

**STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT**

**MARV 2016-9: BURLINGTON HEIGHTS CONDOMINIUMS, LLC and  
WYNNDALE DEVELOPMENT, LLC**

**DESCRIPTION**

**Zone Change:** From a High Density Apartment (R-4) zone  
To a High Rise Apartment (R-5) zone

**Acreage:** 0.59 net (0.69 gross) acre

**Location:** 256 & 260 Lexington Avenue

**EXISTING ZONING & LAND USE**

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Properties	R-4	Residential (Duplex & Apartments)
To North	R-4	Residential
To East	R-4	Residential
To South	R-4	Residential
To West	R-4	Residential

**URBAN SERVICES REPORT**

Roads – Lexington Avenue, which provides frontage for the two properties, is classified as an urban local street. It provides a north/south connection between Avenue of Champions (on the University of Kentucky campus) and East High Street (on the edge of downtown). It is generally residential in nature, providing mainly rental housing for university students and others.

Curb/Gutter/Sidewalks – Lexington Avenue has curbs, gutters and sidewalks; however, being an older neighborhood, some improvements to the sidewalks may be necessary.

Storm Sewers – The subject properties are located within the Town Branch watershed. Storm sewers are existing in this area and serve the properties, with no known stormwater or flooding issues in the immediate vicinity. The current use of the properties is residential with associated parking, and the site is already mainly impervious. It is not large enough to require stormwater detention or other forms of stormwater management besides the existing storm sewers, according to the Engineering Manuals.

Sanitary Sewers – The subject properties and the immediate area are served by sanitary sewers. The site is located in the Town Branch sewershed, and is served by the Town Branch Wastewater Treatment Plant on Old Frankfort Pike. There are no known problems related to the existing sanitary sewers in this area, although the Capacity Assurance Program, which was established by the EPA Consent Decree, for this immediate area currently has a small available capacity balance and a waitlist for a large project on the University of Kentucky campus.

Refuse – The Urban County Government provides daily collection in this portion of the Urban Service Area. Commercial developments, including multi-family developments, sometimes contract with private waste haulers for more frequent service.

Police – The nearest police station to the property is the Division of Police Headquarters, located about ¼ mile to the north on East Main Street. The properties are located within the Central Sector, which has its Roll Call Center off of Winchester Road, near its intersection with East New Circle Road.

Fire/Ambulance – The nearest fire station (#1) is located less than one mile from the subject property to the north, on East Third Street.

Utilities – All utilities, including street lights, natural gas, telephone service, electric, water, and cable television are available to and serve the subject property.

## **COMPREHENSIVE PLAN AND PROPOSED USE**

The 2013 Comprehensive 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.

The 2013 Plan's Goals and Objectives emphasize the importance of growing successful neighborhoods (Theme A), protecting the environment (Theme B), creating jobs and prosperity (Theme C), improving a desirable community (Theme D) and maintaining a balance between planning for urban uses and safeguarding rural land (Theme E). The subject properties are also located within the Downtown Master Plan (2005) and the College Town Study (2002), both of which are plans prepared by the Lexington Downtown Development Authority.

The petitioner proposes a High Rise Apartment (R-5) zone for the two parcels in order to construct a new, more modern apartment building with a total of 24 dwelling units (36 bedrooms) and associated off-street parking. The petitioner is also requesting several dimensional variances for the subject properties.

## **CASE REVIEW**

The petitioner has requested a zone change from a High Density Apartment (R-4) zone to a High Rise Apartment (R-5) zone for less than one acre on Lexington Avenue, between E. High and E. Maxwell Streets.

The subject properties, comprised of two lots, are located on the southeast side of Lexington Avenue, which is situated between the downtown core and the University of Kentucky campus. The site is within the Southeast Lexington Residential and Commercial District, a district listed on the National Register of Historic Places, and lies between two local historic districts – the Historic South Hill Neighborhood (H-1) District and the Historic Aylesford Neighborhood (H-1) District. The area is characterized by multi-family residential land use in the R-4 zone, primarily utilized by University of Kentucky students and/or faculty due to its close proximity to campus. Currently, two historic structures are located on the site, one a former single-family residence and the other originally a four-plex that has been significantly modified by means of a large rear addition.

The applicant proposes to rezone the subject property in order to redevelop the site with one multi-family residential structure, with 24 dwelling units for a proposed density of 40.68 dwelling units per acre. The applicant proposes off-street parking to the rear of the building, and connecting the parking area to the adjacent property's parking, to the northeast of the site. Several dimensional variances have been requested by the applicant to reduce parking requirements, reduce open space, reduce the front yard setback and eliminate interior parking lot (VUA) landscaping for the site. These variances are covered by a separate staff report.

The 2013 Comprehensive Plan establishes Themes, Goals and Objectives to further the vision for the community. The applicant contends that their request to rezone the subject properties is in agreement with the Comprehensive Plan, specifically the Goals and Objectives related to expanding housing choices to meet the needs for all of Fayette County's residents (Theme A, Goal #1b.); supporting infill and redevelopment that respects the area's context and design features (Theme A, Goal #2a.); providing well-designed neighborhoods and communities (Theme A, Goal #3); and utilizing vacant properties within the Urban Service Area to encourage compact, contiguous and/or mixed-use sustainable development to accommodate future growth needs (Theme E, Goal #1b).

The applicant proposes redevelopment of the site to meet the current demands of the market for more modern and safe housing options, to slightly increase the density of the site in an area already established as a high density area (resulting in little impact to the surrounding properties), and to do so in a manner which they believe to be compatible with the design features of the area. The Plan also supports the "live where you work" concept to reduce vehicle miles traveled and to improve quality of life. In support of this concept, this site is ideally located between two jobs centers – downtown and the University of Kentucky campus.

The subject properties are located within the 2002 College Town Plan and the Downtown Master Plan *College Town* precinct. The Downtown Master Plan recommends increasing residential density in general and acknowledges the mix of opportunities and challenges within the College Town area, noting that increased density and retail development should respond to the surrounding architectural character of the area. The applicant contends that their planned development is in keeping with the character of the area – the proposed building is three stories tall, with a setback similar to the existing front setbacks along Lexington Avenue. In addition, the off-street parking has been situated out of view of the street.

The staff agrees with the applicant that the requested rezoning is in agreement with the 2013 Comprehensive Plan, and is in keeping with the general recommendations of the Downtown Development Authority's plans, which have been considered in past zone change requests for near downtown locations.

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

1. The proposed High Rise Apartment (R-5) zone is in agreement with the 2013 Comprehensive Plan, for the following reasons:
  - a. The Comprehensive Plan Goals and Objectives recommend expanding housing choices to meet the needs for all of Fayette County's residents (Theme A, Goal #1b.); supporting infill and redevelopment that respects the area's context and design features (Theme A, Goal #2a.); providing well-designed neighborhoods and communities (Theme A, Goal #3); and utilizing vacant properties within the Urban Service Area to encourage compact, contiguous and/or mixed-use sustainable development to accommodate future growth needs (Theme E, Goal #1b).
  - b. These Goals and Objectives are furthered by the applicant's proposal to create affordable, safe and secure high density residential dwelling units within the College Town area, which will allow students and others to live near the University of Kentucky and downtown.
  - c. These Goals and Objectives are also furthered by the applicant's proposal to increase density to accommodate future growth needs of the community, thereby reducing pressure to expand the USA boundary.
  - d. The applicant's proposal is context sensitive and compatible with the surrounding area because proposed high density redevelopment is surrounded by high density zoning and land uses, and the three-story redevelopment will be consistent in scale with the surrounding neighborhood.
2. The applicant's proposal to rezone the subject properties for 24 dwelling units, a residential density of 40.68 dwelling units per acre, is also supported by the Downtown Master Plan, which recommends increasing residential density within the downtown area. The Plan also acknowledges the mix of opportunities and challenges within the College Town area, noting that increased density and retail development should respond to the surrounding architectural character of the area. The corollary development plan is in keeping with the character of the area – it proposes a three-story building with a setback similar to the existing front setbacks along Lexington Avenue, and off-street parking out of view of the street, at the rear of the properties.
3. This recommendation is made subject to approval and certification of ZDP 2016-43: Kaluski Property (Lex Ave Apartments), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

TLW/BJR/WLS

4/6/2016

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