

ORDINANCE NO. 026 - 2023

AN ORDINANCE CHANGING THE ZONE FROM A PROFESSIONAL OFFICE (P-1) ZONE TO A PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE, FOR 2.00 NET (2.50 GROSS) ACRES, FOR PROPERTY LOCATED AT 410 SPORTING COURT (A PORTION OF). (AU ASSOCIATES, INC. COUNCIL DISTRICT 9).

WHEREAS, at a Public Hearing held on January 26, 2023, a petition for a zoning ordinance map amendment for property located at 410 Sporting Court (a portion of) from a Professional Office (P-1) Zone to a Planned Neighborhood Residential (R-3) Zone, for 2.00 net (2.50 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change by a vote of 8-0; and

WHEREAS, the Urban County 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 410 Sporting Court (a portion of) from a Professional Office (P-1) Zone to a Planned Neighborhood Residential (R-3) Zone, for 2.00 net (2.50 gross) acres, being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 – 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 3 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: March 23, 2023



MAYOR

ATTEST:



CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: March 30, 2023-1t

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Rec'd by _____

Date: _____

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


IN RE: **PLN-MAR-22-000028: AU ASSOCIATES, INC** – a petition for a zone map amendment from a Professional Office (P-1) zone, to a Planned Neighborhood Residential (R-3) zone, for 2.00 net (2.50 gross) acres, for property located at 410 Sporting Court (a portion of). (Council District 9)

Having considered the above matter on **January 26, 2023**, 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 **APPROVAL** of this matter for the following reasons:

1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan's Goals, Objectives and Policies, for the following reasons:
 - a. The proposed project will encourage expanded housing choices (Theme A, Goal #1), by offering additional housing options along the Reynolds Road corridor that are convenient to the various commercial opportunities, public parks, and social services in the area.
 - b. The proposed development will infill a current vacant portion of property and accommodate the growing demand for housing in Lexington by seeking a higher density residential building (Theme A, Goal #1.b; Theme A, Goal #2).
 - c. The proposed development will provide a well-designed neighborhood (Theme A, Goal #3) by focusing on a pedestrian first design and including activated entrances that improve pedestrian accessibility (Theme A, Goal #3.a & b).
 - d. The proposed development will meet the goals of providing safe and affordable housing options to meet the need of all peoples within Lexington (Theme A, Goal #1.c; Goal #2.d; and Equity Policy #2; Theme D, Support Policy #9).
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. The site has been designed to emphasize connections to the existing development, minimize the visual impact of the provided parking areas, and reinforce the streetscape at along the proposed access easement. The proposed development will also directly tie into the adjacent Wellington Park. This request is also in agreement with the Multi-family Design Standards, as it provides a residential development with a pedestrian oriented design into an area that is primarily commercial in character.
 - b. The proposed rezoning meets the Transportation and Pedestrian Connectivity development criteria, as the proposal will activate the frontage of the proposed development and creates pedestrian connections throughout the site that allows for safe connections to the established pedestrian systems and transit stops.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will increase tree canopy coverage through additional VUA screening, landscaping islands, and the requirements of the R-3 zone.
3. This recommendation is made subject to approval and certification of **PLN-MJDP-22-00082: NDC Property Unit 1A, Lot 11, Unit 3 (Wellington Park)(AMD)**, 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 24th day of February, 2023.


Secretary, Jim Duncan

LARRY FORESTER
CHAIR

Note: The corollary development plan, PLN-MJDP-22-00082: NDC Property Unit 1A, Lot 11, Unit 3 (Wellington Park)(AMD), was approved by the Planning Commission on January 26, 2023 and was certified on February 9, 2023.

K.R.S. 100.211(7) requires that the Council take action on this request by May 26, 2023.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Johan Graham, applicant.**

OBJECTORS

- None

OBJECTIONS

None

VOTES WERE AS FOLLOWS:

AYES: (8) Barksdale, Davis, de Movellan, Forester, Meyer, Michler, Penn, and Worth
NAYS: (0)
ABSENT: (3) Bell, Nicol, and Pohl
ABSTAINED: (0)
DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-22-00028** carried.

Enclosures: Application
Justification
Legal Description
Plat
Development Snapshot
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: AU ASSOCIATES INC., 159 OLD GEORGETOWN STREET, LEXINGTON, KY 40508
Owner(s): QUEST COMMUNITY CHURCH INC., 410 SPORTING CT, LEXINGTON, KY 40503
Attorney:

2. ADDRESS OF APPLICANT'S PROPERTY

410 SPORTING CT, LEXINGTON, KY 40503

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

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
P-1	VACANT	R-3	RESIDENTIAL	2.00	2.50

4. COMPREHENSIVE PLAN

a. Utilizing Placebuilder, what Place-Type is proposed for the subject site?	REGIONAL CENTER
b. Utilizing Placebuilder, what Development Type is proposed for the subject site? If residential, provide the proposed density	MEDIUM DENSITY RESIDENTIAL

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





November 23, 2022

Mr. Larry Forester, Chairman
Lexington-Fayette Urban Co Planning Commission 200 E.
Main Street
Lexington, KY 40507 Dear

Chairman Forester:

AU Associates, Inc., a Kentucky corporation, (hereinafter referred to as "Applicant"), has filed a Zone Change Application and an associated Amended Preliminary Development Plan for a portion of the property located at 410 Sporting Court in Lexington, Kentucky. The site is a single lot of 2.5 (gross area), 2.0 acres (net area), currently zoned Professional Office (P-1). The property is bounded by New Circle Road rights-of-way on the north, a LFUCG park to the west and the parent tract to the east. The Applicant is seeking a zone change from the current P-1 designation to R-3 as more particularly explained below.

A. Goals and Objectives:

We believe that the Applicant's proposed development (the construction of a mixed-use affordable housing and office development) is in agreement with the 2018 Comprehensive Plan, specifically the Goals and Objectives that encourage the expansion of housing choices (Theme A, Goal #1); support infill and redevelopment (Theme A, Goal #2); support a model of development that focuses on people-first (Theme D, Goal #2); work toward an urban and rural balance (Theme E, Goal #1); and more specifically, accommodate the demand for housing in Lexington responsibly, prioritizing higher-density residential and a mixture of housing types (Theme A, Goal #1, Objectives b, c & d, Theme A, Goal #2, Objectives a, b & c and Theme A, Goal #3, Objectives a, b & d).

B. Engagement:

Although pre-application engagement is not required by the Zoning Ordinance or Comprehensive Plan, the applicant has pledged to engage property owners in the Wellington Place subdivision, to the far south of the property, and with the Open Gates neighborhood association. Open Gates is partially within the 500' notification radius but is on the opposite side of New Circle Road with no direct access to the site. It is located over 1.9 miles away from the site by driving or walking distance.

Two distinct neighborhood meetings will be conducted at LexCity Church in the evenings to accommodate neighborhood feedback on the design choices and Placebuilder type



as well to conduct feedback on the type of amenities that the senior facility should offer. Those findings will be presented prior to January 1, 2023.

C. Site Description:

The subject site is located south of New Circle Road, east of the LFUCG park, and north of Wellington Way. The parcel currently has dedicated access easement from Wellington Way to the subject property. The immediate surrounding zones are a mix of I-1 (light industrial), P-1 (Professional Office) and a remanent A- U (Agricultural Urban) which is the park. The contextual surroundings include R-1B (Single Family Residential), R-3 (Planned Neighborhood Residential), and 2 schools within a 1/2 mile radius of the subject property.

D. Place-Type, Development Type & Requested Zone:

The Preliminary Development Plan includes one building which houses 30 deed-restricted, affordable apartments for seniors. These one and two-bedroom apartments will be built with full ADA amenities and universal design principles and will be financed under the low-income housing tax credit.

Placebuilder defines seven place-types within the Urban Service Area boundary. Based upon the surrounding land-use type and zoning, this location is best suited for the Regional Center place-type, which is defined as:

A vibrant hub of commerce, employment, housing opportunities, and entertainment. These are places that include larger buildings with human-scale active ground levels, intentional open spaces and plazas and walkable transportation networks, all to provider the user/resident with a unique experience. A mix of uses is required to cultivate a sustainable center that is adaptable to future conditions, and they should increasingly include higher-density residential options. They are most often located at eh intersection of major roadways and along primary corridors. (Page 291)

Further, the Regional Center place-type identifies medium and medium/high density residential as a few of the most suitable development types in this place-type. This 30-unit project meets those classifications.

The most appropriate place-type for the site is Regional Center because of the context of the surrounding area. Although the smaller two-acre site itself does not carry all the traits of the Regional Center place-type, the surrounding multi-modal, commercial, residential and office uses combine to epitomize the definition of the Regional Center, which is anchored by the Fayette Mall, Lexington Green, Shillito Park and the Ruccio Way Meijer. Bounded by New



Circle Road, Nicholasville Road and the Reynolds Road corridor, the infill of the old RJR Tobacco Site with a variety of uses has always been the intention of the overall neighborhood development plan. The lack of multifamily housing, and affordable housing at that, in the area is partially addressed by the addition of this project. The Applicant believes that the immediate area is well-served with single family housing, employment opportunities and educational facilities. However, the Applicant contends it can increase the availability of the housing type options that are needed within this neighborhood to complement the other Regional Center amenities.

While Placebuilder does not specifically recommend zoning classifications R-3 or R-4 in the Regional Center zone, we do believe that R-3 is completely compatible with the Medium Density Residential development type that is recommended in this place-type. If the applicant were creating a Regional Center from scratch, they might explore the MU zoning types; however, in this case, the project aims to use infill land WITHIN an existing Regional Center place-type to create a complementary multifamily use that is missing in the existing Regional Center. In order to do this on a smaller parcel and to focus on multifamily senior housing only, the R-3 zone is the most appropriate given the 30-unit development.

E. Development Criteria:

To supplement the Placebuilder development criteria, the design team has prepared an annotated graphic of the proposed Development Plan. However, additional development criteria deserve further explanation, and the information on the following page shows a few of the important variables that make this Development Plan and the Multifamily Design Standards compatible and illustrate that the requested zone change agrees with the Comprehensive Plan.

The following design standards of Medium Density Residential are being met, and are annotated on the Development Plan and the attached architectural renderings:

<i>Site Design, Building Form & Location</i>		<i>Transportation & Pedestrian Connectivity</i>	<i>Greenspace & Environmental Health</i>
A-DS3-1	A-DN2-1	A-DS4-1	A-DS4-3
A-DS3-2	A-DN3-2	D-CO2-2	B-PR7-1
A-DS5-3	D-SP9-1		E-GR3-1
A-DS7-1	E-GR9-4		



The following information supports our assertion that the proposed zone change agrees with Imagine Lexington: The 2018 Comprehensive Plan, Multi-Family Design Standards.

<i>Site Design, Building: Form & Location</i>	
A-DS3-1	<p>Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.</p> <p>The applicant intends to meet the multi-family design standards as the standards apply to the development of the proposed R-3 zone change. The preliminary development plan annotates the proposed site improvements related to the Multi-Family Standards. The following outlines the proposed site and building elements included in this mixed-use development project:</p> <p><u>Site Planning:</u></p> <ul style="list-style-type: none"> • All internal community amenities are centrally located and linked to both indoor and outdoor communal space and the elevator. (SP.6) • Every apartment will be compliant with the ADA and contain universal design principles. (SP.16) <p><u>Open Space & Landscaping:</u></p> <ul style="list-style-type: none"> • The proposed site plan will include physical and visual connections to open spaces on the property, both public and private. (OS.1) <p><u>Architectural Design:</u></p> <ul style="list-style-type: none"> • Per the architectural rendering and the building façade type, shape and height, we are compliant with the following architectural design guidelines for multifamily development: AD.2, AD4, AD.5, AD.7, AD.8.

Conclusion:

We ask, on behalf of the Applicant, that the Planning Staff and Planning Commission favorably consider the proposed zone change and its relationship to fulfilling the mission, goals, objectives, and policies of Imagine Lexington: The 2018 Comprehensive Plan. Thank you in advance for your consideration of our proposed zone change and we look forward to presenting our case in full at a public hearing. We will be pleased to answer any questions about our proposal between now and the public hearing.

Sincerely,

Johan Graham
President, AU Associates, Inc.



LEGAL DESCRIPTION FOR ZONE CHANGE

410 Sporting Court, Lexington KY 40503

Beginning at the common corner of LFUCG Public Facilities Corp (601 Wellington Way, DB 2300 PG. 537 P.C. L, SL. 733) and Wellington Properties II LLC (527 Wellington Way, P.C. M SL. 684), said point bordering Ashland Ave Baptist Church (483 W Reynold Rd, DB 2053 PG. 287 P.C. N SL. 79); thence following LFUCG Public Facilities N 23°59'47" E 115.77 feet to the **TRUE POINT OF BEGINNING;**

thence N 23°59'47" E a distance of 500.95 Feet to the centerline on New Circle Road;
thence S 66°02'10" E a distance of 217.42 Feet;
thence leaving the right of way S 23°59'47" W a distance of 500.96 Feet.
thence N 66°02'01" W a distance of 217.42 Feet to the **TRUE POINT OF BEGINNING;**

having an area of 108,919 square Feet, 2.50 acres gross and 2.00 acres net.

AU ASSOCIATES, INC. (PLN-MAR-22-00028)

Rezone the property to establish a multi-family housing development.

410 SPORTING COURT (A PORTION OF)

Applicant

AU ASSOCIATES, INC.
159 Old Georgetown Street
Lexington, KY 40508
brandon@auassociates.com

Owner

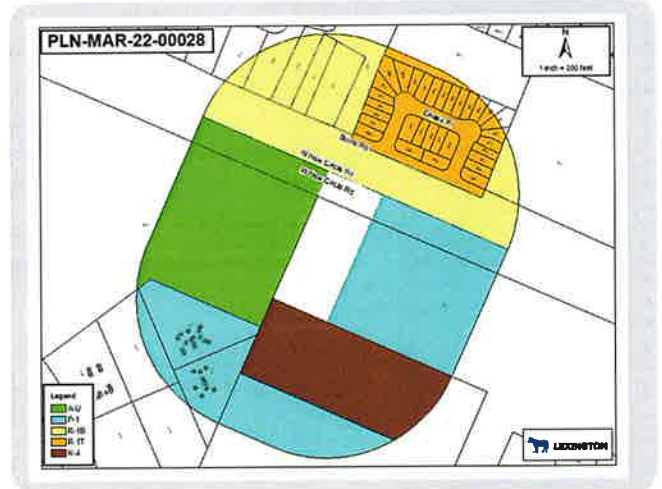
QUEST COMMUNITY CHURCH
410 Sporting Court
Lexington, KY 40503

Application Details

- Acreage:**
2.00 (2.50 gross) acres
- Current Zoning:**
Professional Office (P-1) zone
- Proposed Zoning:**
Planned Neighborhood Residential (R-3) zone
- Place-type / Development Type:**
Regional Center
Medium Density-Residential
For more information about the Regional Center Place-Type see Imagine Lexington page 291-292. For information about the Medium Density Residential Development Type, see Imagine Lexington, page 271.
- Description:**
The applicant is seeking to construct a three story, 38-unit multi-family residential structure with accompanying parking areas.

Public Engagement

- The applicant indicates that they intend to meet with nearby neighborhood associations to discuss the project, but have not yet done so at this time.

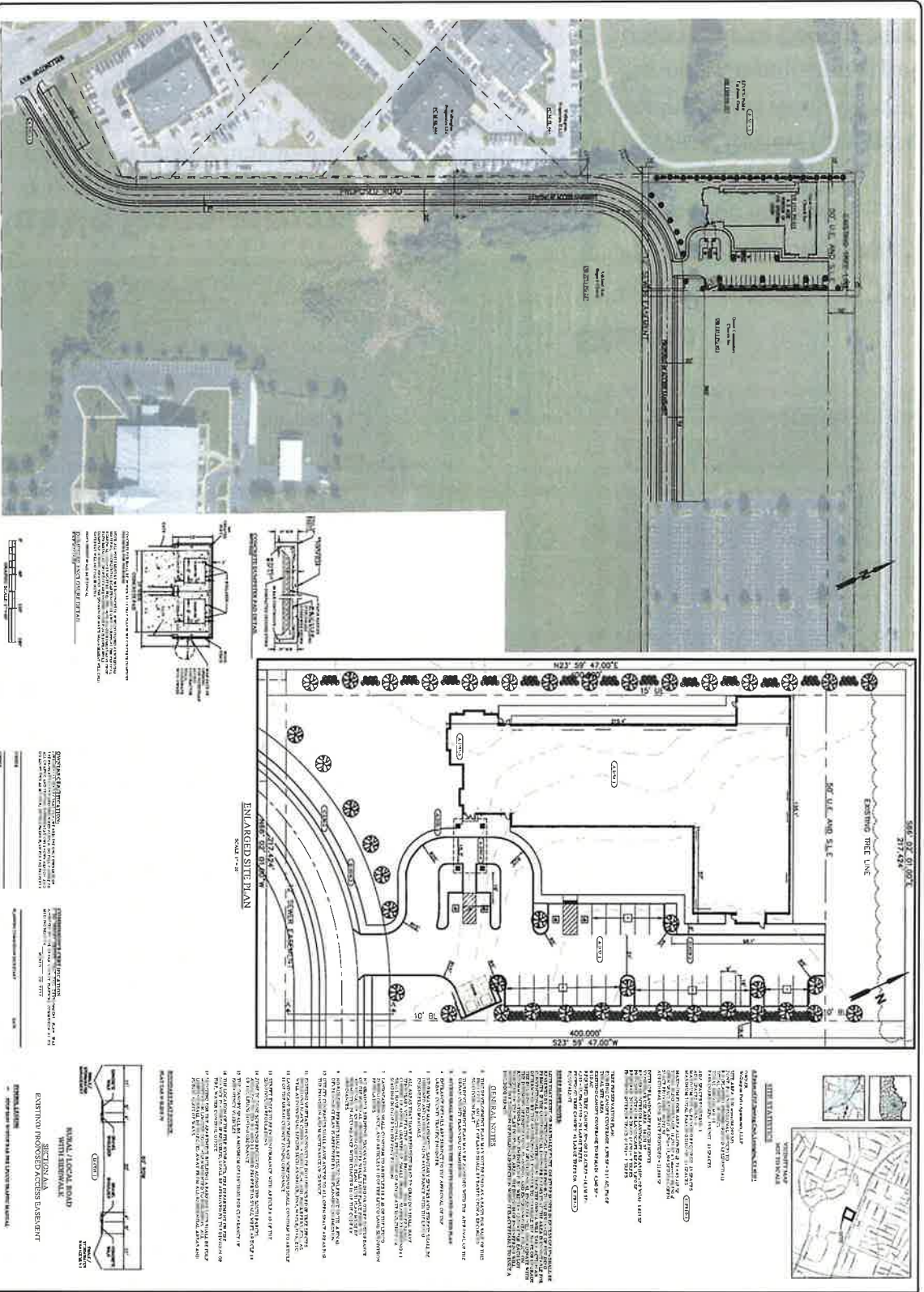


Status

- Public Engagement
- Pre-Application Meeting
- Application Review
- Planning Staff Review
- Technical Review Committee
- Zoning/Subdivision Committee Meetings
- Planning Commission Hearing
- Urban County Council Meeting

DISCLAIMER: Plans are subject to change. Visit the Accela Citizen Portal (lexingtonky.gov/plans) or contact Planning for the latest information.

Development Plan



<p>PRELIMINARY DEVELOPMENT PLAN</p>		<p>WELLINGTON PARK APARTMENTS WELLINGTON WAY LEXINGTON, KY 40503 FAYETTE COUNTY</p>	<p>au ASSOCIATE</p>	<p>necto architecture</p>	<p>PRIME AE</p>
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STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-22-00028: AU ASSOCIATES, INC.

DESCRIPTION OF ZONE CHANGE

Zone: From a Professional Office (P-1) zone
Change: To a Planned Neighborhood Residential (R-3) zone
Acreage: 2.00 net (2.50 gross) acres
Location: 410 Sporting Court (a portion of)

EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	P-1 / I-1	Vacant / Parking
To North	R-4	Multi-family Residential
To East	I-1	Warehousing
To South	R-4	Vacant
To West	A-U	Park



URBAN SERVICE REPORT

Roads - The subject property is located at the end of Sporting Court, which is a local roadway that extends off of Ruccio Way, a local roadway that provides access to the development north of W. Reynolds Road and east of the Norfolk-Southern Railroad. The portion of the property proposed for rezoning is situated along a proposed access easement, which runs along southern portion of the site. The proposed access easement would connect to an established access easement that runs north-south along the Ashland Baptist Church western property line to W. Reynolds Road. New Circle Road, a limited access major arterial roadway, is located to the north of the subject property and no access is allowed from the property.

Curb/Gutter/Sidewalks - Curb, gutter and sidewalk facilities have been constructed along Ruccio Way and Sporting Court. Additional sidewalks will be installed along the proposed access easement and internal to the site to ensure safe pedestrian connections.

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

Storm Sewers - The subject property is located within the South Elkhorn Creek watershed. Storm sewers are not currently located on this portion of the subject property; however, storm sewers have been constructed within the adjacent NDC Property. The developer will be required to provide these facilities or upgrade existing ones at the time this property is developed. There are no FEMA Special Flood Hazard Areas or environmentally sensitive areas on the subject property.

Sanitary Sewers - The subject site is located within the South Elkhorn sewershed. Sanitary sewer treatment is provided by the West Hickman Wastewater Treatment facility in northern Jessamine County for properties within this portion of the Urban Service Area. Prior to any construction on the site, the Division of the Water Quality's Capacity Assurance Program will evaluate the available capacity of the system.

Refuse - The Urban County Government serves this area with refuse collection on Mondays. However, supplemental service by private refuse haulers is commonly utilized for multi-family land uses, such as those proposed on the associated development plan.

Police - The nearest police station is located on Centre Parkway at the East Sector Roll Call Center, approximately 4 miles east of the subject property.

Fire/Ambulance - Fire Station #15 is located less than half of a mile to the southeast, inside the main entrance to Shillito Park, just south of West Reynolds Road.

Transit - LexTran service is available within the immediate area at the Lexington Green Target. Outbound service is available for the Nicholasville Road Route (#5) approximately ¼ mile southeast of the subject property.

Parks - There are two parks within proximity of the development. Directly adjacent to the subject property is Wellington Park and Shillito Park is less than a half mile southeast of the subject property.

SUMMARY OF REQUEST

The applicant is seeking to rezone the subject property from a Professional Office (P-1) zone to the Planned Neighborhood Residential (R-3) zone in an effort to construct a three-story affordable multi-family residential structure.

PLACE-TYPE

REGIONAL
CENTER

A Regional Center is a vibrant hub of commerce, employment, diverse housing opportunities, and entertainment. They include larger buildings with active ground levels, intentional open spaces, & walkable transportation networks, all to provide the user/resident with a unique experience. It is often located at major intersections & along primary corridors.

DEVELOPMENT TYPE

MEDIUM DENSITY RESIDENTIAL

Primary Land Use, Building Form, & Design

Primarily 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

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 other residential uses. This 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



The petitioner proposes the rezoning of a portion of the subject property to the Planned Neighborhood Residential (R-3) zone to allow for the construction of a three-story, affordable multi-family residential structure focused on serving Lexington's aging population. The proposed structure is planned to contain a total of 30 dwelling units, for a total density of 15 dwelling units per net acre.

APPLICANT & COMMUNITY ENGAGEMENT



Prior to the submission of the application, the applicant engaged property owners in the Wellington Place subdivision, to the far south of the property, and with the Open Gates neighborhood association, which is located north of New Circle Road. Two distinct neighborhood meetings were conducted at LexCity Church in the evenings to accommodate neighborhood feedback on the design choices and Placebuilder type as well to conduct feedback on the type of amenities that the senior facility should offer. The applicant should describe the conversations that were held at those meetings.

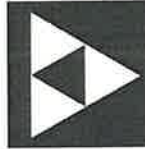
PROPERTY & ZONING HISTORY



The subject property was part of a much larger portion of property that was planned for major development by the Reynolds Tobacco Company. In 1991, the National Council for Community Development (NDC) purchased the property before selling portions to various groups including the Lexington Christian Academy, and donating other portions including what is now Shillito Park.

This portion of the property was initially rezoned from the Agricultural (A-1) zone in 1960 (MAR 60-49) to a Heavy Industrial (I-2) zone in anticipation of continued production by the Reynolds Tobacco Company. The property saw little development before a 1996 (MAR 96-42 CZ) rezoning from the I-2 zone to the Professional Office (P-1) zone. At the time, staff was concerned with the change to the P-1 zone, stating that it would be more advantageous to match the High Density Apartment (R-4) zone that was being established to the south of the subject property and was planned for affordable housing targeted at seniors within Lexington.

COMPREHENSIVE PLAN COMPLIANCE



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 rezoning for the subject property is in agreement with the 2018 Comprehensive Plan.

GOALS, OBJECTIVES, & POLICIES

The applicant opines that they are in agreement with the adopted Goals, Objectives, and Policies of the 2018 Comprehensive Plan. The applicant indicates that the proposed project will encourage expanded housing choices (Theme A, Goal #1), by offering additional housing options along the Reynolds Road corridor that are convenient to the various commercial opportunities, public parks, and social services in the area. They posit that the development will infill a current vacant portion of property and accommodate the growing demand for housing in Lexington by seeking a higher density residential building (Theme A, Goal #1.b; Theme A, Goal #2). Furthermore, the applicant indicates that the proposed development will provide a well-designed neighborhood (Theme A, Goal #3) by focusing on a pedestrian first design and including activated entrances that improve pedestrian accessibility (Theme A, Goal #3.a & b). The applicant opines that the development will work toward an urban and rural balance (Theme E, Goal #1).

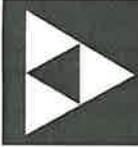
While not specifically described by the applicant the proposed development is focused on providing affordable housing options to Lexington's aging population. These types of developments are imperative to meeting the goals of providing safe and affordable housing options to meet the need of all peoples within Lexington (Theme A, Goal #1.c; Goal #2.d; and Equity Policy #2; Theme D, Support Policy #9).

The staff agrees that these Goals, Objectives, and Policies can be met with the proposed development and rezoning.

PLACE-TYPE, DEVELOPMENT TYPE, AND ZONE

In an effort to allow for the greatest contextual development of Lexington's Urban Service Area, applicants are asked to identify a Place-Type based on the location of the subject property. Within each Place-Type there are recommended Development Types based on the form and function of the proposed development. Based on the Place-Type and Development Type there are also several recommended zones that are most appropriate based on the Goals, Objectives, and Policies of the 2018 Comprehensive Plan. While these zones are the ideal zoning categories to develop within a specified area, other zones may be considered, provided there is an appropriate justification addressing the unique situation and provided the development is able to adequately meet the associated Development Criteria.

The applicant indicates that the project is located within the Regional Center Place-Type and is a Medium Density Residential Development Type. The Regional Center Place-Type is a vibrant hub of commerce, employment, diverse housing opportunities, and entertainment. They include larger buildings with active



ground levels, intentional open spaces, and walkable transportation networks, all to provide the user/resident with a unique experience. It is often located at major intersections and along primary corridors. The proposed development is planned to be located at the rear of the commercial development associated with the NDC property off of Reynolds Road. Although the smaller two-acre site itself does not carry all the traits of the Regional Center Place-Type, the surrounding multi-modal, commercial, residential and office land uses combine to create a Regional Center, which is anchored by the Fayette Mall, Lexington Green, Shillito Park and the Ruccio Way Meijer. The applicant posits what is missing is the inclusion of the multi-family housing into the area. An element that they are seeking to provide. Staff agrees with the applicant's assessment of the proposed Regional Center Place-Type.

Additionally, the applicant is seeking to apply the Medium Density Residential Development Type, which is recommended within the Regional Center Neighborhood Place-Type and is meant to be comprised of primarily multi-family units, where the multi-family units complement and enhance existing development through quality design and connections. The applicant has proposed the development of a three-story multi-family residential structure that activates the rear portion of an area that is primarily comprised of commercial, industrial, and social service land uses. The proposed development will incorporate a medium density housing option that is connected to the various amenities and can complement the existing Regional Center. The proposed access easement will also create a more connected area and can result in greater residential development in the future. Staff agrees that the Medium Density Residential Development Type is appropriate for the subject property.

Finally, the applicant has requested the rezoning of the property to the Planned Neighborhood Residential (R-3) zone. This zone is not a recommended zone associated with the Regional Center Place-Type. However, with an adequate justification the applicant can request a different zone. The applicant indicates that the R-3 zone is the most appropriate zone for the property due to the current composition of the regional center. The proposed project aims to use infill land within the existing Regional Center Place-Type to create a complementary multi-family use that is missing in this portion of the Urban Service Area. In order to do this on a smaller parcel and to focus on multi-family senior housing only, the applicant posits that the R-3 zone is the most appropriate given the proposed development. Staff agrees that the R-3 zone can be appropriate for the subject property.

DEVELOPMENT CRITERIA

The development 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 development criteria 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 Regional Center Place-Type and Medium Density Residential Development Type.

1. Site Design, Building Form and Location

The proposed rezoning meets the criteria for Site Design, Building Form and Location. The site has been designed to emphasize connections to the existing development, minimize the visual impact of the provided parking areas, and reinforce the streetscape at along the proposed access easement. The proposed development will also directly tie into the adjacent Wellington Park. This request is also in agreement with the Multi-family Design Standards, as it provides a residential development with a pedestrian oriented design into an area that is primarily commercial in character.

2. Transportation and Pedestrian

The proposed rezoning meets the Transportation and Pedestrian Connectivity development criteria, as the proposal will activate the frontage of the proposed development and creates pedestrian connections throughout the site that allows for safe connections to the established pedestrian systems and transit stops. It will be critical at the next stage to ensure that the transportation system is accessible from the site, otherwise it will be isolated from the rest of the regional center.

3. Greenspace and Environmental Health

The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will increase tree canopy coverage through additional VUA screening, landscaping islands, and the requirements of the R-3 zone.

STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASONS:



1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan's Goals, Objectives and Policies, for the following reasons:
 - a. The proposed project will encourage expanded housing choices (Theme A, Goal #1), by offering additional housing options along the Reyonlds Road corridor that are convenient to the various commercial opportunities, public parks, and social services in the area.
 - b. The proposed development will infill a current vacant portion of property and accommodate the growing demand for housing in Lexington by seeking a higher density residential building (Theme A, Goal #1.b; Theme A, Goal #2).
 - c. The proposed development will provide a well-designed neighborhood (Theme A, Goal #3) by focusing on a pedestrian first design and including activated entrances that improve pedestrian accessibility (Theme A, Goal #3.a & b).
 - d. The proposed development will meet the goals of providing safe and affordable housing options to meet the need of all peoples within Lexington (Theme A, Goal #1.c; Goal #2.d; and Equity Policy #2; Theme D, Support Policy #9).
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. The site has been designed to emphasize connections to the existing development, minimize the visual impact of the provided parking areas, and reinforce the streetscape at along the proposed access easement. The proposed development will also directly tie into the adjacent Wellington Park. This request is also in agreement with the Multi-family Design Standards, as it provides a residential development with a pedestrian oriented design into an area that is primarily commercial in character.
 - b. The proposed rezoning meets the Transportation and Pedestrian Connectivity development criteria, as the proposal will activate the frontage of the proposed development and creates pedestrian connections throughout the site that allows for safe connections to the established pedestrian systems and transit stops.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will increase tree canopy coverage through additional VUA screening, landscaping islands, and the requirements of the R-3 zone.
3. This recommendation is made subject to approval and certification of PLN-MJDP-22-00082: NDC Property Unit 1A, Lot 11, Unit 3 (Wellington Park)(AMD), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

HBB/TW
1/4/2022

Planning Services/Staff Reports/MAR/2022/PLN-MAR-22-00025 COWGILL DEVELOPMENT, LLC.pdf

4. **AU ASSOCIATES, INC ZONING MAP AMENDMENT & NDC PROPERTY, UNIT 1A, LOT 11, UNIT 3 (WELLINGTON PARK) (AMD) ZONING DEVELOPMENT PLAN**

- a. **PLN-MAR-22-00028: AU ASSOCIATES, INC (2/26/2023)*** – a petition for a zone map amendment from a Professional Office (P-1) zone, to a Planned Neighborhood Residential (R-3) zone, for 2.00 net (2.50 gross) acres, for property located at 410 Sporting Court (a portion of).

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 proposes the rezoning of a portion of the subject property to the Planned Neighborhood Residential (R-3) zone to allow for the construction of a three-story, affordable multi-family residential structure focused on serving Lexington's aging population. The proposed structure is planned to contain a total of 30 dwelling units, for a total density of 15 dwelling units per net acre.

The Zoning Committee Recommended: **Approval.**

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

1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan's Goals, Objectives and Policies, for the following reasons:
 - a. The proposed project will encourage expanded housing choices (Theme A, Goal #1), by offering additional housing options along the Reynolds Road corridor that are convenient to the various commercial opportunities, public parks, and social services in the area.
 - b. The proposed development will infill a current vacant portion of property and accommodate the growing demand for housing in Lexington by seeking a higher density residential building (Theme A, Goal #1.b; Theme A, Goal #2).
 - c. The proposed development will provide a well-designed neighborhood (Theme A, Goal #3) by focusing on a pedestrian first design and including activated entrances that improve pedestrian accessibility (Theme A, Goal #3.a & b).
 - d. The proposed development will meet the goals of providing safe and affordable housing options to meet the need of all peoples within Lexington (Theme A, Goal #1.c; Goal #2.d; and Equity Policy #2; Theme D, Support Policy #9).
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. The site has been designed to emphasize connections to the existing development, minimize the visual impact of the provided parking areas, and reinforce the streetscape at along the proposed access easement. The proposed development will also directly tie into the adjacent Wellington Park. This request is also in agreement with the Multi-family Design Standards, as it provides a residential development with a pedestrian oriented design into an area that is primarily commercial in character.
 - b. The proposed rezoning meets the Transportation and Pedestrian Connectivity development criteria, as the proposal will activate the frontage of the proposed development and creates pedestrian connections throughout the site that allows for safe connections to the established pedestrian systems and transit stops.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will increase tree canopy coverage through additional VUA screening, landscaping islands, and the requirements of the R-3 zone.
3. This recommendation is made subject to approval and certification of **PLN-MJDP-22-00082: NDC Property Unit 1A, Lot 11, Unit 3 (Wellington Park)(AMD)**, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

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

- b. **PLN-MJDP-22-00082: NDC PROPERTY, UNIT 1A, LOT 11, UNIT 3 (WELLINGTON PARK) (2/26/23)*** - located at 410 SPORTING COURT, LEXINGTON, KY
Council District: 9
Project Contact: Prime Engineering

Note: The purpose of this plan is to depict a multi-family residential building with 30 dwelling units, in support of the requested zone change from a Professional Office (P-1) zone to a Planned Neighborhood Residential (R-3) zone.

The Subdivision Committee Recommended: Approval, subject to the following revised 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. United States Postal Service Office's approval of kiosk locations or easement.
7. Delete note #14.
8. Clearly denote lot coverage and floor area ratio per Article 21 of the Zoning Ordinance.
9. Delete setback and side yard reference, and label as landscape buffer.
10. Clarify proposed access easement and improve legibility of proposed/approved roadway.
11. Align proposed access with approved access easement at southwest corner of site.
12. Denote: Compliance with multi-family design standards shall be determined at time of the Final Development Plan.
13. Denote the transition/extension of the proposed access easement to Sporting Court should be determined at the time of the Final Development Plan.
14. Discuss Placebuilder criteria.

Staff Presentation – Mr. Hal Baillie 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 zone map amendment from Professional Office (P-1) zone, to a Planned Neighborhood Residential (R-3) zone, for 2.00 net (2.50 gross) acres, for property located at 410 Sporting Court. Mr. Baillie stated that the applicant is seeking the Regional Center Place-Type and the Medium Density Residential Development and wants to develop affordable housing for seniors. Mr. Baillie indicated that this would be appropriate and that while the particular zone was not recommended by the Comprehensive Plan, the applicant provided an adequate justification for the incorporation of the R-3 zone in this case. He stated that Staff is recommending approval for this application.

Staff Development Plan Presentation – Mr. Martin oriented the Planning Commission to the location of the subject property and highlighted the revised conditions. Mr. Martin stated that the applicant was proposing to construct a multi-family residential structure with 30 dwelling units. He noted the access easement that is platted to provide access from Wellington Way, pointed out the locations of the dumpsters, and the parking lot location to the side of the structure. This will allow the dwelling units more direct access to the Wellington Park.

Mr. Martin indicated that the Planning Commission would see a Final Development Plan and renderings and stated that Staff is recommending approval and noted the conditions can be found on the agenda.

Applicant Presentation – Johan Graham, applicant, wanted to thank the Staff for their support and could answer any questions from the Planning Commission.

Action – A motion was made by Ms. Meyer, seconded by Ms. Barksdale and carried 8-0 (Bell, Nicol, and Pohl absent) to approve PLN-MAR-22-00028: AU ASSOCIATES, INC for the reasons provided by Staff.

Action – A motion was made by Ms. Meyer, seconded by Mr. de Movellan and carried 8-0 ((Bell, Nicol, and Pohl absent) to approve PLN-MJDP-22-00082: NDC PROPERTY, UNIT 1A, LOT 11, UNIT 3 (WELLINGTON PARK) with the 13 conditions.