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Lexington-Fayette Urban County Planning Commission
Lexington-Fayette Urban County Government
101 East Vine Street
Lexington, KY 40507

Zone Change Request for 6600 Man o'War Boulevard

Dear Members of the Planning Commission:

We represent Ball Homes, LLC ("Ball Homes" or "Applicant") and on its behalf have filed a zone change request for the property located at 6600 Man o'War Boulevard (the "Property"). The Property consists of 27.59 net (28.87 gross) acres currently zoned Community Center (CC) and is vacant. The Applicant's request is to rezone 16.53 net (17.14 gross) acres of the Property to Expansion Area Residential 2 (EAR-2) zone and 8.09 net (8.09 gross) acres of the Property to Expansion Area Residential 3 (EAR-3) zone with 2.97 net (3.64 gross) acres remaining Community Center (CC) zone. This zone change request is to allow the development of a multi-family residential development consisting of eleven 3 and 4-story apartment buildings, one mixed use building with neighborhood commercial space on the ground level and two stories of residential units, along with accessory social and recreational facilities and other community amenities.

The Property is located just north of the intersection of Polo Club Boulevard and Man o'War Boulevard. It is adjoined by complementary single family residential neighborhoods to the north and east, multi-family residential to the west, and commercial uses to the south and southwest. The development is proposing a primary access point on Man o'War with secondary access to be determined at the time of the final development plan through the rear of the Property out to Barrington Lane. Although it currently stubs into the Property, the development proposes to terminate Constantine Avenue with only pedestrian access to the site. While stub streets are encouraged to be connected, allowing this full intersection would only encourage cut through traffic from the single-family neighborhood through a private parking lot and multi-family traffic through the heart of the single-family neighborhood. As the Applicant is committing to a secondary access point at the time of the final development plan, there is no need to continue this local road into a private parking area.

This request is in complete agreement with the Comprehensive Plan. Primarily, this project epitomizes Lexington's guiding principle to increase the density of residential developments in areas that can handle the density and to develop vacant land inside the Urban Service Area to maintain the current boundary. With infill development, comes a need to aid in the larger community's need for density, while respecting the presence of the existing local

community. As such, we are proposing to match the EAR-2 zoning of all adjacent residential development with the higher density CC & EAR-3 areas near the existing commercial uses to provide a step-down in zoning and use intensity. This proposed zoning scheme creates an effective buffer and transition between different intensities of adjacent land uses while respecting the greenway and environmental areas that flank the proposed development as called for by the 2013 Comprehensive Plan.

This project aligns with the aspects of a desirable community and the place making concepts the Comprehensive Plan stresses such as openness, social offerings, and aesthetics with its placement of the open space, pedestrian access, greenspace lots, and the multi-family amenities area. The proposed development plan follows many of the specific recommendations of the Comprehensive Plan in its discussion on how to grow successful neighborhoods. If approved, this will add a much needed multi-family and commercial components to the entirely single-family developments in this quadrant of Expansion Area 2A. There is an abundance of community open space as we are proposing: 6.3 acres of useable open space throughout the development, another 7.5 acres of greenway acreage that maintain a buffer between this development and its adjacent neighbors with pedestrian access, and approximately 22,000 square feet of recreational facilities and other amenities at the heart of the complex.

This well-designed project upholds the Urban Service Area preservation strategy, is appropriate development of a vacant parcel in Expansion Area 2A, provides varied housing choices as it adds much needed multi-family and commercial components in a predominantly single-family residential corridor which meet several community needs, encourages community interaction through pedestrian connectivity, all while respecting its neighbors with landscaping buffers, greenspace, and stepdown in intensity. Further, the proposed project meets several of the Goals and Objectives of the Comprehensive Plan as outlined below:

THEME A: GROWING SUCCESSFUL NEIGHBORHOODS

Goal 1: Expand Housing Choices.

Objectives:

- a. Pursue incentives and regulatory approaches that encourage creativity and sustainability in housing development.
- b. Plan for housing that addresses the market needs for all of Lexington-Fayette County residents, including, but not limited to, mixed-use and housing near employment and commercial areas.
- c. Plan for safe, affordable and accessible housing to meet the needs of older and/or disadvantaged residents.
- d. Create and implement housing incentives that strengthen the opportunity for economic development, new business and jobs, including, but not limited to, higher density and housing affordability.

Goal 2: Support Infill and Redevelopment Throughout the Urban Services Area as a Strategic Component Of Growth.

Objectives:

- a. Identify areas of opportunity for infill, redevelopment and adaptive reuse that respect the area's context and design features whenever possible.
- b. Implement innovative programs, such as the land bank, to facilitate sustainable development, including but not limited to, affordable housing and commercial and economic activity.

Goal 3: Provide Well Designed Neighborhoods and Communities.

Objectives:

- a. Enable existing and new neighborhoods to flourish through improved regulation and expanded opportunities for neighborhood character preservation and public commitment of expanded options for mixed-use and mixed-type housing throughout Lexington-Fayette County.
- b. Strive for positive and safe interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians and various modes of transportation.

THEME D: IMPROVING A DESIRABLE COMMUNITY

Goal 1: Work to achieve an effective and comprehensive transportation system.

Objectives:

- b. Develop a viable network of accessible transportation alternatives for residents and commuters...

THEME E: MAINTAINING A BALANCE BETWEEN PLANNING FOR URBAN USES AND SAFEGUARDING RURAL LAND

Goal 1: Uphold the Urban Services Area Concept.

Objectives:

- a. Continue to monitor the absorption of vacant and underutilized land within the Urban Services Area.
- b. Encourage compact, contiguous, and/or mixed-use sustainable development within the Urban Services Area, as guided by market demand, to accommodate future growth needs.

Goal 3: Maintain the Current Boundaries of the Urban Services Area and Rural Activity Centers; and Create No New Rural Activity Centers.

The proposal is also consistent with the Comprehensive Plan's Land Use Change Consideration:

1. The Change will address a community need, such as ... housing needs.
2. The proposed land use enhances, and is compatible with, adjacent land uses.
4. The land use will enable the development of critical vehicular, pedestrian, bike, and/or transit connections.
5. The land use will create opportunities for needed recreation, additional greenspace and/or greenway connections.
8. The existing utility and transportation networks will accommodate the new land use.
9. Underutilized land should be promoted for greater utility, function and/or residential density.
11. The proposed use or development will provide a mix of housing types, residential densities and/or land uses.
13. The land use should maximize opportunities to accommodate future growth within the Urban Services Area, include land that is underutilized, vacant or planned for a reuse.

Further, the proposal meets several of the key additional considerations for land located outside of the downtown area in the Urban Service Area:

1. A greater intensity of land use should be concentrated along minor and major arterial roadways, and to appropriate quadrants of collector street intersections.
2. Where residential density, and existing infrastructure are adequate to support the use, and the adjacent uses are compatible, the development should create more walkable neighborhoods, neighborhood-oriented businesses and neighborhood amenities.
4. An effective buffer or transition between different intensities of adjacent land uses should be provided.
5. The use shall provide a service deemed beneficial for the immediate area.
6. Developments that improve the livability of existing neighborhoods by adding compatible uses and compatible urban design should be encouraged.

7. Underutilized business land uses should be considered for a possible change to...residential use, [or] mixed-use...
8. Demonstrate "place-making" in new developments, as outlined previously in the text of the Plan.

The proposed development contemplates the use of Development Rights to be transferred from Sender Sites throughout the developed Blackford Farm to the Property as the Receiver Site. These sites meet the all of the requirements for density transfers in the Zoning Ordinance. The EAMP and the Zoning Ordinance clearly encourages the use of density transfers to recapture any lost density on properties that were not able to be developed for various reasons. Our proposal does just that by transferring lost density onto a site that is perfectly situated to handle the increase in density. Our proposal places 144 units on the 16.53 net (17.14 gross) acres of EAR-2 for a density of 8.4 units per gross acres and 156 units on the 8.09 net (8.09 gross) acres of EAR-3 for a density of 19.3 units per gross acres. I've included with the zone change application draft Density Transfer documents and exhibits that demonstrate Ball Homes' ability to transfer Development Rights at the time of the final development plan. It is not appropriate to transfer the rights prior to the final development plan, as too many things can change in the zone change phase or on the plan itself that might impact the number of units available to be placed on the Property or requested on the development plan itself. At the zone change phase, only the ability to transfer the density is required to be shown, which Ball Homes has clearly demonstrated. Further, whether the density transfer is approved on the final plan or not should not impact the Planning Commission's decision at this phase of the process as to whether the proposed zones are appropriate for the Property moving forward.

In addition to compliance with the Comprehensive Plan, the request is justified because the existing zoning is inappropriate and improper and the proposed zoning is appropriate. The current zoning of CC is an outdated zone for a majority of this parcel. It has been almost 25 years since this particular zone was deemed to be in the best interest of the Expansion Area Master Plan. Since that time, this vacant parcel has seen the surrounding area develop in ways never contemplated by the EAMP. Most importantly, this CC parcel was meant to mirror another CC parcel across Man o'War. After the Property was zoned CC, that adjacent CC tract was swapped to locate the commercial uses adjacent to the interstate and was replaced with EAR-3 land for high-density apartments and senior living facilities. The requested zoning for acreage of the Property converting to EAR-2/EAR-3 for multi-family residential development will reestablish the original vision of the EAMP with these two parcels complementing each other in uses across Man o'War Boulevard. Further, the EAMP only recommended 62.29 acres of CC land throughout Expansion Area 2A. Today that number has ballooned to 85.63 acres of existing CC zoned land. After this zone map amendment is approved, the CC acreage returns to 61 acres. This is much more appropriate and in keeping with the original EAMP recommendations.

Although zoned for commercial uses for many years, this land has remained vacant. This proposal offers a chance to complete the surrounding residential neighborhood through an infill development that has been continually overlooked by business developers in Expansion Area 2. There are very few properties that will allow for a multi-family development to front on an arterial such as Man o'War while allowing a softer transition between the intensity of the CC development along Polo Club Boulevard into the surrounding Blackford neighborhood. Indeed,

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a higher density residential use to screen the difference in intensity between these contrasting uses will be a tremendous benefit to the entire area. In summary, the proposed zoning layout of EAR-2/EAR-3/CC is appropriate as it will also allow the Property to be developed with residential density as urged by LFUCG's Comprehensive Plan, maximizing that density through the use of Density Transfer Rights as described above, while retaining acreage for neighborhood commercial use to serve the surrounding residential uses, and maintaining appropriate buffers between the types and densities of residential and commercial uses in the area.

We will be at the August 22nd public hearing in order to make a complete presentation of this application and request your favorable consideration.

Sincerely,

Stoll Keenon Ogden PLLC



Nick Nicholson

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