

ORDINANCE NO. 125 -2015

AN ORDINANCE CHANGING THE ZONE FROM A WHOLESALE & WAREHOUSE BUSINESS (B-4) ZONE TO A NEIGHBORHOOD BUSINESS (B-1) ZONE, FOR 2.865 NET (3.457 GROSS) ACRES, FOR PROPERTY LOCATED AT 1447 ANTIQUE DRIVE, A DIMENSIONAL VARIANCE IS ALSO REQUESTED. (SOLOMON VAN METER; COUNCIL DISTRICT 2).

WHEREAS, at a Public Hearing held on August 27, 2015, a petition for a zoning ordinance map amendment for property located at 1447 Antique Drive from a Wholesale & Warehouse Business (B-4) zone to a Neighborhood Business (B-1) zone, for 2.865 net (3.457 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change by a vote of 9-0; and

WHEREAS, this 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 1447 Antique Drive from a Wholesale & Warehouse Business (B-4) zone to a Neighborhood Business (B-1) zone, for 2.865 net (3.457 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: November 5, 2015

MAYOR



ATTEST



CLERK OF URBAN COUNTY COUNCIL

Published: November 12, 2015

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Rec'd by Ej
Date: 9/11/15


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

IN RE: MARV 2015-12: SOLOMON VAN METER - petition for a zone map amendment from a Wholesale & Warehouse Business (B-4) zone to a Neighborhood Business (B-1) zone, for 2.865 net (3.457 gross) acres, for property located at 1447 Antique Drive. A dimensional variance is also requested. (Council District 2)

Having considered the above matter on August 27, 2015, at a Public Hearing, and having voted 9-0 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 Neighborhood Business (B-1) zone for the subject property is in agreement with the 2013 Comprehensive Plan for the following reasons:
 - a. The Goals and Objectives of the 2013 Plan recommend planning for safe, affordable, and accessible housing to meet the needs of older residents of Lexington-Fayette County (Theme A., Goal 1c). This development will accomplish that goal, by providing a specialized residence for seniors in need of assistance or a spectrum of care in order to live near an established neighborhood and one of the community's largest shopping areas.
 - b. The Goals and Objectives encourage the use of our local assets to create a variety of jobs (Theme C, Goal 1d) and enable infill and redevelopment to create jobs where people reside. The applicant is proposing to develop a well-landscaped facility on a by-passed property to further this goal, in a manner that is sensitive to the character and nearby residential and commercial residents of the Meadowthorpe neighborhood.
 - c. The Plan's Goals and Objectives support the improvement of our desirable community by providing for healthcare facilities to meet the needs of the County's residents (Theme D, Goal 2b). The petitioner will provide such a residential care facility, perhaps including an assisted living component, for a portion of the Urban County that is and has been underserved by such facilities.
2. The proposed B-1 zone would be appropriate for the subject property, since it is more than 90% surrounded by properties with B-1 zoning.
3. This recommendation is made subject to approval and certification of ZDP 2015-61: Meadowthorpe Community Business Center, Unit 1 (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 10th of September, 2015.


Secretary, Christopher D. King

MIKE OWENS
CHAIR

Note: A variance to allow a maximum front setback of 100' was approved by the Planning Commission for this property, subject to the rezoning being granted.

Note: The corollary development plan, ZDP 2015-61: Meadowthorpe Community Business Center, Unit 1 (Amd.), was approved by the Planning Commission and certified on September 10, 2015.

K.R.S. 100.211(7) requires that the Council take action on this request by November 25, 2015.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Solomon Van Meter, petitioner.**

OBJECTORS

- Larry Stahlman, 1481 Leestown Road

OBJECTIONS

- Concerned that development on the subject property could exacerbate existing stormwater issues in the area.

VOTES WERE AS FOLLOWS:

AYES: (9) Brewer, Cravens, Drake, Mundy, Owens, Penn, Plumlee, Richardson, Smith

NAYS: (0)

ABSENT: (2) Berkley, Wilson

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for APPROVAL of MAR 2015-11 carried.

Enclosures: Application
Plat
Staff Report
Applicable excerpts of minutes of above meeting

GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

1. ADDRESS INFORMATION (Name, Address, City/State/Zip, & PHONE NO.)

APPLICANT: Solomon Van Meter, PO Box 1966, Lexington, KY 40588-1966 (859) 221-3165
OWNER: John William Cole, 431 S. Broadway, Suite 211, Lexington, KY 40508 (859) 252-4462
ATTORNEY:

2. ADDRESS OF APPLICANTS PROPERTY (ATTACH LEGAL DESCRIPTION)

1447 Antique Drive, Lexington, KY 40511

3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY (Use attachment, if needed-same format.)

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
B-4	Vacant	B-1	Nursing home, rest home, assisted living facility	2.8650 acres	3.4570 acres

4. SURROUNDING PROPERTY, ZONING & USE

Property	Use	Zoning
North	Multi-family residential	B-1
East	Business	B-1
South	Business	B-1
West	Business	B-1

5. EXISTING CONDITIONS

a. Are there any existing dwelling units on this property that will be removed if this application is approved? YES NO

b. Have any such dwelling units been present on the subject property within the past 12 months? YES NO

c. Are these units currently occupied by households earning 40% of the median income? YES NO
 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. N/A UNITS

6. URBAN SERVICES STATUS (indicate whether existing, or how to be provided.)

Roads	<input checked="" type="checkbox"/> Existing	To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Storm Sewers	<input checked="" type="checkbox"/> Existing	To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Sanitary Sewers	<input checked="" type="checkbox"/> Existing	To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Curb/Gutter/Sidewalks	<input type="checkbox"/> Existing	<input checked="" type="checkbox"/> To be constructed by	<input checked="" type="checkbox"/> Developer	<input type="checkbox"/> Other
Refuse Collection	<input checked="" type="checkbox"/> LFUCG	<input type="checkbox"/> Other		
Utilities	<input checked="" type="checkbox"/> Electric	<input checked="" type="checkbox"/> Gas	<input checked="" type="checkbox"/> Water	<input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable

7. DESCRIBE YOUR JUSTIFICATION FOR REQUESTED CHANGE (Please provide attachment.)

This is ... in agreement with the Comp. Plan more appropriate than the current zoning due to unanticipated changes

8. APPLICANT/OWNER SIGNS THIS CERTIFICATION.

I do hereby certify that to the best of my knowledge and belief, all application materials are herewith submitted, and the information they contain is true and accurate. I further certify that I am OWNER or HOLDER of an agreement to purchase this property since May 8, 2015

APPLICANT *Solomon Van Meter* DATE 7/2/2015

OWNER *John William Cole* DATE 7/2/2015

LFUCG EMPLOYEE/OFFICER, if applicable _____ DATE _____

STATEMENT OF JUSTIFICATION

The undersigned Applicant requests your approval of a zone change from B-4 (wholesale and warehouse business) *back* to B-1 (neighborhood business) for 2.8650 net acres (3.4570 gross acres) located at 1447 Antique Drive.

The Applicant is also requesting a variance extending the *maximum* front yard established by Section 8-16(h)(b) of the Zoning Ordinance from 20 feet to 100 feet.

Zone Change

In order to meet the anticipated surge in the senior population of Fayette County in the coming years (see, LFUCG 2013 Comprehensive Plan, pp. 16-18), Applicant plans to develop an assisted living or licensed personal care facility on this property.

The LFUCG 2013 Comprehensive Plan's Goals and Objectives recommend growing successful neighborhoods through planning for safe, affordable and accessible housing to meet the needs of older residents (Theme A, Goal #1, Obj. c) and supporting infill opportunities as a strategic component of growth (Theme A, Goal #2, Obj. a). The LFUCG 2013 Comprehensive Plan specifically recommends enabling infill that creates jobs where people live (Theme C, Goal #1, Obj. d). Another stated objective of the LFUCG 2013 Comprehensive Plan is the collaboration with healthcare entities to meet the needs of Lexington-Fayette County's residents (Theme D, Goal #2, Obj. b).

For at least 30 years prior to 2008 the property was zoned B-1. All of the properties surrounding the subject property are zoned B-1.

In 2008 the property was re-zoned to its current zoning of B-4, but with a significant list of prohibited uses and buffering restrictions added as conditions under the provisions of Article 6-7 of the Zoning Ordinance. The office, storage and light fabrication facility that was proposed by the applicant at that time (Southern Industrial, LLC) was never built and the property remains vacant land.

The property is generally triangular in shape. It is bounded by the Meadowthorpe Shopping Center on one side, offices and businesses on another side, and the edge of the Meadowthorpe residential neighborhood on the third side.

The property's original B-1 zoning is the most appropriate for this property.

- The proposed use is in keeping with both the residential character of the Meadowthorpe neighborhood to the north of the property and the business establishments on the other sides of the property.

- The proposed use would generate virtually no noise.
- What small amount of traffic would be generated by the proposed long-term care facility would have no adverse affect on any of the surrounding properties as there are three avenues of access (from both ends of Antique Drive and from an access drive through the Meadowthorpe Shopping Center).
- The proposed use is in harmony with the recommendations of the LFUCG 2013 Comprehensive Plan:
 - It will create approximately 25-30 new permanent jobs in Fayette County, many of which could be filled by residents of surrounding and nearby neighborhoods;
 - It is an infill project which will make use of vacant and underutilized land within the Urban Service Area and outside of the downtown area;
 - It is an infill project that is sensitive to the character and citizens of the Meadowthorpe neighborhood;
 - It addresses a recognized anticipated need for long-term care of the growing senior population of Fayette County and is located in a part of Fayette County that is underserved by such facilities.

The Applicant has experience in developing and operating long-term care facilities. The Applicant was the founder/developer of The Breckinridge on Cornerstone Drive in Lexington, a state-of-the-art long-term care facility that provides high quality care for people with Alzheimer's disease and related dementias. Like The Breckinridge, the long-term care facility proposed by the Applicant will be attractively designed and will incorporate many elements specifically to enhance the independence and quality of life of its residents.

The proposed facility will have a significant amount of landscaped outdoor space. Although primarily for the enjoyment of the residents of the proposed facility, this abundance of outdoor space will have the additional benefits of minimizing the amount of impervious surface area in the development of the property and generally beautifying the area.

Because the property is relatively large and currently has some trees and shrubbery to provide shelter, it is attractive as a "camping" location for homeless and transient people. By eliminating this condition, the proposed development of the property will enhance the safety and overall value of the surrounding neighborhood.

Maximum Front Yard Variance

The Applicant proposes to develop a long-term care facility (assisted living or licensed personal care) on the property to serve the needs of Lexington-Fayette County's older residents. Although this use is a *principal use* in the B-1 zone (Zoning Ordinance 8-16(b-11)), it is conceptually different from the general type of "neighborhood shopping facilities" (Zoning Ordinance 8-16(a)) for which the new *maximum* front yard requirement was recently added in the B-1 zone.

Although the proposed facility will be a business, it will be inherently *residential* in function and needs to have a more residential appearance. Critical to that appearance is significant landscaping and a proportionately sized front yard.

The front yard of the property is the entire *east* side of Antique Drive. Unfortunately, the entire *west* side of Antique Drive is the *rear* of the stores and restaurants in the Meadowthorpe Shopping Center. The Applicant will need to mitigate the negative effect of the unattractive front yard view by having a significant amount of landscaping to *soften* it. This will require significantly more than 20 feet of front yard.

The property is in excess of 3 acres in size but has a unique triangular shape. The proposed long-term care facility will be approximately 18,000 to 20,000 square feet in size. Locating the facility on the property with 20 feet or less of front yard on Antique Drive would not allow the front yard to be in an esthetically pleasing proportion to the side and rear yards.

Increasing the maximum front yard from 20 feet to 100 feet would also be in keeping with the *relative proportions* the yards of the Meadowthorpe neighborhood that adjoins the property's north boundary. Businesses in the B-1 zone "should be oriented to the residential neighborhood" adjoining it (Zoning Ordinance 8-16(a)).

Finally, it is noted that there is an existing 80-foot "access easement" across more than half of the Antique Drive frontage of the property which will prevent any development of the property without a variance of the maximum front yard restriction of 8-16(h)(b).

Summary

In summary, the proposed re-zoning will (1) return the property to its most appropriate zoning and (2) allow the proposed infill development of the property which will be an attractive, low-impact addition to the area that will be sensitive to the character and citizens of the neighborhood that will create new permanent jobs.

The unique conditions resulting from (1) the "front yard" of the property being directly across from the unsightly back side of Meadowthorpe Shopping Center, (2) the size and unique triangle-shape of the property, and (3) the special requirements occasioned by the residential character of the proposed use of the property, support the granting of a variance extending the *maximum* front yard established by Section 8-16(h)(b) of the Zoning Ordinance from 20 feet to 100 feet.

Thank you for your consideration of this application for a zone change and variance.

 7/2/2015

Solomon Lee Van Meter, Applicant

LEGAL DESCRIPTION
Meadowthorpe Community Business Center Unit 1
Zone Change from B-4 to B-1
1447 Antique Drive,
Lexington, Fayette County, Kentucky

Being a parcel of land in the city of Lexington, Fayette County, Kentucky lying on the north side of Antique Drive between Burke Road and North Forbes Road and more particularly described as:

COMMENCING at a 5/8" diameter rebar found at the intersection of the east right-of-way of Burke Road and the north right-of-way of Antique Drive, and said point having Kentucky State Plane Coordinates of E(X)=1,561,932.05', N(Y)=206,362.59' (NAD 83, KY North Zone, US Survey Feet); thence with the right-of-way of Burke Road North 30°22'36" East a distance of 39.78' to the Point of Beginning, said point being a corner to Lot 1A of Meadowthorpe Unit 3 (Plat Cabinet E, Slide 728); thence from the

POINT OF BEGINNING and with the line of Meadowthorpe Unit 3 for two calls:

South 49°02'01" East a distance of 269.59' to a point; thence

North 82°59'02" East a distance of 386.25' to a point, said point being a corner to John William Cole (Deed Book 3217, Page 563, Lots 5-19 of Plat Cabinet E, Slide 711); thence South 07°00'58" East a distance of 380.00' to a point, said point being the northwest corner of S&B Cattle Company (Deed Book 1835, Page 196 - Lot 20A of Plat Cabinet A, Slide 58A); thence with the S&B Cattle Company, South 42°51'50" West a distance of 34.52' to a point; thence continuing with the Cattle Company and then the line of J & C Campbell Investment Company (Deed Book 3100, Page 704 - Lot 20 of Plat Cabinet A, Slide 58A), South 48°49'53" East a distance of 289.60' to a point in the centerline of North Forbes Road; thence with the centerline of North Forbes Road, South 41°06'38" West a distance of 60.00' to a point in the centerline of North Forbes Road, South 41°06'38" West a distance of 60.00' to a point in the centerline of North Forbes Road, South 41°06'38" West a distance of 60.00' to a point in the centerline of North Forbes Road; thence with the centerline of Antique Drive, North 48°50'00" West a

PREPARED BY:



1447 Antique Dr.
Change Requested
from ZONE B-4 to B-1
Gross Area 3.4570 Acres
Net Area 2.8650 Acres

William Cole
Deed Book 3217, Page 563
Antique Drive
Zone: B-1

William J. and Brenda L. Henderson
Deed Book 2897, Page 580
Lot 7, Block "C" of P.C. "E", Sl. 728-729
1455 Meadowthorpe Avenue
Zone: B-1

Lula D. Ewers
Deed Book 2594, Page 9
728-729
Lot 6, Block "C" of P.C. "E", Sl. 728-729
1462 Meadowthorpe Avenue
Zone: B-1

Eugene Woller
Deed Book 2978, Page 471
Lot 5, Block "C" of P.C. "E", Sl. 728-729
1469 Meadowthorpe Avenue
Zone: B-1

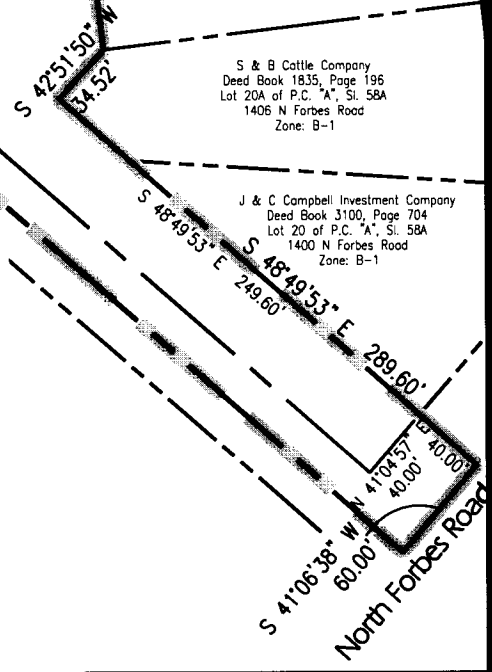
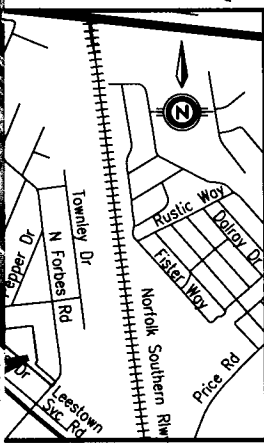
Shirley Carter, Henry Wood, Jr. and Corrine Wood
Deed Book 2928, Page 632
Lot 4, Block "C" of P.C. "E", Sl. 728-729
1474 Meadowthorpe Avenue
Zone: B-1



John William Cole
Deed Book 3217, Page 563
Slide 711
Lots 5-19 of P.C. "E", Sl. 728-729
1472 Meadowthorpe Avenue
Zone: B-1

S & B Cattle Company
Deed Book 1835, Page 196
Lot 20A of P.C. "A", Sl. 58A
1406 N Forbes Road
Zone: B-1

J & C Campbell Investment Company
Deed Book 3100, Page 704
Lot 20 of P.C. "A", Sl. 58A
1406 N Forbes Road
Zone: B-1



TO	NET	GROSS
B-1	2.8650 Acres	3.4570 Acres

STATE OF KENTUCKY
KEVIN M. PHILLIPS
3350
LICENSED PROFESSIONAL LAND SURVEYOR

[Signature]
07-06-2015

NOTIFICATION

APPLICANT: Meadowthorpe Community Business Center Unit 1

ADDRESS: 1447 Antique Drive, Lexington, KY

APPLICANT: Solomon Van Meter

OWNER: John W Cole



DATE FILED OR AMENDED:

July 06, 2015

Z:\3471 Antique Dr...ing\3471-ZONE CHANGE Notification Map.dwg, Layout1, 7/1/2015 7:00:43 PM, RICOH Aficio MP C4500 P... 1, JMN

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MARV 2015-12: SOLOMON VAN METER

DESCRIPTION

Zone Change: From a Wholesale and Warehouse Business (B-4) zone
To a Neighborhood Business (B-1) zone

Acresage: 2.865 net (3.457 gross) acres

Location: 1447 Antique Drive

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	B-4	Vacant
To North	B-1	Apartments
To East	B-1	Offices
To South	B-1	Shopping Center
To West	B-1 & R-1C	Shopping Center & Single Family

URBAN SERVICES REPORT

Roads – Leestown Road (US 421), which becomes West Main Street a short distance to the southwest, is a major arterial that serves this portion of the community. It carries a large amount of traffic, as it is the primary route for the area's industrial traffic and some large residential subdivisions such as Meadowthorpe and Masterson Station. Along the frontage of the subject property, Antique Drive is a public street that connects Burke Road and North Forbes Road, both of which have signalized intersections with Leestown Road. Antique Drive was accepted for dedication by the Urban County Government several years ago, and it functions as a service road for truck traffic serving the stores, offices and restaurants in the Meadowthorpe Shopping Center, located between Burke and Forbes Roads on Leestown Road.

Curb/Gutter/Sidewalks – Antique Drive and Leestown Road do not have curb, gutter, or sidewalks along their frontages between Burke Road and North Forbes Road, although Burke Road and North Forbes Road were constructed years ago to full urban standards with these improvements.

Storm Sewers – This property is within the Town Branch watershed. Although the subject property does not abut a creek or an obvious drainage way, the property is entirely in a "temporary drainage easement" that was platted on the subject property in 1986. Some type of storm water detention will likely be required on site, so as not to allow any increase in the rate of stormwater runoff onto surrounding properties, since the property currently has no impervious surface area.

Sanitary Sewers – This property is in close proximity to the Town Branch Wastewater Treatment Facility, owned by the Urban County Government. There are no known sanitary sewer problems between this location and the treatment plant.

Refuse – This area is served by the Urban County Government with collection days on Thursdays. Commercial developments often contract with private companies to provide additional refuse collection, as needed.

Police – The nearest police station is the West Sector Roll Call Center, located on Old Frankfort Pike, approximately one mile to the southwest of the subject property.

Fire/Ambulance – The nearest fire station is Station #13, located on Leestown Road, one block to the southwest of the subject property.

Utilities – Natural gas, electric, streetlights, phone, water, and cable are all available to this area, and can be upgraded and extended to serve the proposed development.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan no longer makes a specific land use recommendation for each parcel in Lexington-Fayette County, and the current Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that 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. Chapter 1: Goals and Objectives recommends "supporting infill opportunities as a strategic component

of growth," and promoting "collaboration with healthcare entities to meet the needs of Lexington-Fayette County's residents."

The applicant is requesting this rezoning in order to develop an assisted living facility or a licensed personal care facility on the subject property.

CASE REVIEW

The petitioner has requested a zone change from a Wholesale and Warehouse Business (B-4) zone to a Neighborhood Business (B-1) zone for a site slightly less than three net acres in size.

The subject property is a vacant triangular shaped piece of property located at 1447 Antique Drive, immediately to the northeast of the Meadowthorpe Shopping Center. The subject property has very little visibility from Leestown Road, although a parking lot in the center of the shopping center does "open up" to offer at least a view of the subject property. The property has two "wings" that provide 40 feet of lot frontage on both North Forbes Road and Burke Road, one of which provides off-street parking for an adjacent office building (on North Forbes).

To the southeast of this site is an area of mostly professional office uses, although a child care center is also located adjacent to the subject property. Beyond those uses to the east and immediately adjacent to the subject property to the north are multi-family residential uses, consisting of apartments, low-plexes and also a few duplex units. All of these properties are located in a Neighborhood Business (B-1) zone, with one exception. Directly across Burke Drive is the Meadowthorpe Subdivision, which is zoned R-1C.

In 2008, a different applicant (Southern Industrial, LLC) requested a zone change at this location from a B-1 zone to B-4, in order to allow shops of special trade and accessory office uses for the subject property. The corollary development plan filed in conjunction with that zone change request proposed the construction of two new buildings, only a few feet off the north and east property lines. Very little traffic or noise was anticipated for the proposed "special trade" uses. The rezoning to B-4 was approved with conditional zoning restrictions to prohibit many of the uses that would be most likely to cause an impact upon the neighborhood. The rezoning was approved despite the 2007 Comprehensive Plan's recommendation for a Retail Trade and Personal Services land use for the subject property. Still, the subject property has been zoned either B-1 or B-4 for more than three decades, but has not developed -- probably mostly due to its poor visibility from Leestown Road.

This zone change has been filed by the applicant to meet the expected increase in the senior population of Lexington-Fayette County in the coming years, by developing an assisted living or licensed personal care facility on the subject property. The 2013 Comprehensive Plan (p. 17) reported that about 11% of Lexington-Fayette County's 2010 population was 65 years of age, or older.

The current applicant has cited that this rezoning request is in agreement with two themes and a few Goals and Objectives of the 2013 Comprehensive Plan, specifically, Theme A, Goal #1c: "Plan for safe, affordable, and accessible housing to meet the needs of older and/or disadvantaged residents." Promote the Plan's Goal #1 to "Expand housing choices." Theme A of the Plan is entitled, "Growing successful neighborhoods." Likewise, Theme C, Goal #1 states that we should "...enable infill and redevelopment that creates jobs where people live." Finally, under Theme D, Goal #2b, the Plan recommends we "Provide for accessible community facilities and services to meet the health, safety and quality of life needs of Lexington-Fayette County's residents and visitors." Based upon these Goals, the applicant believes that their zone change to B-1 is in agreement with the Comprehensive Plan. Further, they opine that it is also the most appropriate for the property.

A B-1 zone would clearly be consistent with the majority of the zoning that exists in this location. The staff agrees with the applicant that the proposed use is one of the few that would be well suited to the subject property, which has remained vacant for decades. The primary building proposed on the site is not dependent upon high visibility from Leestown Road, and is also compatible with both its residential and commercial neighbors. It will not require a tremendous amount of new impervious surface for new off-street parking, and extensive areas of open space are intended to complement the proposed use. These factors ensure that this use will both provide needed (medical) employment for this residential care facility, and that it will be a "good neighbor" to the residents and owners of property in Meadowthorpe.

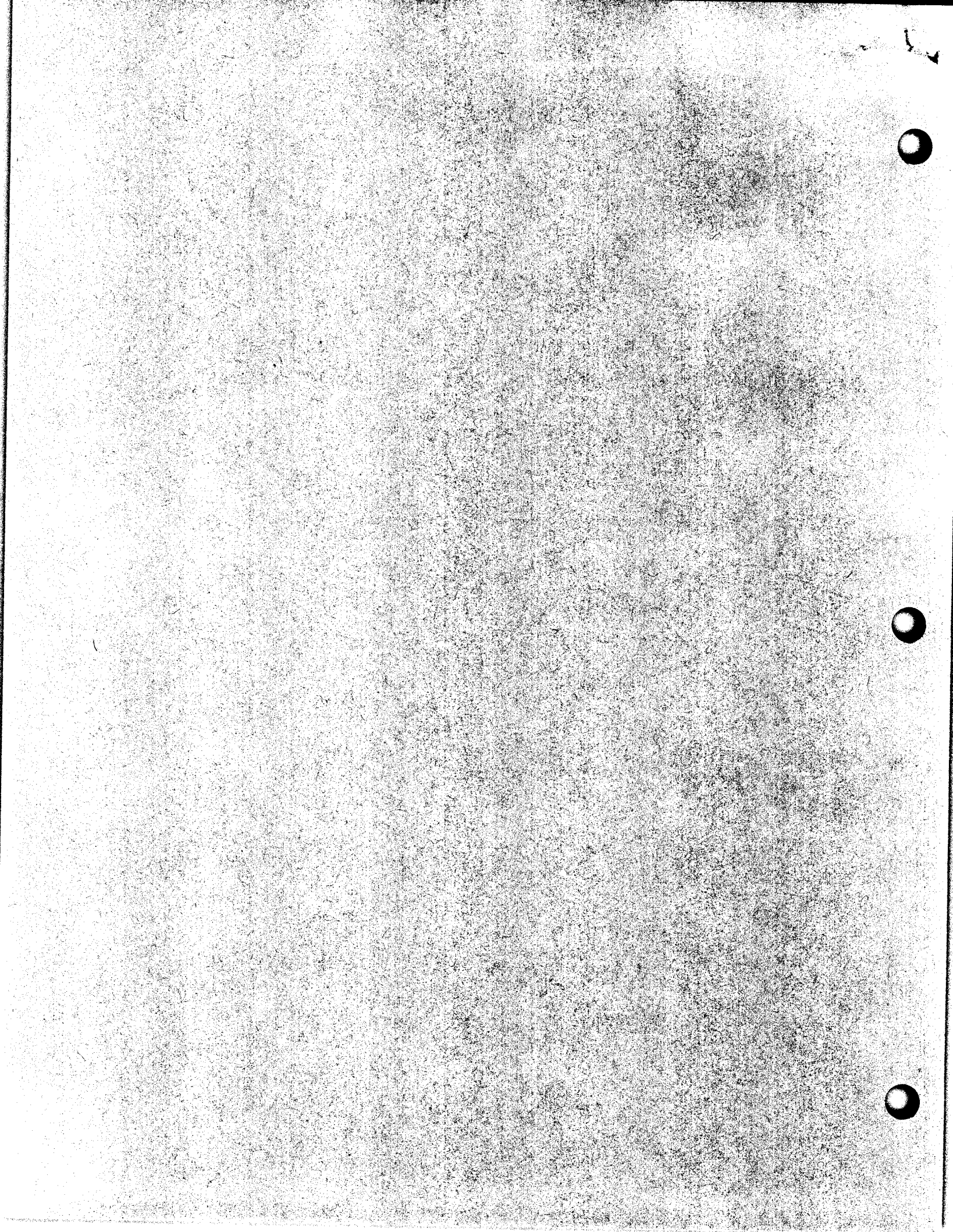
The staff agrees that this use, and this zone change back to B-1, is in agreement with the 2013 Comprehensive Plan. There is a corollary request for a dimensional variance to the required front yard (setback) from Antique

Drive for this facility, and that request, like the zoning development plan, will be addressed in a separate staff report.

The Staff Recommends Approval for the following reasons:

1. The requested Neighborhood Business (B-1) zone for the subject property is in agreement with the 2013 Comprehensive Plan for the following reasons:
 - a. The Goals and Objectives of the 2013 Plan recommend planning for safe, affordable, and accessible housing to meet the needs of older residents of Lexington-Fayette County (Theme A, Goal #1c). This development will accomplish that goal, by providing a specialized residence for seniors in need of assistance or a spectrum of care.
 - b. The Goals and Objectives encourage the use of our local assets to create a variety of jobs (Theme C, Goal #1d) and enable infill and redevelopment to create jobs where people reside. The applicant is proposing to develop a well-landscaped facility on a by-passed property to further this goal, in a manner that is sensitive to the character and nearby residential and commercial residents of the Meadowthorpe neighborhood.
 - c. The Plan's Goals and Objectives support the improvement of our desirable community by providing for healthcare facilities to meet the needs of the Urban County's residents (Theme D, Goal #2b). The petitioner will provide such a residential care facility, perhaps including an assisted living component, for a portion of the Urban County that is and has been underserved by such facilities.
2. The proposed B-1 zone would be appropriate for the subject property, since it is more than 90% surrounded by properties with B-1 zoning.
3. This recommendation is made subject to approval and certification of ZDP 2015-61: Meadowthorpe Community Business Center, Unit 1 (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.

WLS/JWE/TLW/BJR
8/5/2015
Planning Services/Staff Reports/2015/MAR/MARV 2015-12.doc



1. **SOLOMON VAN METER ZONING MAP AMENDMENT & MEADOWTHORPE COMMUNITY BUSINESS CENTER, UNIT 1 (AMD), ZONING DEVELOPMENT PLAN**

- a. **MARV 2015-12: SOLOMON VAN METER (9/4/15)*** - petition for a zone map amendment from a Wholesale & Warehouse Business (B-4) zone to a Neighborhood Business (B-1) zone, for 2.865 net (3.457 gross) acres, for property located at 1447 Antique Drive. A dimensional variance is also requested.

LAND USE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan no longer makes a specific land use recommendation for each and every parcel in Lexington-Fayette County, but *Chapter 1: Goals and Objectives* does recommend "supporting infill opportunities as a strategic component of growth," and to promote "collaboration with healthcare entities to meet the needs of Lexington-Fayette County's residents." The applicant is requesting this rezoning in order to develop an assisted living facility or a licensed personal care facility on the subject property.

The Staff Recommends: Approval, for the following reasons:

1. The requested Neighborhood Business (B-1) zone for the subject property is in agreement with the 2013 Comprehensive Plan for the following reasons:
 - a. The Goals and Objectives of the 2013 Plan recommend planning for safe, affordable, and accessible housing to meet the needs of older residents of Lexington-Fayette County (Theme A., Goal 1c). This development will accomplish that goal, by providing a specialized residence for seniors in need of assistance or a spectrum of care in order to live near an established neighborhood and one of the community's largest shopping areas.
 - b. The Goals and Objectives encourage the use of our local assets to create a variety of jobs (Theme C, Goal 1d) and enable infill and redevelopment to create jobs where people reside. The applicant is proposing to develop a well-landscaped facility on a by-passed property to further this goal, in a manner that is sensitive to the character and nearby residential and commercial residents of the Meadowthorpe neighborhood.
 - c. The Plan's Goals and Objectives support the improvement of our desirable community by providing for healthcare facilities to meet the needs of the County's residents (Theme D, Goal 2b). The petitioner will provide such a residential care facility, perhaps including an assisted living component, for a portion of the Urban County that is and has been underserved by such facilities.
2. The proposed B-1 zone would be appropriate for the subject property, since it is more than 90% surrounded by properties with B-1 zoning.
3. This recommendation is made subject to approval and certification of **ZDP 2015-61: Meadowthorpe Community Business Center, Unit 1 (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. **REQUESTED VARIANCE**

- a. Increase the maximum allowable front yard in a Neighborhood Business (B-1) zone from 20 feet to 100 feet.

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

1. Granting the requested variance to allow a maximum front yard setback of 100 feet will not adversely affect the public health, safety or welfare. It will not negatively impact the essential character of the general vicinity because this property is the only property that has Antique Drive as the sole street frontage.
2. There are several special circumstances regarding this property that make compliance with the required setback more difficult. The property is of a triangular shape, which makes a conventional building design more difficult; there is a drainage area that will need to be moved, and there is an 80' deep access easement across half of the frontage of this property. Furthermore, Antique Drive is primarily used for the rear easement access to the Meadowthorpe Shopping Center. The proposed residential care facility will be the only property utilizing this public street for its frontage. These unique facts apply to this property but do not generally apply to most commercial properties, which generally have a much more typical arrangement.
3. Although a facility could be constructed on this site without a variance, it would not likely result in a better design or outcome. Strict application of the requirements of the Zoning Ordinance would create an unnecessary hardship for the applicant, because the result could seriously impact the operational needs of the proposed residential care facility.
4. The requested variance is not an unreasonable circumvention of the Zoning Ordinance based on the unique circumstances of this property, which are a result of special considerations that affect the property.
5. This variance is not the result of prior actions taken by this applicant, as no construction has yet occurred on the subject site.

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

1. Provided the Urban County Council rezones the property B-1; otherwise, any Commission action of approval of this variance is null and void.
2. Should the property be rezoned, it shall be developed in accordance with the approved Development Plan, as

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amended by a future Development Plan approved by the Commission, or as a Minor Amendment permitted under Article 21-7 of the Zoning Ordinance.

3. A note shall be placed on the Zoning Development Plan indicating the variances that the Planning Commission has approved for this property (under Article 6-4(c) of the Zoning Ordinance).

- c. ZDP 2015-61: MEADOWTHORPE COMMUNITY BUSINESS CENTER, UNIT 1 (AMD) (9/4/15)* - located at 1447 Antique Drive. (Endris Engineering)

Note: The purpose of this amendment is to propose a new zone and development of the property.

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

1. Provided the Urban County Council rezones the property B-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Addition of metes and bounds description of the property.
6. Denote canopy height on plan.
7. Delete zoning requirement from plan face.
8. Denote timing of the resolution of the building easement conflict on plan.
9. Denote lot coverage, floor area ratio and open space site statistics per Art. 21-6(a)(13) of the Zoning Ordinance.
10. Discuss pedestrian access to site and street improvements.
11. Discuss front building line per Article 8-16(h) of the Zoning Ordinance.
12. Denote emergency access gates to the approval of the Division of Fire and Emergency Services.

Zoning Presentation: Mr. Sallee presented the staff report on this requested zone change, using an aerial photograph to briefly orient the Commission to the location of the subject property. He said that the subject property, which is just under 3.5 acres in size, is located on Antique Drive. In the vicinity, Antique Drive connects North Forbes Road with Burke Road, behind the Meadowthorpe commercial area. The subject property is triangular-shaped, with two "wings" along Antique Drive; those "wings" provide approximately 40' of frontage along both North Forbes Road and Burke Road.

Mr. Sallee stated that the subject property was rezoned to B-4 from B-1 in 2008. It has been vacant for the past 30-35 years, and it remains vacant today. The petitioner is proposing the zone change in order to develop either an assisted living or a licensed physical care facility on the property. The petitioner contends that the proposed zone change is in agreement with the Goals & Objectives of the 2013 Comprehensive Plan, with which the staff concurs. The staff also believes that the proposed B-1 zone would be more consistent with the existing B-1 zoning that almost entirely surrounds the subject property, with the exception of the R-1C zoning in the adjoining Meadowthorpe neighborhood residential area. Mr. Sallee explained that the uses that are proposed are allowed in the B-1 zone. The staff is recommending approval of this request, for the reasons as listed in the staff report and on the agenda.

Development Plan Presentation: Mr. Martin presented the corollary preliminary development plan, explaining that the petitioner is proposing to construct an 18,000 square-foot building, with 40 off-street parking spaces. The assisted living facility is proposed to include 30 beds, a greenspace area, and a large recreation area. There is an existing large easement on the property, which will need to be addressed prior to the issuance of any permits on the property. That access easement also relates to the requested variance to the B-1 setback line. Mr. Martin noted that the development plan also depicts a large detention basin, which should help to address existing stormwater problems in the area.

Mr. Martin stated that the Subdivision Committee recommended approval of this plan, subject to the 12 conditions as listed on the agenda. Condition #8 relates to the building easement, which the staff anticipates will be addressed on a final development plan for the property. Condition #11 refers to the front building line; should the Commission approve the requested variance, this condition could be deleted. Mr. Martin explained that condition #10 refers to Antique Drive, which has very few improvements along the frontage of the subject property. The staff believes that pedestrian connections will be particularly important into the subject property, and that the petitioner can address those specifics on the final development plan for the property.

Variance Presentation: Mr. Emmons presented the variance report, explaining that the requested B-1 zone has a maximum front yard setback of 20'; the petitioner is requesting a variance to allow a maximum setback for the proposed development of 100'. The difference between the permitted 20' and requested 100' might seem to be a very large variance, Mr. Emmons noted, but the staff believes that there are several unique circumstances for the subject property that justify the requested variance: 1) the oddly-shaped, triangular configuration of the property; 2) the 80' easement that extends over half of the property's frontage along Antique Drive; and 3) the function of Antique Drive as essentially a service road to the rear of the Meadowthorpe shopping center. In addition, the subject property is the

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only parcel that has frontage on Antique Drive.

Mr. Emmons stated that the staff believes that the requested variance to 100' is justified, and the staff is recommending approval, for the reasons as listed in the staff report and on the agenda, and subject to the conditions as listed.

Petitioner Presentation: Solomon Van Meter, petitioner, stated that he was in agreement with the staff's recommendations.

Commission Question: Mr. Owens asked if Mr. Van Meter would be agreeable to the change to condition #10 to resolve the pedestrian access at the time of the final development plan. Mr. Van Meter responded that he was agreeable with that condition.

Citizen Comment: Larry Stahlman, 1481 Leestown Road, stated that his commercial building is prone to flooding. He said that, in March of 2015, his building sustained serious damage, and he wants to ensure that construction of the proposed development does not make the situation worse.

Mr. Martin stated that there were no staff members present from the Division of Engineering, but the petitioner will be required to submit an improvement plan to address the drainage on the site prior to the issuance of any permits for the property.

Mr. Penn asked how drainage on the property would be managed throughout the construction phase. Mr. Martin answered that that would be handled through the permitting and inspection processes.

Mr. Owens asked if Mr. Stahlman would be notified of any future development plans for the property. Mr. Martin answered that official notice is not required for development plans, but Mr. Stahlman could request notification. Mr. Sallee added that the Commission could also make that notification a condition of their approval of the plan.

Zoning Action: A motion was made by Mr. Brewer, seconded by Ms. Richardson, and carried 9-0 (Berkley and Wilson absent; Smith abstained) to approve MARV 2015-12, for the reasons provided by staff.

Variance Action: A motion was made by Mr. Brewer, seconded by Ms. Richardson, and carried 9-0 (Berkley and Wilson absent; Smith abstained) to approve the requested variance, for the reasons provided by staff, subject to the three conditions as listed on the agenda.

Development Plan Action: A motion was made by Mr. Brewer, seconded by Ms. Mundy, and carried 9-0 (Berkley and Wilson absent; Smith abstained) to approve ZDP 2015-61, subject to the first nine conditions as listed on the agenda; changing #10 to read: "Resolve pedestrian access to site and street improvements at the time of a final development plan for the property;" deleting condition #11; and adding a new condition to require the notification of Mr. Stahlman, owner of 1481 Leestown Road.