

1. **L.O.P.1, LTD ZONING MAP AMENDMENT AND LANCASTER & KEISER PROPERTY DEVELOPMENT PLAN**

- a. **PLN-MAR-24-00016: L.O.P.1, LTD (12/24/24)** \* – a petition for a zone map amendment from a Neighborhood Business (B-1) zone to a Planned Neighborhood Residential (R-3) zone for 0.075 net (0.095 gross) acres for property located at 223 E Seventh Street. The applicant is also seeking a variance to reduce the required property perimeter landscaping buffer from 15 feet to 0 feet where the property adjoins business zones.

**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 petitioner is proposing the Planned Neighborhood Residential (R-3) zone in order to utilize an existing 1,250 square-foot commercial structure for a single-family residential use. The applicant is not proposing any physical changes to the site at this time.

**The Zoning Committee Recommended: No Recommendation, due to lack of quorum.**

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

1. The requested Neighborhood Business (B-1) zone is in agreement with the 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
  - a. The proposal identifies the properties as an opportunity for reuse and future redevelopment (Theme A, Goal #2.a).
  - b. The proposal will give the subject properties the ability to intensify in the future in a manner that is still compatible with the neighborhood context along Springhurst Drive (Theme A, Goal #2.b).
  - c. The request will result in a well-designed neighborhood, that provides for safe connections to the adjoining residential areas.(Theme A, Goal #3.b).
  - d. The request would enhance the area with neighborhood-serving businesses (Theme A, Goal #3.b).
2. The requested Neighborhood Business (B-1) zone is in agreement with the 2045 Comprehensive Plan's Policies, for the following reasons:
  - a. The proposal provides an opportunity for redevelopment in the future that could increase utilization of the site without making the site incompatible with the adjoining single-family residential uses (Theme A, Design Policy #4).
  - b. The request will expand opportunities for neighborhood-serving businesses (Theme A, Design Policy #12)
  - c. Then request will be walkable from the adjoining neighborhood, and is pedestrian-friendly (Theme A, Design Policy #5).
3. The justification and corollary development plan are in agreement with the policies and development criteria of the 2045 Comprehensive Plan.
  - a. The proposed rezoning meets the criteria for Land Use, as the request would allow for neighborhood scale commercial uses and services (A-DS12-1; E-ST8-2), provides connections to nearby transit stops (A-DS1-2), and would allow for increased intensity and density with any future redevelopment of the site (D-CO3-1).
  - b. The proposed rezoning meets the majority of criteria for Transportation, Connectivity, and Walkability, as it provides pedestrian connections to nearby transit stops (A-DS1-2), utilizes shared parking arrangements (C-PS10-1), and is connected to the adjoining residential neighborhood (A-DS4-1).
  - c. The proposed rezoning addresses the Environmental Sustainability and Resiliency development criteria, as the proposal does not impact any environmentally sensitive areas (B-PR2-1), and maintains existing trees and tree canopy (B-PR7-1).
  - d. The proposal addresses the criteria for Site Design as it locates parking to the rear of the site (A-DS7-1), avoids overparking (C-PS10-2), and provides for connected neighborhood scale commercial development (C-LI8-1).
  - e. The proposed rezoning meets the criteria for Building Form, as the development's scale remains compatible with the adjoining single-family residential development to the rear (A-DN-2-2), reuses existing buildings (E-GR4-1), and would allow for future redevelopment that could intensify the site while allowing for a compatible transition to the neighborhood (A-EQ5-1).
4. Under the provisions of Article 6-7, the following restriction is recommended via conditional zoning:

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

- a. Outdoor loudspeakers shall be prohibited.

These conditions are appropriate and necessary in order to protect the single-family residential uses within the Springhurst neighborhood.

- 5. This recommendation is made subject to approval and certification of PLN-MJDP-24 00065: Springhurst Subdivision, Unit 2 (Brooke Properties, LLC) (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.

- b. **VARIANCE** – The applicant is also requesting a dimensional variance to reduce the property perimeter screening requirement from 15 to 0 feet.

The Zoning Committee Recommended: No Recommendation, due to lack of a quorum.

The Staff Recommends: **Approval of the requested variance for the following reasons:**

1. Approval of the landscape variances should not adversely affect the public health, safety, or welfare, nor should it create a hazard or nuisance to the public. The property adjoins a nonconforming residential use east, and there is sufficient distance to the commercial structure to the west to ensure that the commercial and proposed residential uses are adequately separated.
2. Providing landscaping within the narrow side yards would likely not thrive or grow to maturity to create the buffer prescribed by the ordinance.
3. The narrow lot shape and the location of the site's existing structure represent special circumstances unique to the subject property that justify the need for a variance.
4. Removing the existing structure present on the site to accommodate the required landscaping buffer would unreasonably restrict the applicant's use of the property.
5. The circumstances of this variance are not a result of actions taken by the applicant subsequent to the adoption of the Zoning Ordinance.

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

- a. Provided the Planning Commission and Urban County Council approve the requested zone change to the R-3 zone, otherwise the requested variance shall be null and void.
- b. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
- c. Action of the Planning Commission shall be noted on the Subdivision Plan for the subject property.

- c. **PLN-MJSUB-24-00007: LANCASTER & KEISER PROPERTY, BLOCK 25, LOTS 22 & 24 (PORTIONS OF)** (12/24/24) \* - located at 223 EAST SEVENTH ST, LEXINGTON, KY.

Council District: 1

Project Contact: Barrett Partners Inc.

Note: The purpose of the plan is to depict a lot for a single-family dwelling unit, in support of the requested zone change from a Neighborhood Business (B-1) zone to a Planned Neighborhood Residential (R-3) zone.

The Subdivision Committee 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. Department of Environmental Quality's approval of environmentally sensitive areas.
6. Denote review and recommendation of the Royal Springs Aquifer Committee.
7. Discuss building line setback.
8. Discuss Placebuilder criteria.

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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 zone map amendment from a Neighborhood Business (B-1) zone to a Planned Neighborhood Residential (R-3) zone for 0.075 net (0.095 gross) acres for property located at 223 E Seventh Street. Mr. Crum indicated that the applicant is seeking to convert an existing structure for single-family residence use with the Enhanced Neighborhood Place-Type and the Low Density Residential Development Type. Mr. Crum indicated that Staff was in agreement with those selections.

Mr. Crum indicated that the majority of the neighborhood is zoned the requested R-3 and that the subject property began as a residential unit, before transitioning into a neighborhood business and now the applicant wished to bring back the original use. Mr. Crum indicated the applicant would renovate the subject property.

Mr. Crum concluded by stating that Staff is recommending approval of the subject application, and could answer any questions from the Planning Commission.

Mr. Michler asked if the B-1 zone requires ground level business and Mr. Crum confirmed that.

Subdivision Presentation – Ms. Cheryl Gallt stated that the applicant is showing a 20 foot building line and noted that there was a condition to discuss the building line and that can be resolved. Ms. Gallt indicated that the 20 foot building line is non-conforming and should this structure be removed, it must be rebuilt at that setback.

Ms. Gallt concluded by stating that Staff is recommending approval of the subject application, and could answer any questions from the Planning Commission.

Variance Presentation – Mr. Crum stated that the applicant was seeking a variance from a 15 foot landscape buffer to 0 foot buffer. Mr. Crum indicated that due to the built environment it would be detrimental to the applicant to not allow the variance and indicated that Staff is recommending approval of the variance and would not be detrimental to the health and safety of the community.

Mr. Crum concluded by stating that Staff is recommending approval of the variance, and could answer any questions from the Planning Commission.

Applicant Presentation – Mr. Chris Clendenen, attorney for the applicant, stated that they are in agreement with Staff's conditions and recommendations, and could answer any questions from the Planning Commission.

Action – A motion was made by Mr. Pohl, seconded by Ms. Barksdale and carried 9-0 (J. Davis and Z. Davis absent) to approve PLN-MAR-24-00016: L.O.P.1, LTD for reasons provided by Staff.

Action – A motion was made by Mr. Pohl seconded by Ms. Worth and carried 9-0 (J. Davis and Z. Davis absent) to approve the request for a variance.

Action – A motion was made by Mr. Pohl seconded by Ms. Barksdale and carried 9-0 (J. Davis and Z. Davis absent) to approve PLN-MJSUB-24-00007: LANCASTER & KEISER PROPERTY, BLOCK 25, LOTS 22 & 24 (PORTIONS OF) with the Staff conditions.