the LFUCG Zoning Ordinance. This does not constitute a willful violation of the zoning regulation by the applicant, but an adherence to a less restrictive portion of the ordinance and the greatest use of the lot.

The proposed variance for the property and the reduction in parking utilizing the infill and redevelopment incentives would result in a 33% reduction from the total required under the ordinance. While the reduction is more than those permitted utilizing the reductions outlined in the Infill and Redevelopment Area, Article 7-6(b) states that the Board, or in this case the Planning Commission, may grant a variance to reduce the number of parking spaces by 50% of the otherwise required number in accordance with Article 16-10 for projects within the defined Infill & Redevelopment Area. Any reduction granted by the Planning Commission shall account for and include all other allowable parking reductions. As such, it is within the purview of the Planning Commission to grant such a variance.

The applicant also notes that the aerial photography for the area shows that the parking for the other student housing projects in the area have surplus of parking available in the individual projects. That is indicative that the required parking under the per dwelling unit calculation may be greater than the on the ground need.

The applicant states that the need for the variance arises from the special circumstances of the proposed development, which is a redevelopment of an already built out parcel at a higher level of density. The applicant has employed creative methods to employ off-street parking by putting parking underneath buildings and orienting it away from the street. The applicant is also seeking to apply the floor area ratio (F.A.R.) available within the zone, without utilizing the bonus F.A.R. that is available in the Infill and Redevelopment Area. Further, this project is unique in comparison to similar projects, as the applicant is proposing a high proportion of one-bedroom units, which substantially increases the amount of dwelling units on the site. This is reinforced by average bed count per dwelling unit of 1.12 beds per unit. The strict application of the off-street parking regulation would create an unnecessary hardship on the proposed development as it would reduce the available F.A.R. and the associated density for the site for parking that surrounding development has not needed.

Finally, the applicant states that the granting of this variance will neither adversely impact the public health, safety, or welfare nor will it alter the essential character of the general area. The decrease in the off-street parking will not cause a hazard or nuisance, as sufficient parking is provided. The applicant opines that the request is not an unreasonable circumvention of the ordinance, but rather, provides parking in accord with what is necessary at the site.

The staff agrees with these aspects of the applicant's proposed variance.

STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASONS:



1. Granting the requested variance should not adversely affect the public health, safety, or welfare; nor should it affect the character of the general vicinity. The property is located within the defined Infill & Redevelopment Area where parking variances of up to 50% may be granted. The general vicinity has adequate pedestrian facilities, on-street parking and public transportation is available.
2. The need for the variance arises from the special circumstances of the proposed development, which is a redevelopment of an already built out parcel at a higher level of density.
3. The project is unique in comparison to similar projects, as the applicant is proposing a high proportion of one-bedroom units, which substantially increases the amount of dwelling units on the site. This is reinforced by average bed count per dwelling unit of 1.12 beds per unit. The strict application of the off-street parking regulation would create an unnecessary hardship on the proposed development as it would reduce the available F.A.R. and the associated density for the site for parking that surrounding development has not needed.
4. The request is not a result of a willful violation of the Zoning Ordinance. The applicant has taken care to go through the necessary process for this project and has requested the variance prior to commencing construction.

This recommendation of Approval is made subject to the following conditions:

- a. Provided the Planning Commission approves the requested zone change to the R-5 zone, otherwise the requested variance shall be null and void.
- b. The development shall be constructed in accordance with the approved Final Development Plan, or as that plan is amended to address design requirements of the Divisions of Engineering, Traffic Engineering, or Building Inspection.
- c. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
- d. Action of the Planning Commission shall be noted on the Development Plan for the subject property.