

ORDINANCE NO. 036- 2022

AN ORDINANCE CHANGING THE ZONE FROM AN INTERCHANGE SERVICE BUSINESS (B-5P) ZONE TO A PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE, FOR 6.022 NET (15.204 GROSS) ACRES, FOR A PORTION OF PROPERTY LOCATED AT 2143 NORTH BROADWAY. (PROPCO NORTH BROADWAY, LEXINGTON, KY, LLC; COUNCIL DISTRICT 6).

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WHEREAS, at a Public Hearing held on March 24, 2022, a petition for a zoning ordinance map amendment for a portion of property located at 2143 North Broadway from an Interchange Service Business (B-5P) zone to a Planned Neighborhood Residential (R-3) zone, for 6.022 net (15.204 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 a portion of property located at 2143 North Broadway from an Interchange Service Business (B-5P) zone to a Planned Neighborhood Residential (R-3) zone, for 6.022 net (15.204 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: May 5, 2022



\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: May 12, 2022-1t

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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-22-00003: PROPCO NORTH BROADWAY, LEXINGTON, KY, LLC** - a petition for a zone map amendment from an Interchange Service Business (B-5P) zone to a Planned Neighborhood Residential (R-3) zone, for 6.022 net (15.204 gross) acres, for a portion of property at 2143 North Broadway. A conditional use for an assisted living facility has also been requested with this zone change. (Council District 6)

Having considered the above matter on **March 24, 2022**, 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. A Planned Neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
  - a. The proposed project will encourage the expansion of housing choices (Theme A, Goal #1) by converting the existing hotel into an assisted living facility that will accommodate the demand for housing in Lexington responsibly, prioritizing higher-density residential and a mixture of housing types (Theme A, Goal #1.b and 1.c and Theme A, Goal #2.a and #2.c).
  - b. The proposed rezoning will support infill and redevelopment (Theme A, Goal #2), through the reuse of a property that will provide for well-designed neighborhoods (Theme A, Goal #3).
  - c. The proposed rezoning minimizes the disruption of the natural features on the property, reduces impervious surfaces, and increases tree canopy coverage (Theme A, Goal #3.c). Numerous parking spaces are proposed to be converted to vegetated open space.
  - d. The proposed project will incorporate greenspace and open space into the development project (Theme A, Goal #2.c), while promoting positive and safe social interactions with the surrounding neighborhood. These interactions will be achieved by providing pedestrian facilities through the site and connecting neighborhood for pedestrians and other modes of transportation and the removal of the current fence line along Judy Lane (Theme A, Goal #3.b).
  - e. The proposed rezoning will also allow for the creation of jobs and prosperity (Theme C, Goal #2), as an assisted living facility will generate more jobs than the current hotel.
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, as the development will re-utilize an older hotel property for a residential use, while providing amenities, increasing internal connectivity, and promoting the preservation and maintenance of natural features.
  - b. The proposed rezoning includes safe facilities for the potential users of the site by prioritizing the inclusion of safe pedestrian facilities and connecting the neighboring local street system. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
  - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will increase tree canopy coverage, decrease impervious surfaces, and increase the vegetative coverage on the site.
3. This recommendation is made subject to approval and certification of **PLN-MJDP-22-00010: Hospitality Motor Inns, Inc. (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 15<sup>th</sup> day of April, 2022.

  
Secretary, Jim Duncan

LARRY FORESTER  
CHAIR

Note: The corollary development plan, PLN-MJDP-22-00010: Hospitality Motor Inns, Inc. (AMD) was approved by the Planning Commission on March 24, 2022 and certified on April 7, 2022.

Note: A conditional use was approved to allow an assisted living facility, by the Planning Commission at this hearing.

K.R.S. 100.211(7) requires that the Council take action on this request by June 22, 2022.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Scott Southall, Landscape Architect.**

**OBJECTORS**

- None

**OBJECTIONS**

- None

**VOTES WERE AS FOLLOWS:**

AYES: (9) Barksdale, Davis, de Movellan, Forester, Meyer, Michler, Penn, Pohl, and Worth  
NAYS: (0)  
ABSENT: (2) Bell, Nicol  
ABSTAINED: (0)  
DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-22-00003** carried.

Enclosures: Application  
Justification  
Legal Description  
Plat  
Staff Report  
Development Snapshot  
Applicable excerpts of minutes of above meeting

Record ID: PLN-MAR-22-00003

Filing Received: 01/31/2022

Pre-Application Date: 01/19/2022

Filing Fee: \$550.00

### MAP AMENDMENT REQUEST (MAR) APPLICATION

#### 1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)

**Applicant:**

PROPCO NORTH BROADWAY, LEXINGTON, KY, 2900 E. 16TH AVENUE, STE #352, DENVER, CO 80206 PH: 303-263-4050

**Owner(s):**

JSM MANAGEMENT LLC, 2468 WALNUT GROVE LANE, LEXINGTON, KY 40509

**Representative:**

JSCOTT SOUTHALL, EARTHCYCLE DESIGN LLC, 3168 ARROWHEAD DRIVE, LEXINGTON, KY 40503 PH: 859-221-9067

#### 2. ADDRESS OF APPLICANT'S PROPERTY

2143 NORTH BROADWAY (A PORTION OF), LEXINGTON, KY 40505

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

Zoning	Existing		Requested		Acreage	
	Use	Zoning	Use	Net	Gross	
B-5P	HOTEL	R-3	ASSISTED LIVING FACILITY	6.022	15.204	

#### 4. COMPREHENSIVE PLAN

a. Utilizing Placebuilder, what Place-Type is proposed for the subject site?	ENHANCED NEIGHBORHOOD
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:	LFUCG
Storm Sewers:	LFUCG
Sanity Sewers:	LFUCG
Refuse Collection:	LFUCG
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





January 31, 2022

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

Dear Chairman Forester:

Earthcycle Design, LLC represents PropCo North Broadway, Lexington, KY, LLC which has filed a zone change application and an associated amended final development plan for property located at 2143 North Broadway in Lexington, Kentucky. The site is a single 7.1456-acre lot with a split Interchange Service Business (B-5P) / Planned Neighborhood Residential (R-3) zone. The property is bound by rights-of-way on three sides; Judy Lane to plan north, North Broadway to plan east and I-75/I-64 to plan south. Towards plan west, the property is adjacent to a vacant lot zoned Planned Neighborhood Residential (R-3).

**Goals and Objectives:**

We believe that our proposed development (the redevelopment of the existing building to be an assisted living facility) 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); provide for well-designed neighborhoods (Theme A, Goal #3); reduce Lexington-Fayette County's carbon footprint (Theme B, Goal #2); support the creation of jobs and prosperity (Theme C, Goal #2); work to achieve an effective and comprehensive transportation system (Theme D, Goal #1); 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 and Theme A, Goal #2, Objectives a & c).

**Engagement:**

The project team met with representatives of the Joyland Neighborhood Association via zoom meeting (due to the ongoing COVID-19 pandemic) on January 26, 2022 to discuss the proposed development and zone change request prior to filing the application with the Division of Planning. In addition to James Vogel with PropCo North Broadway Lexington, KY, LLC, Scott Southall and Denise O'Meara with Earthcycle Design, and Jerry Herndon & Randall Barrett with Affinity Design Group, and Hal Baillie, Senior Planner with LFUCG Division of Planning attended the meeting. Approximately 10 individuals from the Joyland Neighborhood participated in the meeting. Mr. Vogel provided an overview of the proposed redevelopment and the program elements and services associated with the assisted living facility. The neighbors asked a few questions regarding the existing building and infrastructure. The team summarized the building and site components that will be removed, renovated, or remain. A few individuals raised concerns regarding traffic on Judy Lane and the proposed entrance onto Judy Lane from the facility. Other questions regarding the project included: proposed water quantity projects in the

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Larry Forester  
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neighborhood and the proposed expansion of I-75/I-64. The design team indicated they would follow up with LFUCG staff on the questions asked during the meeting.

**Site Description:**

The subject site is located between a major corridor and a mixed-use neighborhood that currently includes single family residences, duplexes, and planned neighborhood residential of various densities. The surrounding neighborhood also includes retail stores, a service station and restaurants along North Broadway. To plan north and east are single family and duplex housing along with a number of places of religious assembly. Since the late 1960's the subject property has been utilized as a hotel with center exterior courtyard and parking lots surrounding the wings of the building.

**Place-Type, Development Type & Requested Zone:**

The Placebuilder defines seven place-types within the Urban Service Area boundary. This location is an Enhanced Neighborhood place-type, which is defined as:

*An existing residential area to be enhanced with additional amenities, housing types, and neighborhood serving retail, services, and employment options. Development should be context sensitive to surrounding areas and should add to the sense of place. Incorporating multimodal connections is crucial to neighborhood success and viability. (page 266)*

Further, the Enhanced Neighborhood place-type identifies low, medium, medium/high density residential as well as and low density non-residential / mixed-use land use within the place-type. The most appropriate place-type for the site is the Enhanced Neighborhood because of the context of the site: the majority of the site fronts a neighborhood collector road; the proposed development provides mixed housing types; provides connections to multi-modal network; and the existing building offers a context sensitive development to the neighborhood. In addition, the applicant selected medium density residential as the most suitable development type for the site. We believe that the immediate area is well-served with corridor retail, restaurants and community facilities; however, we can increase the availability of housing type options within the neighborhood with this redevelopment project. The proposed facility will have an added economic impact to area businesses.

The Placebuilder also recommends the following potential zoning categories that align with the proposed Enhanced Neighborhood place-type: R-3, R-4, MU-1, MU-2 and B-1 zones. The zone that most closely aligns with the applicant's vision for the site is the planned neighborhood residential (R-3) zone. The subject site is currently located in a split Interchange Service Business (B-5P) / Planned Neighborhood Residential (R-3) zone, and the applicant is proposing to re-zone the remaining portion of the Interchange Service Business (B-5P) to a Planned Neighborhood Residential (R-3) zone in order to match the balance of the parcel's zone. This zone change along with the conditional use permit will allow the property's redevelopment for an assisted living facility, which is a recommended zone for medium density residential in the Enhanced Neighborhood place-type.

The proposed plan utilizes the existing building footprint to accommodate 134 assisted living units. A small (20'x25') building addition will be added between Wing B and Wing C for secondary point of egress to the building,

elevators, and mechanical service. Since the number of units will exceed 100, per request by LFUCG a secondary point of egress to the site has been proposed along Judy Lane across from the intersection with Circle Drive. This proposed entrance location will become the primary entrance to the property in keeping with the residential atmosphere for the project. The existing egress point from the shared service drive from North Broadway will be gated for emergency use only. Sidewalks from Judy Lane and North Broadway to the building's front door will be constructed to provide connectivity to the surrounding neighborhood.

The proposed assisted living facility will be an affordable private pay establishment targeting the middle-income market. Based upon the 134 units proposed for the redevelopment, this represents a density of 18.91 dwelling units per acre. In addition to the residential units, the assisted living facility will include space for physical & occupational therapy, a renovated indoor pool for aquatic therapy, a hair salon and dining room, all for the residents. The general public will not have access to these amenities on the property.

The property grounds will also undergo an extensive renovation with removal of impervious parking areas and pavement, increase in canopy trees and retrofit of the exterior courtyard area for the residents. The redesign of exterior courtyard as a therapeutic outdoor environment will provide residents and guests an opportunity to engage the outdoors in a safe and secure setting. The reduction of impervious pavement, combined with the addition of canopy and flowering trees, will reduce the stormwater runoff from the site. This stormwater volume and flow reduction will aid in the downstream stormwater mitigation efforts for the Joyland Neighborhood.

The applicant understands the vision of the community, as outlined in Imagine Lexington: The 2018 Comprehensive Plan. The mission statement, goals and objectives, and the Placebuilder are furthered by the applicant's proposed redevelopment of the property and believe that the request is in agreement with the Comprehensive Plan for the following reasons. Based upon the context of the site location, the applicant believes the site most closely aligns with the Enhanced Neighborhood place-type. We believe that the proposed Planned Neighborhood Residential (R-3) zone is in agreement with the place-type definition, is a suitable development type and matches the balance of the existing property zone. The Planned Neighborhood Residential (R-3) also, agrees with one of the recommended zones, as established by Placebuilder for Enhanced Neighborhood.

**Development Criteria:**

To further address 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 pages show that the requested zone change agrees with the Comprehensive Plan. The following design standards are being met, and are annotated on the development plan:

<i>Site Design, Building Form &amp; Location</i>	<i>Transportation &amp; Pedestrian Connectivity</i>	<i>Greenspace &amp; Environmental Health</i>
A-DS5-3	A-DS1-2	A-DS4-1

B-SU11-1	A-DS5-1	A-EQ7-3
C-L16-1	A-DS5-2	B-PR7-1
C-PS10-3	B-SU4-1	B-PR7-2
	D-CO1-1	B-PR7-3
	D-CO2-1	E-GR3-1
	D-SP1-3	

In addition, the following information supports our assertion that the proposed zone change is in agreement with Imagine Lexington: The 2018 Comprehensive Plan.

<i>Site Design, Building Form &amp; Location</i>	
A-DS3-1	<p><i>Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.</i></p> <p>The applicant intends to meet the multi-family design standards as the standards apply to the redevelopment of the proposed adaptive reuse of the existing building and grounds. The final development plan annotates the proposed site improvements related to the Multi-Family Standards. The following outlines the existing site and building elements or proposed improvements included in this redevelopment project:</p> <p>Site Planning:</p> <ul style="list-style-type: none"> <li>• The proposed primary site entrance at Judy Lane strengthens the connection to residential street frontage in combination with the sidewalk connections for continuity. (SP.1)</li> <li>• The proposed plan envisions multiple secure ground level access points as a part of the renovation including enhanced access to the exterior courtyard. (SP.2)</li> <li>• The proposed Judy Lane entrance will enhance the sense of arrival to the property and define the property as a part of the residential neighborhood. (SP.3)</li> <li>• The existing building setback will be maintained with the redevelopment. (SP.4)</li> <li>• Sidewalks are proposed to connect from the front door to existing sidewalks along Judy Lane and North Broadway. (SP.5)</li> <li>• As a part of the proposed project, the exterior courtyard will undergo an extensive renovation. Pedestrian connections from each building wing will be made or enhanced based on universal design principles. (SP.6)</li> <li>• Proposed site improvements include the removal of over 100 parking spaces and drive lanes. Landscape islands and areas will replace the impervious areas thus reducing the physical and visual impacts of the remaining parking lots. (SP.7, SP.8)</li> <li>• With the removal of parking spaces, drive lanes and privacy fences, residents at the future assisted living facility will have</li> </ul>



	<p>visual and physical access to the open spaces surrounding the building wings. (SP.9)</p> <ul style="list-style-type: none"> <li>• The proposed development plan annotates multi vehicular and pedestrian connections to the surrounding rights-of-way. (SP.10)</li> <li>• Renovation of the site will include replacement and upgrade of the existing site lighting with energy efficient LED directional lighting. (SP.15)</li> <li>• The proposed redevelopment will employ universal design principles to the maximum extent practical. (SP.16)</li> </ul> <p>Open Space &amp; Landscaping:</p> <ul style="list-style-type: none"> <li>• As noted in the site planning section, the proposed site renovations will include physical and visual connections to open spaces on the property. (OS.1)</li> <li>• The renovated central exterior courtyard defined by the existing building's three wings will provide physical access for all residents. (OS.2, OS.3)</li> <li>• A new landscape planting will be implemented as a part of this proposed project to differentiate and define public, private and intimate outdoor spaces. (OS.4)</li> <li>• Canopy and flowering trees will be installed in newly created landscape islands. (OS.5)</li> <li>• Enhance perimeter landscape screening will be a part of the proposed redevelopment. (OS.6, OS.7)</li> <li>• Universal design principles will be the goal for all accessible routes. (OS.9)</li> <li>• Proposed landscape will help to create a sense of arrival and define the building entry points. (OS.11)</li> <li>• New site lighting will be a part of the redevelopment project. (OS.12, OS.13)</li> </ul> <p>Architecture Design:</p> <ul style="list-style-type: none"> <li>• The proposed project will use the existing building's mass and form for the renovation. The building's vertical height and form is integrated into the existing topography, thus reducing the over impact on the surrounding neighborhood. The existing building is divided into wings to break up the overall building façade and massing. (AD.1, AD.2, AD.3)</li> <li>• The existing building provides windows at each proposed housing unit. Additional fenestration may be introduced during the renovation design. (AD.4, AD.5)</li> </ul>
A-DS5-4	Pedestrian connectivity will be included in the redevelopment of the property.
A-DS7-1	Existing parking lots for the proposed redevelopment have been reduced or removed with an increase in landscape islands to further reduce the

	physical and visual impacts of the parking lots, as well as improve stormwater management.
A-SD7-2	The existing parking lots will have added landscape screening to reduce the visual impact from the streetscape and neighborhood.
A-DS10-1	The proposed redevelopment will include focal points within the exterior courtyard.
A-DN2-1	The proposed redevelopment of the subject property will increase the residential density.
C-L17-1	The proposed zone change will increase the diversity of the neighborhood by providing housing opportunities for a new area demographic.
C-PS10-2	Existing parking lot capacity has been reduced in order to right size the parking requirements versus supply. Additional sharing of parking spaces could be explored for surrounding businesses.
D-PL7-1	A public zoom meeting was held on January 26, 2022 to engage with the surrounding neighborhood association.
D-SP9-1	The proposed development will provide housing for senior adults in an assisted living environment.
E-GR4-1	The proposed development will utilize most of the existing building and grounds in this redevelopment project.
E-GR9-4	The proposed development will increase the use intensity of this underutilized property.

Since this proposed project is an adaptive reuse of an existing building and site, a number of the Placebuilder development criteria are not applicable to the proposed zone change. Those are listed below, along with a brief explanation of why they are not pertinent to proposed redevelopment of the building and/or the site.

Site Design, Building Form & Location	
A-DS4-2	The proposed project will redevelop the existing building with exception of a small addition for elevators and service.
A-DS7-3	No parking structure is proposed for this redevelopment project.
A-DS8-1	The proposed project will redevelop the existing building for housing. No additional free-standing housing unit are not proposed
A-DS11-1	No common public space is proposed for this redevelopment project.
A-DN2-2	The proposed project will redevelop the existing building and the building scale, massing and design will not be significantly altered.
A-DN3-2	The proposed project will redevelop the existing building and therefore no additional commercial centers will be included.
A-DN6-1	The proposed project will redevelop the existing building. No other housing types are proposed for the project.
A-EQ7-1	No school site is proposed with the project.
B-PR9-1	No existing environmentally sensitive areas have been identified on the property.
C-L16-2	No single-family dwelling units are proposed for this project.
D-PL7-1	No identified historic structures are on this property.
D-PL10-1	No public streets will be created with this project.

D-SP3-1	No additional easements will be required with this project.
D-SP3-2	No cellular tower antennae will be required with this project.
E-GR5-1	No identified historic structures are on this property.
E-GR9-1	The proposed redevelopment will be structured for assisted living units.
E-GR9-3	The proposed redevelopment is for assisted living housing.

Transportation & Pedestrian Connectivity	
A-DS1-1	The proposed redevelopment project has limited right-of-way frontage along North Broadway for transit infrastructure.
A-DS4-1	The proposed redevelopment project is limited to a single parcel. Sidewalk connectivity has been added from rights-of-way to the property's front door.
A-DS10-2	The proposed redevelopment project has limited right-of-way frontage along North Broadway and limited ability to provide a multimodal focal point.
A-DS13-1	The proposed redevelopment project has no stub street adjoining the property.
D-CO1-1	The proposed redevelopment project has limited right-of-way frontage along North Broadway and limited ability to provide a multimodal focal point.
D-CO4-1	No dead-end streets or cul-de-sacs are proposed for this redevelopment project.
D-CO4-2	No additional road capacity is anticipated for this redevelopment project.
D-CO4-3	No additional right-of-way is anticipated for this redevelopment project.
D-CO5-1	No additional right-of-way improvements are proposed with this redevelopment project.
D-SP6-1	No public social services or community facilities are proposed with this redevelopment project.

Greenspace and Environmental Health	
B-PR2-1	For this redevelopment project, no environmentally sensitive areas have been identified.
B-PR2-2	For this redevelopment project, no floodplain is located on the property.
B-PR2-3	For this redevelopment project, no floodplain is located on the property.
D-SP2-1	For this redevelopment project, no school site is provided.
D-SP2-2	For this redevelopment project, no school site is provided.
A-DS10-2	The proposed redevelopment project has limited right-of-way frontage along North Broadway and limited ability to provide a multimodal focal point.
A-DS13-1	The proposed redevelopment project has no stub street adjoining the property.

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D-CO1-1	The proposed redevelopment project has limited right-of-way frontage along North Broadway and limited ability to provide a multimodal focal point.
D-CO4-1	No dead-end streets or cul-de-sacs are proposed for this redevelopment project.
D-CO4-2	No additional road capacity is anticipated for this redevelopment project.
D-CO4-3	No additional right-of-way is anticipated for this redevelopment project.
D-CO5-1	No additional right-of-way improvements are proposed with this redevelopment project.
D-SP6-1	No public social services or community facilities are proposed with this redevelopment project.

**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. The applicant will implement the proposed redevelopment to enhance the quality of space in the Joyland Neighborhood. Thank you for your consideration of our proposed zone change and we look forward to presenting our case in full at the public hearing on March 26, 2022. We will be pleased to answer any questions about our proposal between now and the public hearing.

Sincerely,  
earthcycle design, llc



B. Scott Southall, PLA, ASLA, AICP, LEED AP BD+C  
Principal  
Project #22-0001

# ENHANCED NEIGHBORHOOD DEVELOPMENT CRITERIA



## MEDIUM DENSITY RESIDENTIAL

### SITE DESIGN, BUILDING FORM, & LOCATION

<b>A-DS3-1</b>	Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
<b>A-DS4-2</b>	New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.
<b>A-DS5-3</b>	Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
<b>A-DS5-4</b>	Development should provide a pedestrian-oriented and activated ground level.
<b>A-DS7-1</b>	Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
<b>A-DS7-2</b>	Any non-residential or multi-family parking not buffered by a building should be screened from the streetscape view and adjacent properties.
<b>A-DS7-3</b>	Parking structures should activate the ground level.
<b>A-DS8-1</b>	At the individual street level, medium density housing types should be interspersed with single-family detached units and should be context sensitive.
<b>A-DS10-1</b>	Residential units should be within reasonable walking distance to a focal point.
<b>A-DS11-1</b>	Common public uses that serve as neighborhood focal points, such as parks and schools, should be on single loaded streets.
<b>A-DN2-1</b>	Infill residential should aim to increase density.
<b>A-DN2-2</b>	Development should minimize significant contrasts in scale, massing and design, particularly along the edges of historic areas and neighborhoods. (D-PL9, E-GR6)
<b>A-DN3-2</b>	Development should incorporate residential units in commercial centers with context sensitive design.
<b>A-DN6-1</b>	Allow and encourage new compact single-family housing types.
<b>A-EQ7-1</b>	School sites should be appropriately sized.
<b>B-PR9-1</b>	Minimize disturbances to environmentally sensitive areas by utilizing the existing topography to the greatest extent possible.
<b>B-SU11-1</b>	Green infrastructure should be implemented in new development. (E-GR3)
<b>C-LI6-1</b>	Developments should incorporate multi-family housing and walkable commercial uses into development along arterials/corridors.
<b>C-LI6-2</b>	ADUs and/or affordable housing options should be incorporated into existing and new single-family residential development. (A-DN5)

### ENHANCED NEIGHBORHOOD DEVELOPMENT CRITERIA

<b>C-LI7-1</b>	Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.
<b>C-PS10-2</b>	Developments should explore options for shared and flexible parking arrangements for currently underutilized parking lots.
<b>C-PS10-3</b>	Over-parking of new developments should be avoided. (B-SU5)
<b>D-PL7-1</b>	Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
<b>D-PL9-1</b>	Historically significant structures should be preserved.
<b>D-PL10-1</b>	Activate the streetscape by designating public art easements in prominent locations.
<b>D-SP3-1</b>	Adequate right-of-way, lease areas and easements for infrastructure, with emphasis on wireless communication networks should be provided to create reliable service throughout Lexington.
<b>D-SP3-2</b>	Cellular tower antennae should be located to minimize intrusion and negative aesthetic impacts, and stealth towers and landscaping should be used to improve the visual impact from the roadway and residential areas.
<b>D-SP9-1</b>	Encourage co-housing, shared housing environments, planned communities and accessory dwelling units for flexibility and affordability for senior adults and people with disabilities.
<b>E-GR4-1</b>	Developments should incorporate reuse of viable existing structures.
<b>E-GR5-1</b>	Structures with demonstrated historic significance should be preserved or adapted.
<b>E-GR9-1</b>	Live/work units should be incorporated into residential developments.
<b>E-GR9-3</b>	Less intense multi-family residence types (duplexes, four-plexes, courtyard apartments, etc.) should be incorporated into primarily single-family areas.
<b>E-GR9-4</b>	Development should intensify underutilized properties and develop vacant and underutilized gaps within neighborhoods. (E-GR6)
<b>TRANSPORTATION &amp; PEDESTRIAN CONNECTIVITY</b>	
<b>A-DS1-1</b>	Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7)
<b>A-DS1-2</b>	Direct pedestrian linkages to transit should be provided.
<b>A-DS4-1</b>	A plan for a connected multimodal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided. (A-DS2, A-DN1, B-SU1, B-SU2, C-LI7, E-AC5)
<b>A-DS5-1</b>	Adequate multimodal infrastructure should be provided to ensure vehicular separation from other modes of transport.

Theme Letter - Pillar Abbreviation & Policy Number – Criteria Number  
 Ex: from Theme A - Design Pillar & Policy #1 - Criteria #1 = A-DS1-1. Full decoder on page ##

Criteria that include additional policy items in parentheses refer to companion policies that will provide additional context to the related criteria.

# ENHANCED NEIGHBORHOOD DEVELOPMENT CRITERIA

## MEDIUM DENSITY RESIDENTIAL

### TRANSPORTATION & PEDESTRIAN CONNECTIVITY (CONT)

- A-DS5-2** Roadways should provide a vertical edge, such as trees and buildings.
- A-DS10-2** New focal points should be designed with multimodal connections to the neighborhood.
- A-DS13-1** Stub streets should be connected. (D-CO4)
- B-SU4-1** Where greenspace/community centers are not located within walking distance of a new development, applicants should attempt to incorporate those amenities. (A-DS9)
- D-CO1-1** Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type.
- D-CO2-1** Safe facilities for all users and modes of transportation should be provided.
- D-CO2-2** Development should create and/or expand a safe, connected multimodal transportation network that satisfies all users' needs, including those with disabilities.
- D-CO4-1** Dead-end streets and Cul-de-sacs should be discouraged except where connections are not topographically or environmentally feasible.
- D-CO4-2** Roadway capacity should be increased by providing multiple parallel streets, which alleviate traffic and provide multiple route options, in lieu of additional lanes.
- D-CO4-3** Street pattern and design should consider site topography and minimize grading where possible.
- D-CO5-1** Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.
- D-SP1-3** Developments should provide multimodal transportation infrastructure to school sites, including sidewalks, shared-use paths, and roadways that can accommodate the bus and vehicle traffic associated with the site.
- D-SP6-1** Social services and community facilities should be accessible via mass transit, bicycle and pedestrian transportation modes. (A-EQ7)

### GREENSPACE & ENVIRONMENTAL HEALTH

- A-DS4-3** Development should work with the existing landscape to the greatest extent possible, preserving key natural features.
- A-EQ7-3** Community open spaces should be easily accessible and clearly delineated from private open spaces.
- B-PR2-1** Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.

- B-PR2-2** Dividing floodplains into privately owned parcels with flood insurance should be avoided.
- B-PR2-3** Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them.
- B-PR7-1** Connections to greenways, tree stands, and stream corridors should be provided.
- B-PR7-2** Trees should be incorporated into development plans, prioritize grouping of trees to increase survivability.
- B-PR7-3** Developments should improve the tree canopy.
- B-RE1-1** Developments should incorporate street trees to create a walkable streetscape.
- B-RE2-1** Green infrastructure should be used to connect the greenspace network.
- D-SP2-1** Visible, usable greenspace and other natural components should be incorporated into school sites.
- D-SP2-2** Active and passive recreation opportunities should be provided on school sites.
- E-GR3-1** Physical and visual connections should be provided to existing greenway networks.
- E-GR3-2** New focal points should emphasize geographic features unique to the site.

ENHANCED NEIGHBORHOOD

\*Theme Letter - Pillar Abbreviation & Policy Number - Criteria Number  
Ex: from Theme A, Design Pillar, Policy #1, Criteria #1: A-DS1-1 Full decoder on page ##

\*\*Criteria that include additional policy items in parentheses refer to companion policies that will provide additional context to the related criteria.



February 15, 2022

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

RE: Supplemental Justification for Conditional Use at 2143 North Broadway

Dear Chairman Forester:

As a part of the zone change application for the above referenced property, the applicant, PropCo North Broadway, Lexington, KY, LLC proposes to operate an assisted living facility. This type of facility when located within a Planned Neighborhood Residential (R-3) zone requires a conditional use permit. The following supplements the justification for the requested zone change from Interchange Service Business (B-5P) to Planned Neighborhood Residential (R-3) zone with a conditional use permit for an assisted living facility.

In our January 31, 2022 justification letter, we outlined the 2018 Comprehensive Plan goals and objectives that are relevant to the requested zone change for the subject property. The subsequent summary identifies 2018 Comprehensive Plan Themes, Pillars and Policies that support the conditional use permit. In addition, PropCo North Broadway, Lexington, KY, LLC has researched the demographic need within the Lexington market for assisted living facilities, as follows:

**Themes, Pillars and Policies:**

We believe that the proposed adaptive reuse of the existing hotel to an assisted living facility is in agreement with the 2018 Comprehensive Plan for the zone change and the issuance of a conditional use permit, specifically the Themes, Pillars and Policies that encourage residential infill with increased density through context sensitive design (Theme A, Pillar II, Policy #2); locating higher-density along higher capacity roadways (Theme A, Pillar II, Policy #4); meeting demand for housing across all income levels (Theme A, Pillar III, Policy #1); adding residential opportunities by up-zoning near transit (Theme A, Pillar III, Policy #3); integrating community facilities into neighborhoods (Theme A, Pillar III, Policy #7); implementing universal design principals for housing (Theme A, Pillar III, Policy #8); increasing density along major corridors to reduce vehicle miles traveled (VMT) (Theme B, Pillar II, Policy #3); discouraging vehicle-oriented development to reduce parking footprint (Theme B, Pillar II, Policy #5); increasing green infrastructure practices with redevelopment (Theme B, Pillar II, Policy #11); increasing tree canopy (Theme B, Pillar III, Policy #1); supporting community gardens (Theme B, Pillar III, Policy #3); improvement to air quality by reducing vehicle miles traveled (VMT) (Theme B, Pillar III, Policy #4); and incorporating elements to create complete neighborhoods (Theme D, Pillar II, Policy #2);

The successful implementation of this proposed project will meet many of the stated elements within the 2018 Comprehensive Plan. In addition, the project developer has researched the demand for assisted living facilities within the Lexington market and specifically in the northeast section of the city. The occupancies rated for assisted

February 15, 2022  
Larry Forester  
Page 2

living facilities in Lexington was 94.8% in the first quarter of 2020. This rate was 7 percent higher than national average. Lexington's elderly population is growing faster than comparable U.S. markets at 4.4% verse 3.9%. Further study indicated a shortage of between 320-740 additional units are needed in the Lexington area. A review by LFUCG determined there are no approved conditional use permits for any boarding or lodging house, assisted living facilities, hospitality house, or rehabilitation home within the 500-foot radius around the subject property as required by zoning ordinance (8-12(d) 8.).

The study also assessed the physical and financial condition of the aging hotel facility and found significant decline in the property. The redevelopment of the hotel into studio, one- and two-bedroom units will occur within the existing footprint with a small addition for universal design access. The renovation will retain the architectural setting of the facility while significantly reducing the parking footprint. This adaptive reuse will provide the opportunity for an aging population in the community to maintain a connection to the neighborhood along with this aging in place facility.

The reuse of the existing complex will increase the neighborhood density while the housing type will result in a reduction in vehicle miles traveled considering the nature of the population demographic. The grounds will undergo major renovations as well, with increase tree canopy, reduction in parking pavement and raised landscape beds for residents to plant and tend to both ornamental and vegetables gardens. The above elements will help meet Lexington's goals for improving the environment and quality of place.

**Conclusion:**

We ask, on behalf of the applicant, that the Planning Staff and Planning Commission favorably consider the proposed zone change and conditional use permit for an assisted living facility at 2143 North Broadway. The implementation of the proposed redevelopment to enhance the quality of the Joyland Neighborhood. We will be pleased to answer any questions about our proposal between now and the public hearing.

Sincerely,  
earthcycle design, llc



B. Scott Southall, PLA, ASLA, AICP, LEED AP BD+C  
Principal  
Project #22-0001



**LEGAL DESCRIPTION**

**JSM MANAGEMENT, LLC,  
A KENTUCKY LIMITED LIABILITY COMPANY  
DEED BOOK 2123, PAGE 293**

Zone Change from B-5P to R-3  
A Portion of 2143 North Broadway  
Lexington, Fayette County, Kentucky

A tract or parcel of land being located along the northwesterly side of North Broadway (US Highway 27 & 68) between the northbound exit ramp of Interstate 75, and Judy Lane, in Lexington, Fayette County, Kentucky and more fully described and bounded as follows, to wit:

Beginning at a point in the approximate center line of Judy Lane, said point being at the extension of a common line between JSM Management, LLC (Deed Book 2123, Page 293), and DWB Family, LLC (Deed Book 3826, Page 680); thence leaving the center line of Judy Lane, S 60° 09' 42" W 32.05 feet to a point, said point being in the southwesterly right-of-way of Judy Lane, and being a common corner of JSM Management and DWB Family, aforesaid; thence running with the common lines of JSM Management and DWB Family, for eight calls, S 60° 09' 42" W 176.05 feet, S 29° 12' 18" E 26.54 feet, S 09° 36' 18" E 39.54 feet, S 29° 08' 18" E 38.55 feet, N 58° 24' 44" E 6.99 feet, S 25° 45' 33" E 25.84 feet, S 69° 45' 47" W 5.52 feet, and S 29° 07' 24" E 26.82 feet to a point said point being their common corner in the northwesterly line of North Broadway (US Highway 27N/68E); thence continuing with their extended line, to the center line of North Broadway, S 29° 07' 24" E 79.01 feet, to a point in the approximate center line of said highway; thence running with the approximate centerline, S 59° 10' 34" W 59.32 feet to a point; thence leaving approximate center line of said highway, N 39° 48' 18" W 91.07 feet, to a point in the northwesterly right-of-way of North Broadway, said point being a common corner of Nilkanth Enterprise Properties, LLC (Deed Book 3880, Page 275), and JSM Management, aforesaid; thence running with the common line of Nilkanth and JSM Management for two calls, N 39° 48' 18" W 200.00 feet, and S 55° 38' 42" W 150.00 feet to a point, said point being their common corner in the northeasterly right-of-way of Interstate 64/75, S 55° 38' 42" W 650.45 feet to a point in the approximate center line of Interstate 64/75; thence running along the approximate center line of said Interstate, N 29° 57' 27" W 596.34 feet to a point; thence leaving the approximate center line of Interstate 64/75, N 55° 58' 19" E 605.83 feet to a point in the northeasterly right-of-way line of Interstate 64/75, said point also being in the southwesterly line of JSM Management, aforesaid; thence running with the line of an existing zoning line through the lands of JSM Management, aforesaid; thence running with the line of an existing zoning line through the lands of JSM Management for two calls, N 55° 58' 19" E 105.64 feet, and N 36° 42' 39" E 225.61 feet to a point in the line of JSM Management, said point being in the southwesterly right-of-way line of Judy Lane, aforesaid; thence running with the southwesterly right-of-way line of Judy Lane, S 43° 43' 18" E 70.88 feet to a corner of JSM; thence leaving the lines of JSM and running to a point in the approximate center line of Judy Lane, N 51° 20' 42" E 22.46 feet; thence running with the approximate center line of Judy Lane for two calls, S 44° 20' 18" E 270.66 feet, and S 45° 07' 39" E 415.39 feet to the point of beginning and containing a gross area of 662,276 square feet (15.204 acres) and a net area of subject property affected of 262,323 square feet (6.022 acres).



*Steven P. Green*



## STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-22-00003: PROPCO NORTH BROADWAY, LEXINGTON, KY, LLC

### DESCRIPTION OF ZONE CHANGE

Zone Change: From an Interchange Service Business (B-5P) zone  
To a Planned Neighborhood Residential (R-3) zone  
Acreage: 6.022 net (15.204 gross) acres  
Location: 2143 North Broadway (a portion of)



### EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	B-5P	Hotel
To North	R-3	Vacant
To East	R-1C	Single Family Residential
To South	B-5P / B-3 / R-1B	Gas Station/ Retail / Single Family Residential
To West	B-5P / P-1	Interstate Right-of-Way

### URBAN SERVICE REPORT

**Roads** - The subject property is located on the north side of North Broadway (US 27/US 68), a major arterial highway, east of Interstates 64 and 75, and approximately 300 feet from the on-ramp to the westbound/northbound lanes to the interstate at the Broadway / Paris Pike interchange. At this location, North Broadway experiences approximately 18,700 average daily trips. The site is also bound to the east by Judy Lane, a local street within the Thoroughbred Acres subdivision. Primary access and egress for the site is proposed to be shifted from North Broadway to Judy Lane, with an emergency access point from North Broadway.

**Curb/Gutter/Sidewalks** - North Broadway was constructed without curb, gutter and sidewalks in this portion of the Urban Service Area. Judy Lane also does not have curb, gutter or sidewalks along the subject property's frontage. Improvements (½ section) may be required to be made along the unimproved frontages of the subject property at the time of site development.

**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 Cane Run watershed. The stormwater swales along the N. Broadway frontage are currently utilized by the subject and adjoining properties. No other stormwater improvements appear to have been completed, generally, within this commercial area. No FEMA Special Flood Hazard Area or known flooding issues exist within the immediate area, although there are some documented issues downstream.

**Sanitary Sewers** - The subject property is located within the Cane Run watershed, and is serviced by the Town Branch Wastewater Treatment Facility, located on Lisle Industrial Avenue inside New Circle Road, between Leestown Road and Old Frankfort Pike. Sanitary sewers have been constructed within the immediate area. Capacity of the sewer system will need to be verified prior to construction of any use on the subject property. Under the Capacity Assurance Program, there is currently available sanitary sewer capacity in this area.

**Refuse** - The Urban County Government serves this area with refuse collection on Thursdays. However, supplemental service by private refuse haulers may be proposed by the applicant.

**Police** - The Central Sector Roll Call Center is the nearest police station to this location. It is located on Industry Road, near the interchange of Winchester Road and New Circle Road, approximately 2 ½ miles to the southwest of the subject property.

**Fire/Ambulance** - Fire Station #8 is the nearest station to this site and is located less than one mile to the southwest on North Broadway.

**Transit** - LexTran service is available within the immediate area of the subject property. The Northside (#17) route has outbound and inbound service on Parkside Drive.

**Parks** - Mary Todd Park is located along Rogers Road, approximately one mile walking distance north of the subject property.

### SUMMARY OF REQUEST

The applicant is seeking to rezone a portion of the subject property from a Interchange Service Business (B-5P) zone to the Planned Neighborhood Residential (R-3) zone in an effort to adaptively reuse the hotel as an assisted living facility. In addition to the requested rezoning, the applicant has applied for a conditional use permit to operate the assisted living facility in a R-3 zone.

### PLACE-TYPE

**ENHANCED NEIGHBORHOOD**  
An Enhanced Neighborhood is an existing residential area that could be enhanced with additional amenities, housing types, and neighborhood-serving retail, services, and employment options that contribute to a sustainable neighborhood. Vibrant neighborhoods include a range of uses. The development that occurs in this place-type should be context-sensitive to the surrounding area and implemented in a way that adds to the sense of place. Multi-modal connections from new elements within enhanced neighborhoods are crucial to their success and long-term viability.


### 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.  
Parking  
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

**R-3**  
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 adaptive reuse of the established hotel as an assisted living facility. The proposed facility will retain the indoor pool, while enhancing outdoor recreation space and eliminate impervious area. The proposed development seeks to include 139 one-bedroom dwelling units at a residential density of approximately 20 dwelling units per net acre.

### APPLICANT & COMMUNITY ENGAGEMENT

 Prior to the submission of their application, the petitioner contacted neighborhood representatives introducing themselves and the proposed application. On January 26th, 2022, the applicant held a virtual meeting to discuss the proposed rezoning and their draft development plan with members of the Joyland Neighborhood Association. The meeting was lead by applicant's representative and included members of the design team and a member of Planning staff. Concerns from the present stakeholders were focused on the potential impacts on the stormwater system, traffic, and the capacity of Judy Lane.

### PROPERTY & ZONING HISTORY

 The subject property was initially zoned Single Family Residential District (R-1) until 1967 when the subject property requested a rezoning to the Business Interchange Service (B-5) zone, what is now referred to as the Interchange Service Business (B-5P) zone, in an effort to construct a hotel and service station near the 64/75 on-ramp. Following the rezoning of the property, the owners moved forward with the construction of the hotel, which was completed in 1968 and is in operation today. The associated service station was later constructed in 1975 and sits along the frontage of N. Broadway.

## 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.

### GOALS & OBJECTIVES

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 the expansion of housing choices (Theme A, Goal #1) by converting the existing hotel into an assisted living facility that will accommodate the demand for housing in Lexington responsibly, prioritizing higher-density residential and a mixture of housing types (Theme A, Goal #1.b and 1.c and Theme A, Goal #2.a and #2.c). Additionally, the applicant opines that the proposed development will support infill and redevelopment (Theme A, Goal #2);, through the redevelopment of a property that will provide for well-designed neighborhoods (Theme A, Goal #3), by increasing connections with the neighborhood and reducing impervious surfaces. The applicant stresses that the rezoning and the proposed conditional use will also allow for the creation of jobs and prosperity (Theme C, Goal #2).

The staff agrees with these aspects of the applicant's proposal and that these Goals and Objectives of the 2018 Comprehensive Plan can be met with the proposed development

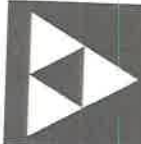
### PLACE-TYPE, DEVELOPMENT TYPE, AND ZONE

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 Enhanced Neighborhood Place-Type and is a Medium Density Residential Development Type. The Enhanced Neighborhood Place-Type is an existing residential area that could be enhanced with additional amenities, housing types, and neighborhood-serving retail, services, and employment options that contribute to a sustainable neighborhood. The proposed development has frontage along both North Broadway, and Judy Lane. Within their application, the petitioner describes that the Enhanced Neighborhood Place-Type is the most appropriate Place-Type as they are seeking to re-orient the focus of the development towards Judy Lane and the adjacent residential neighborhood. Staff agrees with the applicant's assessment of the proposed Enhanced Neighborhood Place-Type.

Additionally, the applicant is seeking to apply the Medium Density Residential Development Type, which is recommended within the Enhance Neighborhood Place-Type and is meant to be comprised of primarily attached and multi-family units, where the multi-family units complement and enhance existing development through quality design and connections. The applicant has proposed the reuse of the existing three-story hotel as a multi-family residential structure, shifting the primary frontage from North Broadway to the neighborhood along Judy Lane. The applicant is depicting a reduction in the impervious parking areas and an increase in the vegetative space across the site. A total of 139 one-bedroom dwelling units are proposed, with an overall density of approximately 15 dwelling units per net acre. The applicant indicates that the immediate area is well-served with corridor retail, restaurants and community facilities; however, lacks the availability of differing housing options. The applicant states that the proposed facility will allow for increased housing options, while also having a positive economic impact on area businesses. Staff agrees that the proposed Development Type can be 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 a recommended zone associated the Enhanced Neighborhood Place-Type and the



Medium Density Residential Development Type. Furthermore, the western most portion of the subject property is currently zoned R-3.

#### **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 Enhanced Neighborhood 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, as the development will re-utilize an older hotel property for a residential use, while providing amenities, increasing internal connectivity, and promoting the preservation and maintenance of natural features.

##### 2. Transportation and Pedestrian

Despite compliance with several of the criteria for Transportation and Pedestrian Connectivity, there are two criteria that necessitate added discussion and warrant a staff response.

*D-CO2-1 Safe facilities for all users and modes of transportation should be provided.*

*D-CO2-2 Development should create and/or expand a safe, connected multi-modal transportation network that satisfies all users' needs, including those with disabilities.*

While the applicant is depicting safe facilities within the site for their residents, the Judy Lane frontage does not currently have modern facilities for connections to the neighborhood they seek to enhance. The applicant should review strategies to connect the established pedestrian facilities along Judy Lane to ensure safe pedestrian movement.

##### 3. Greenspace and Environmental Health

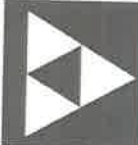
The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will increase tree canopy coverage, decrease impervious surfaces, and increase the vegetative coverage on the site.

**STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASONS:**



1. A Planned Neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
  - a. The proposed project will encourage the expansion of housing choices (Theme A, Goal #1) by converting the existing hotel into an assisted living facility that will accommodate the demand for housing in Lexington responsibly, prioritizing higher-density residential and a mixture of housing types (Theme A, Goal #1.b and 1.c and Theme A, Goal #2.a and #2.c).
  - b. The proposed rezoning will support infill and redevelopment (Theme A, Goal #2), through the reuse of a property that will provide for well-designed neighborhoods (Theme A, Goal #3).
  - c. The proposed rezoning minimizes the disruption of the natural features on the property, reduces impervious surfaces, and increases tree canopy coverage (Theme A, Goal #3.c). Numerous parking spaces are proposed to be converted to vegetated open space.
  - d. The proposed project will incorporate greenspace and open space into the development project (Theme A, Goal #2.c), while promoting positive and safe social interactions with the surrounding neighborhood. These interactions will be achieved by providing pedestrian facilities through the site and connecting neighborhood for pedestrians and other modes of transportation and the removal of the current fence line along Judy Lane (Theme A, Goal #3.b).
  - e. The proposed rezoning will also allow for the creation of jobs and prosperity (Theme C, Goal #2), as an assisted living facility will generate more jobs than the current hotel.
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, as the development will re-utilize an older hotel property for a residential use, while providing amenities, increasing internal connectivity, and promoting the preservation and maintenance of natural features.
  - b. The proposed rezoning includes safe facilities for the potential users of the site by prioritizing the inclusion of safe pedestrian facilities and connecting the neighboring local street system. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
  - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will increase tree canopy coverage, decrease impervious surfaces, and increase the vegetative coverage on the site.
3. This recommendation is made subject to approval and certification of PLN-MJDP-22-00010: Hospitality Motor Inns, Inc. (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.

## STAFF REPORT ON CONDITIONAL USE PERMIT REQUEST



The applicant is requesting to utilize of the property as an assisted living facility within the Planned Neighborhood Residential (R-3) zone.

The Planning Commission shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the planning area of uses which are specifically named in this Zoning Ordinance, which may be suitable only in specific locations in the zone only if certain conditions are met and which would not have an adverse influence on existing or future development of the subject property or its surrounding neighborhood.

### ZONING ORDINANCE

Article 6-4(c) states that the Planning Commission may hear and act upon requested conditional uses and variances associated with a zone change. If the Planning Commission should choose to hear a conditional use or variance request, the Planning Commission shall have all of the powers and responsibilities of the Board of Adjustment, as defined in Sections 7-6(a) and 7-6(b) of the Zoning Ordinance. All conditional use and variance applications shall be acted upon by the Planning Commission within ninety (90) days from the date of the application, unless postponed further by the applicant.

Article 1-11 states that an assisted living facility means a residential facility, other than a nursing home, with multiple and separate living facilities, generally for persons who are fifty-five (55) years of age or over, meal preparation, laundry services, room cleaning, transportation, and/or recreation may also be provided, as well as some medical services, exclusively for the residents of the facility.

Article 8-12(d)(8) states that the BOA or Planning Commission can consider assisted living facilities of greater than eight (8) persons as a conditional use within the Planned Neighborhood Residential (R-3) zone.

### CASE REVIEW

The applicant is requesting to utilize the property as an assisted living facility within the proposed Planned Neighborhood Residential (R-3) zone. Within their letter of justification, the applicant references the policies of the 2018 Comprehensive Plan, and a private study referencing the need for such facilities within the Urban County. The applicant opines that the assisted living facility is in agreement with the 2018 Comprehensive Plan, specifically that it will provide a needed community facility into a neighborhood with no active facilities (Theme A, Pillar III, Policy #7).

The applicant indicated that they have researched the demand for assisted living facilities within the Lexington market and specifically in the northeast section of the city. They indicate that the occupancy rates for assisted living facilities in Lexington was 94.8% in the first quarter of 2020, which was seven percent higher than national average. Additionally, they state that Lexington's elderly population is growing faster than comparable U.S. markets at 4.4% verse 3.9%. Finally, their review indicated a shortage of between 320-740 needed units for the Lexington area.

The applicant states that the proposed redevelopment of the hotel into 139 one-bedroom dwelling units will occur within the existing footprint, with a small addition for universal design access. The renovation will retain the architectural setting of the facility while significantly reducing the parking footprint. This adaptive reuse will provide the opportunity for an aging population to stay in the community and maintain a connection to the neighborhood. Furthermore the proposed adaptive reuse will enhance the established character of the area, adding vegetation and tree canopy coverage.

Staff agrees that the proposed assisted living facility of greater than eight individuals will provide a needed facility in the area and should not adversely affect the subject or adjoining/nearby properties. The proposed use would generally be less intense than the existing hotel use or the other allowable uses in the Interstate Service Business (B-5P) zone.



**STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASON:**



1. The proposed assisted living facility of greater than eight individuals will provide a needed facility in the area and should not adversely affect the subject or adjoining/nearby properties.

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

- a. Provided the Urban County Council approves the requested zone change to the R-3 zone, otherwise the requested conditional use shall be null and void.
- b. The development shall be constructed in accordance with the approved Final Development Plan, or as amended by the Planning Commission.
- c. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
- d. Action of the Planning Commission shall be noted on the Development Plan for the subject property.

UPDATED 1.31.2022

**PROPCO NORTH BROADWAY,  
LEXINGTON, KY, LLC (PLN-MAR-21-00020)**

340 LEGION DRIVE (A PORTION OF)

Rezoning to allow for the reuse of the subject property for the establishment of an assisted living facility.

**Applicant**

PROPCO NORTH BROADWAY,  
LEXINGTON, KY, LLC  
E. 16th Street, STE 352  
Denver, CO 80206



**Owner**

JSM Management LLC  
2468 Walnut Grove Lane  
Lexington, KY 40509



**Application Details**

**Acreage:**

6.022 net (15.204 gross) acres

**Current Zoning:**

Interchange Service Business (B-5P) Zone

**Proposed Zoning:**

Planned Neighborhood Residential (R-3) zone

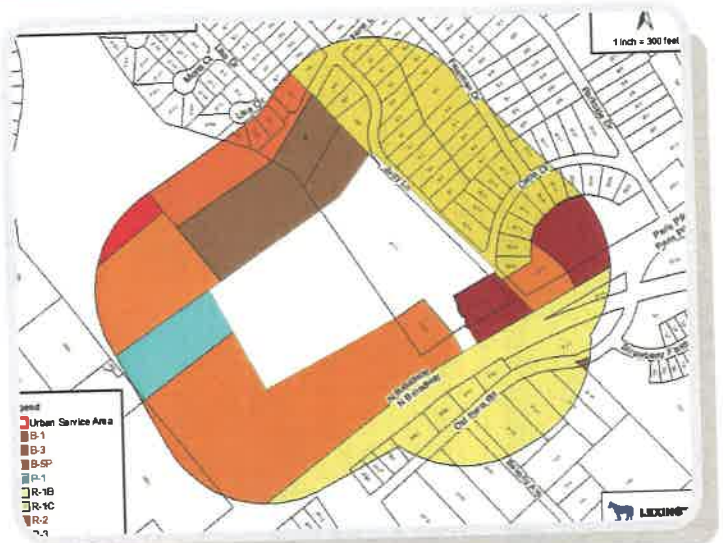
**Place-type / Development Type:**

Enhanced Neighborhood  
Medium Density Residential

*For more information about the Enhanced Neighborhood Place-Type see Imagine Lexington pages 327-328. For more information about the Medium Density Residential Development Type see page 271.*

**Description:**

The applicant is seeking to rezone the property to allow for the reuse of the three-story hotel and associated amenities for an assisted living facility. The applicant proposes to modify the structure to contain 134, one-bedroom dwelling units with a total density of 22 dwelling units per net acre.



**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

**Public Engagement**

- The applicant held a digital meeting via Zoom for members of the community in the immediate vicinity to hear about the project, and discuss their concerns with the project team.

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



2. PROPCO NORTH BROADWAY, LEXINGTON, KY, LLC & HOSPITALITY MOTOR INNS ZONING DEVELOPMENT PLAN

- a. PLN-MAR-22-00003: PROPCO NORTH BROADWAY, LEXINGTON, KY, LLC – a petition for a zone map amendment from an Interchange Service Business (B-5P) zone to a Planned Neighborhood Residential (R-3) zone, for 6.022 net (15.204 gross) acres, for a portion of property at 2143 North Broadway. A conditional use for an assisted living facility has also been requested with this zone change.

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 adaptive reuse of the established hotel as an assisted living facility. The proposed facility will retain the indoor pool, while enhancing outdoor recreation space and eliminate impervious area. The proposed development seeks to include 139 one-bedroom dwelling units at a residential density of approximately 20 dwelling units per net acre.

The Zoning Committee Recommended: Approval, for the reasons provided by staff.

The Staff Recommends: Approval, for the following reasons:

1. A Planned Neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
    - a. The proposed project will encourage the expansion of housing choices (Theme A, Goal #1) by converting the existing hotel into an assisted living facility that will accommodate the demand for housing in Lexington responsibly, prioritizing higher-density residential and a mixture of housing types (Theme A, Goal #1.b and 1.c and Theme A, Goal #2.a and #2.c).
    - b. The proposed rezoning will support infill and redevelopment (Theme A, Goal #2), through the reuse of a property that will provide for well-designed neighborhoods (Theme A, Goal #3).
    - c. The proposed rezoning minimizes the disruption of the natural features on the property, reduces impervious surfaces, and increases tree canopy coverage (Theme A, Goal #3.c). Numerous parking spaces are proposed to be converted to vegetated open space.
    - d. The proposed project will incorporate greenspace and open space into the development project (Theme A, Goal #2.c), while promoting positive and safe social interactions with the surrounding neighborhood. These interactions will be achieved by providing pedestrian facilities through the site and connecting neighborhood for pedestrians and other modes of transportation and the removal of the current fence line along Judy Lane (Theme A, Goal #3.b).
    - e. The proposed rezoning will also allow for the creation of jobs and prosperity (Theme C, Goal #2), as an assisted living facility will generate more jobs than the current hotel.
  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, as the development will re-utilize an older hotel property for a residential use, while providing amenities, increasing internal connectivity, and promoting the preservation and maintenance of natural features.
    - b. The proposed rezoning includes safe facilities for the potential users of the site by prioritizing the inclusion of safe pedestrian facilities and connecting the neighboring local street system. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
    - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will increase tree canopy coverage, decrease impervious surfaces, and increase the vegetative coverage on the site.
  3. This recommendation is made subject to approval and certification of PLN-MJDP-22-00010: Hospitality Motor Inns, Inc. (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. CONDITIONAL USE REQUEST - The applicant is requesting to utilize of the property as an assisted living facility within the Planned Neighborhood Residential (R-3) zone.

The Planning Commission shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the planning area of uses which are specifically named in this Zoning Ordinance, which may be suitable only in specific locations in the zone only if certain conditions are met and which would not have an adverse influence on existing or future development of the subject property or its surrounding neighborhood.

The Zoning Committee Recommended: Approval, for the reasons provided by staff.

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

The Staff Recommends: Approval, for the following reasons:

1. The proposed assisted living facility of greater than eight individuals will provide a needed facility in the area and should not adversely affect the subject or adjoining/nearby properties.

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

- a. Provided the Urban County Council approves the requested zone change to the R-3 zone, otherwise the requested conditional use shall be null and void.
  - b. The development shall be constructed in accordance with the approved Final Development Plan, or as amended by the Planning Commission.
  - c. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
  - d. Action of the Planning Commission shall be noted on the Development Plan for the subject property.
- c. PLN-MJDP-22-00010: HOSPITALITY MOTOR INNS, INC. (AMD) - located at 2143 NORTH BROADWAY, LEXINGTON, KY.  
Project Contact: Earthcycle Design LLC

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

1. Provided the Urban County Council rezones the property R-3; 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. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Provided the Planning Commission approves a conditional use permit for an assisted living facility.
8. Discuss Placebuilder criteria.
  - a. D-CO2-1 Safe facilities for all users and modes of transportation should be provided.
  - b. D-CO2-2 Development should create and/or expand a safe, connected multi-modal transportation network that satisfies all users' needs, including those with disabilities.

Staff Zoning Presentation – Mr. Baillie presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and of the general area. He said that the petitioner proposes the rezoning of a portion of the subject property to the Planned Neighborhood Residential (R-3) zone to allow for the reuse of the established hotel as an assisted living facility. The proposed facility will retain the indoor pool, while enhancing outdoor recreation space and eliminate impervious area. The proposed development seeks to include 139 one-bedroom dwelling units at a residential density of approximately 20 dwelling units per net acre. Mr. Baillie indicated that the assisted living facility is a conditional use within the R-3 zone, which will be discussed following the staff review of the development plan.

Mr. Baillie indicated that the staff agreed with the applicants that the project is located within the Enhanced Neighborhood Place-Type and is a Medium Density Residential Development Type. He stated that prior to the Zoning Committee the staff had one primary concern regarding the integration of the site with the established pedestrian system. He indicated that in the time between the Zoning Committee and the hearing, the applicant had worked with staff from the Division of Planning to create a connected pedestrian system along Judy Lane, which will help to integrate the development with the established residential neighborhood. Mr. Baillie finalized the presentation of the proposed application with the review of the recommended findings for approval that were enumerated in the staff report and indicated that the rezoning was recommended for approval by the Zoning Committee.

Commission Questions – None.

Staff Development Plan Presentation – Mr. Martin presented the staff report and recommendations for the associated Final Development Plan. He presented the colored rendering of the subject property and reviewed the current development. He stressed that this was a final development plan due to the minimal changes to the site. He stated that this was a reuse of a hotel and would remove a significant level of impervious surface and reduce the amount of parking. Mr. Martin noted that there was one discussion item focused on the Placebuilder criteria, which can be removed, as the applicant has added the pedestrian facility along Judy Lane.

Commission Questions – None.

Staff Conditional Use Presentation – Mr. Baillie presented the applicant's request to utilize the property as an assisted living facility within the proposed Planned Neighborhood Residential (R-3) zone. He reviewed the information that was submitted by

March 24, 2022

Minutes  
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the applicant that described the demand for assisted living facilities within the Lexington market and specifically in the northeast section of the city. Mr. Baillie finalized the presentation of the proposed application for a conditional use with the review of the recommended findings and associated conditions for approval, as enumerated in the staff report, and indicated that the conditional use request was recommended for approval by the Zoning Committee.

Applicant Presentation – Mr. Scott Southall, EarthCycle Design and representative for the applicant, indicated the applicant was in agreement with the conditions of the staff. He reviewed some of the fenced areas for the memory care unit and the proposed additions to the development. He stressed that many of the existing facilities onsite will be incorporated into the assisted living facility, including the pool that will be utilized for the residents of the facility. He then requested approval of the rezoning, conditional use permit and development plan, in accordance with the staff recommendations.

Commission Questions – None.

Public Comment – None.

Commission Discussion – Ms. Worth asked about the access points and the impact of traffic on Judy Lane. Mr. Baillie discussed the historical development of the site and indicated that the current roadway systems would be able to handle the proposed traffic. Mr. Martin described the historic modifications of North Broadway that does cause slowdowns in traffic, but that this site would not worsen those issues.

Zoning Action – A motion was made by Mr. Penn, seconded by Mr. Pohl, and carried 9-0 (Nicol and Bell absent) to approve PLN-MAR-22-00003: PROPCO NORTH BROADWAY, LEXINGTON, KY, LLC, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Penn, seconded by Ms. Meyer, and carried 9-0 (Nicol and Bell absent) to approve PLN-MJDP-22-00010: HOSPITALITY MOTOR INNS, INC. (AMD) removing Condition #8.

Conditional Use Action – A motion was made by Mr. Penn, seconded by Ms. Worth, and carried 9-0 (Nicol and Bell absent) to approve the conditional use of an assisted living facility with the findings and conditions provided by staff.