

AN ORDINANCE CHANGING THE ZONE FROM A NEIGHBORHOOD BUSINESS (B-1) ZONE TO A HIGH DENSITY APARTMENT (R-4) ZONE, FOR 0.842 NET (1.202 GROSS) ACRES, FOR PROPERTY LOCATED AT 1104, 1106, 1186 & 1190-1194 N. LIMESTONE STREET. (WINCHESTER 836, LLC (AMD.); COUNCIL DISTRICT 1).

WHEREAS, at a Public Hearing held on June 28, 2018, a petition for a zoning ordinance map amendment for property located at 1104, 1106, 1186 & 1190-1194 N. Limestone Street from a Neighborhood Business (B-1) zone to a High Density Apartment (R-4) zone, for 0.842 net (1.202 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change by a vote of 8-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for property located at 1104, 1106, 1186 & 1190-1194 N. Limestone Street from a Neighborhood Business (B-1) zone to a High Density Apartment (R-4) zone, for 0.842 net (1.202 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: August 30, 2018



MAYOR

ATTEST:



CLERK OF URBAN COUNTY COUNCIL
Published: September 6, 2018-1t

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The following description is intended for zoning purposes only. The description represents information depicted on documents of record found in the Scott County Clerk's office. This description does not represent a boundary survey and should not be used for real estate conveyance or transfer.

**Zone Change from B-1 to R-4
1104, 1106, 1186 & 1190
North Limestone
Lexington, KY 40505**

Beginning at a point at the centerline intersection of North Limestone and Carlisle Avenue in the existing R-1C Zone delineation; thence with the centerline of said North Limestone and the existing R-1C Zone delineation for one (1) call:

1. South 48° 39' 39" West 345.37 feet to a point at the centerline intersection of said North Limestone and Devonia Avenue; thence severing the existing B-1 Zone and with the centerline of said Devonia Avenue for one (1) call:
2. South 41° 20' 02" East 161.46 feet; thence continuing existing B-1 Zone severance for five (5) calls:
3. North 48° 39' 12" East 119.00 feet;
4. North 41° 20' 48" West 12.00 feet;
5. North 48° 39' 12" East 43.80 feet;
6. North 49° 26' 09" East 75.21 feet;
7. North 48° 28' 29" East 99.10 feet to a point on the centerline of said Carlisle Avenue; thence with centerline of Carlisle Avenue and continuing existing B-1 Zone severance for one (1) call:
8. North 38° 10' 46" West 150.36 feet to the Point of Beginning containing 1.202 Acres Gross and 0.842 Acre Net.

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

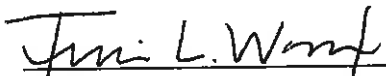
IN RE: **PLN-MAR-17-00041: WINCHESTER 836, LLC (AMD)** - petition for a zone map amendment from a Neighborhood Business (B-1) zone to a High Density Apartment (R-4) zone, for 0.842 net (1.202 gross) acres, for property located at 1104, 1106, 1186 & 1190-1194 N. Limestone. (Council District 1)

Having considered the above matter on **June 28, 2018**, at a Public Hearing, and having voted **8-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL** of this matter for the following reasons:

1. The requested High Density Apartment (R-4) zone is in substantial agreement with the 2013 Comprehensive Plan, the Goals and Objectives of the 2018 Comprehensive Plan, and the central Sector Small Area Plan, for the following reasons:
 - a. The subject property is located within Sub-Area D of the Central Sector Small Area Plan, and North Limestone has been designated as a "neighborhood connector" corridor within this particular area and a "focus area."
 - b. The Central Sector Small Area Plan encourages providing affordable housing, utilizing Best Management Practices for stormwater improvements, preservation of structures with historical and cultural value, and offering goods and services for local residents. The petitioner has committed to offer affordable housing units within the corridor, and has sought funding from the LFUCG Affordable Housing Trust Fund.
 - c. The 2013 and 2018 Comprehensive Plan's Goals and Objectives also encourage expanding housing choices; emphasize accommodating the demand for housing, with a priority on higher-density housing types; and to plan for safe, affordable, and accessible housing to meet the needs of older and disadvantaged residents (*Theme A, Goal #1*). The petitioner proposes a density of 42 dwelling units per acre along N. Limestone, a minor arterial roadway. They propose creating 36 affordable housing dwelling units to meet the needs of lower income residents.
 - d. The 2013 and 2018 Comprehensive Plan's Goals and Objectives both encourage infill and redevelopment projects that "respect the context and design features of areas surrounding development projects" (*Theme A, Goal #2b*), and the 2018 Goals and Objectives further emphasize providing open space in all development projects. The petitioner proposes usable greenspace at the intersection of Devonia Avenue and N. Limestone, which will be visible and accessible from the public streets. In addition, front yard landscaping, benches and patios/balconies will provide additional open space.
 - e. The proposed multi-family residential building is proposed to be physically compatible with the surrounding area, which is encouraged by *Theme A, Goal #2*. The development is residential in nature, is limited in scale and massing by the proposed zone, and the development will respect the urban context along N. Limestone.
 - f. The 2018 Goals and Objectives recommend supporting "the Complete Streets concept, prioritizing a pedestrian-first design that accommodates the needs of bicycle, transit and other vehicles" (*Theme D, Goal #1a*). The petitioner proposes to widen the sidewalk along N. Limestone, incorporate street-level entrances to the building, install accessible bicycle racks, and separate the vehicular traffic from the pedestrian activity.
 - g. The 2013 Comprehensive Plan encourages single parcel or small scale infill sites of less than two acres to add to the densification of the immediate area in a manner that respects the context and character of the neighborhood (pg 102). The proposed density is in keeping with this recommendation of the Plan.

2. The requested High Density Apartment (R-4) zone is appropriate for the subject property, for the following reasons:
 - a. High density residential land use is most appropriately located along the community's collector and arterial roadways, where adequate urban services and infrastructure are available.
 - b. The proposed R-4 zone is compatible with the character of N. Limestone, which has a mixture of residential and business land uses, as well as a mixture of building setbacks and heights. The proposed high-density apartment building is located along the primary road frontage and will serve to activate the street, and enhance the urban form of the North Limestone neighborhood. The rear parking will serve as a buffer between the three-story structure and the single-family residential homes within the Highlawn subdivision to the east.
3. This recommendation is made subject to the approval and certification of PLN-MJDP-17-00121: Arlington Weekly Payment Lot & Investment Company's Addition, 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 30th day of A, 2018.


 Secretary, Jim Duncan for Jim Duncan

WILLIAM WILSON
 CHAIR

Note: The corollary development plan, PLN-MJDP-17-00121: ARLINGTON WEEKLY PAYMENT LOT & INVESTMENT COMPANY 'S ADDITION was approved by the Planning Commission on June 28, 2018 and certified on July 12, 2018.

Note: Dimensional variances were approved to reduce the number of required parking spaces from 55 to 50 and to reduce the required front yard along N. Limestone from 20 feet to 10 feet, by the Planning Commission at this hearing.

K.R.S. 100.211(7) requires that the Council take action on this request by September 26, 2018.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Matt Carter, engineer.**

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (8) Berkley, Cravens, Mundy, Owens, Penn, Plumlee, Richardson and Wilson
 NAYS: (0)
 ABSENT: (3) Bell, Brewer and Forester
 ABSTAINED: (0)
 DISQUALIFIED: (0)

Motion for **APPROVAL** of PLN-MAR-17-00041 carried.

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

MAP AMENDMENT REQUEST (MAR) APPLICATION**1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)****Applicant:**

WINCHESTER 836, LLC, 1150 HUGHES LN, LEXINGTON, KY 40511

Owner(s):

MARK A & CHRISTA C JETER, 409 CLINTON RD, LEXINGTON, KY 40502
 M A JETER, INC, 1198 N LIMESTONE ST, LEXINGTON, KY 40505
 MELVIN RANDY AND LINDA SUE WATTS, 1313 JANELL CT, LEXINGTON, KY 40517
 WINCHESTER 836, LLC, 1150 HUGHES LN, LEXINGTON, KY 40511

Attorney:**2. ADDRESS OF APPLICANT'S PROPERTY**

1104, 1106, 1186 & 1190-1194 N LIMESTONE, LEXINGTON, KY

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

Zoning	Existing		Requested		Acreage	
	Use		Zoning	Use	Net	Gross
B-1	Residential		R-4	Muti-Family	0.842	1.202

4. EXISTING CONDITIONS

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
b. Have any such dwelling units been present on the subject property in the past 12 months?	<input checked="" type="checkbox"/> YES <input 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 checked="" type="checkbox"/> NO

5. URBAN SERVICES STATUS (Indicate whether existing, or how to be provide

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



Justification Statement:

The Applicant, Winchester 836 LLC, is requesting approval of a zone change from B-1 (Neighborhood Business) zone to R-4 (High Density Apartment) Zone for property located at 1104, 1106, 1186 and 1190 N. Limestone and containing 0.842 Acres. This property sits between Loudon Ave. and New Circle Rd., one block North of Arlington Elementary School. The property is bounded by N. Limestone along the frontage to the West, Devonia Ave to the South, Carlisle Ave. to the North and Single Family Residential (R1-E Zoned) lots to the East. The current uses of the property include Residential and Commercial Rental property.

We are requesting R-4 zone because the current use of the property is inappropriate and does not make best use of the property. Commercial use of these properties has not been successful in the past. There is an immediate need for affordable public housing and this project will help meet this need. The neighbors in the surrounding community have expressed their support in this property developing as an affordable housing project. This project would be considered a down zone and will be more compatible with the adjoining neighbors.

This proposal is in agreement with the Goals and Objectives of the 2018 Comprehensive Plan. The mission Statement of the 2018 Comprehensive Plan reads as follows:

Mission Statement

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. This zone change addresses the recommendation of the Comprehensive Plan by meeting the following Goals and Objectives Outlined in the Plan.

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.

This proposal is working to obtain grant money from LFUCG Office of Affordable Housing. If this grant is approved, this development will be offered as affordable housing.

b. Accommodate the demand for housing in Lexington responsibly, prioritizing higher-density and mixture of housing types .

This proposal will maximize the density that could be constructed on this property. If this property were developed as single family, the maximum number of units would be 4. As multi-family, this development can support the 36 units we propose.

c. Plan for safe, affordable, and accessible housing to meet the needs of older and/or disadvantaged residents.

This proposal will be an affordable housing development. It will provide 36 units with modern appliances. One third of the units will be accessible by handicap tenants or visitors. The units will be available for lower income renters including the elderly and disadvantaged.

Goal 2: Support infill and redevelopment throughout the Urban Service Area as a strategic component of growth.

Objectives:

a. Identify areas of opportunity for infill, redevelopment, adaptive reuse and mixed-use development.

This proposal is considered an infill project. It falls within the infill area as identified by Lexington's Infill Map. The project consists of 4 lots, all fronting along North Limestone. The lots will be redeveloped into one 36 unit apartment building. The proposed use is compatible with the surrounding properties and will increase the density on the property compared to its current use.

b. Respect the context and design features of areas surrounding development projects and develop design standards and guidelines to ensure compatibility with existing urban form.

The proposed development will be compatible with the surrounding properties and will enhance the character of the neighborhood. It will comply with the infill guidelines and seek to comply with the recommendations of the Central Sector Small Area Plan.

c. Incorporate adequate greenspace and open space into all development projects, which serve the needs of the intended population.

The project is required to have a minimum open space of 20% of the development. Due to the tight constraints of this development, creative placement of open space areas will be utilized. The roof of the apartment building will have space set aside for open space with a rooftop patio. Most of the existing trees along the rear of the property will be saved. There will also be a nice landscaped area along the majority of the length of the frontage along Limestone.

Goal 3: Provide well designed neighborhoods and communities.

Objectives:

A. Enable existing and new neighborhoods to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expanded options for mixed-use and mixed-type housing throughout Lexington-Fayette County.

This proposal provides a mixed-type housing for the neighborhood. The majority of the neighborhood is single family lots. This proposal provides a higher density (36 units on less than an acre) concentrating it along North Lime while buffering the lower density residential to the rear. This proposal offers the neighborhood more choices for housing types.

b. Strive for positive and safe social interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians and various modes of transportation.

This proposal sits along North Limestone between Loudon Avenue and New Circle Road. It is on a major Bus Route provided by Lexington Transit. It is within walking distance of Restaurants, Schools, Shopping, Businesses and entertainment. It is an ideal location to promote use of alternative modes of transportation such as Bicycles, Walking and Public Transportation.

Theme B

Protecting the Environment

Goal 1: Continue to implement the Consent Decree, including the capacity assurance program, as directed by the Environmental Protection Agency.

This proposal will adhere to the requirements imposed by the Consent Decree. Once the Zoning is approved, the applicant will request a Sanitary Sewer Capacity reservation. If capacity is not available, the development will not move forward until such capacity is obtained.

Goal 3: Apply environmentally sustainable practices to protect, conserve and restore landscapes and natural resources:

c. Incorporate green infrastructure principles in new plans and policies, including, but not limited to, land use and transportation.

This proposal will adhere to the requirements set forth by the Engineering Design Manuals. This will include meeting requirements for both water quantity and quality. These will both include Green infrastructure design practices such as underground detention with bio-infiltration. This will address storm water runoff, putting water back into the ground to replenish the aquifer and water treatment to remove unwanted particulates.

Theme D

Improving a Desirable Community

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

Objectives:

a. Support the Complete Streets concept, prioritizing a pedestrian-first design that also accommodates the needs of bicycle, transit and other vehicles.

This development is both pedestrian and bicycle oriented. The site is along a major Lextran bus route (Route 7). There are 3 bus stops within 600 feet of this project, the closest within 130 feet. The design of the building is such that there are 3 points of access from the building to the sidewalks along Limestone. There are two access points for vehicles to the rear of the development. The project will provide parking at a ratio of 1.4 parking spaces per unit. There will be bicycle racks provided along Limestone for both residents and visitors.

b. Develop a viable network of accessible transportation alternatives for residents and commuters, which may include the use of mass transit, bicycles, walkways, ridesharing, greenways and other strategies.

As stated in (a.) above, there are alternative modes of transportation available to this project. First, the project is located on Lextran Bus Route 7 with 3 bus stops within 600 feet away. There are spaces provided for bicycle parking, enough for tenants and visitors. Also, the development is within reasonable walking distance of shops, restaurants, schools and churches.

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 Service Area.

This proposal sits within the Urban Service Boundary. It is also located within the Infill Boundary. The four properties making up this proposal are all underutilized properties. They are currently zoned B-1 but are mostly used for rental property. The proposed development will maximize the use of the property by going with the highest density feasible while meeting the requirements of the zoning regulations. Additionally, by redeveloping this property, no expansion of the Urban Service Boundary is occurring. Expansion is taking place within the Urban Service Boundary.

The Central Sector Small Area Plan

The Central Sector Small Area Plan recommends that improvements be made to the area between Loudon Avenue and New Circle Road. The small area plan specifically gave recommendations for improvements to the Limestone Corridor. Many of the improvements recommended are not obtainable by a single developer such as reconstructing the entire corridor of Limestone with a raised median and parallel parking with curb bump outs. This type of project would need to be developed by LFUCG. However, many aspects of the recommendations could be addressed by developers. This project proposes to construct an 8' wide sidewalk with tree boxes where feasible. This would run the entire length of the projects North Limestone frontage. Additionally benches and bike racks will be placed at several locations. The focus of the sidewalks being to make this development pedestrian oriented and aesthetically pleasing. The proposed building will also incorporate design principles in it that reflect a pedestrian oriented development. The building will have 3 access points with secured entry doors along the front that have direct access to the sidewalk along Limestone. The building will have setbacks within the facade to break up long lines across its frontage. The majority of parking would be to the rear of the building to hide it from view from Limestone. The front of the building will have 10 feet of landscaped area across the majority of it. This area will have decent sized trees and attractive landscaping within it.

Variance Request

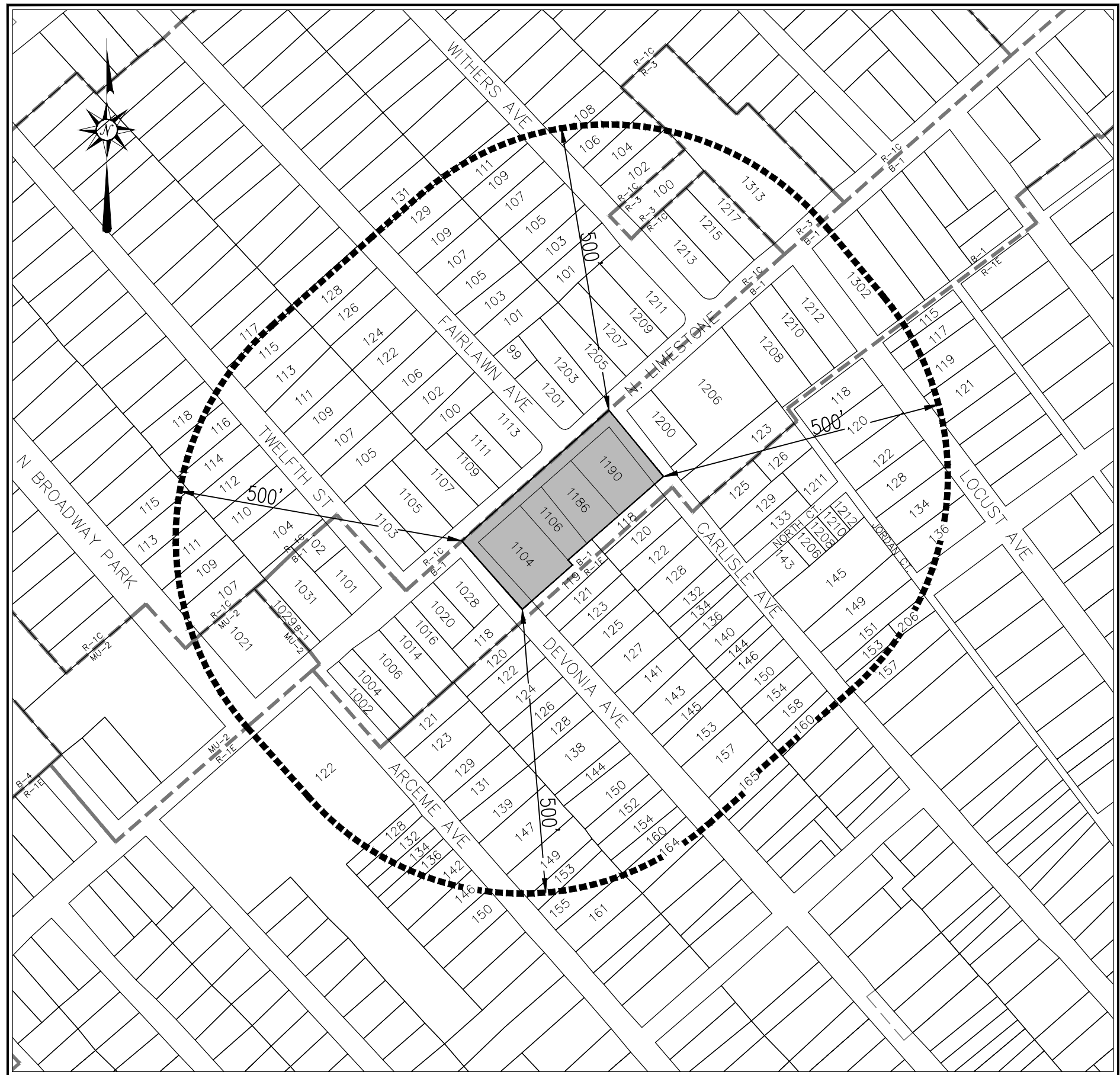
In addition to the Zone Change Request, we are also asking for variance relief for minimum parking required of 55 parking spaces to 50 parking spaces. We feel this is a minor request since this development will be on a major Public Transportation Route and is also located in an area where walking is more common. Studies also show that affordable housing developments rely more on public transportation than a typical multi family project. There is an existing bus stop 130 feet to the North East from this

property along North Limestone. The bus stop is located in front of Arlington Christian Church. Additionally there are two bus stops located 480 feet and 560 feet to the South East along North Limestone. One of these bus stops is located in front of Arlington Elementary School and the other is located in front of the Arlington Lofts Building A Mixed Used Development (Currently Under Construction). This planned development at 1104, 1106, 1186 and 1190 North Limestone will have 36 units shared by 50 parking spaces. That is an average of 1.4 parking spaces per unit. When supplemented by public transportation, we feel this is an adequate amount of parking to meet the needs of this development.

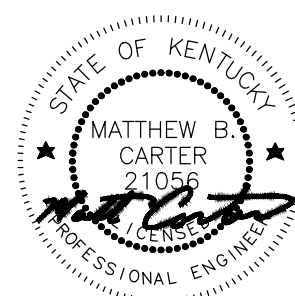
We are also seeking relief to the requirement of a 20' building setback in a R-4 Zone and request a reduction in setback to 10'. The current zone for this development is B-1 and it requires a 10' to 20' Build to line for setback. The variance we are asking for will match the setback that is currently required for this property. The hardship we face with this development is that the lot depth is 125 feet for most of the property. Because of this, any type of development other than single family lots would be difficult to fit a building and parking on. If the building were moved to the rear of the property and the parking moved to the front, the same issue would remain because parking is not permitted in the front yard of a residential zone. If the zone were to remain the same as it currently is (B-1), it would still be difficult to develop without variances. By granting the two variances, we will not adversely affect the surrounding properties nor will we cause any harm to the public welfare and safety of the neighbors.

For the reasons lifted above, we ask for your consideration of this zone change request and two variances.

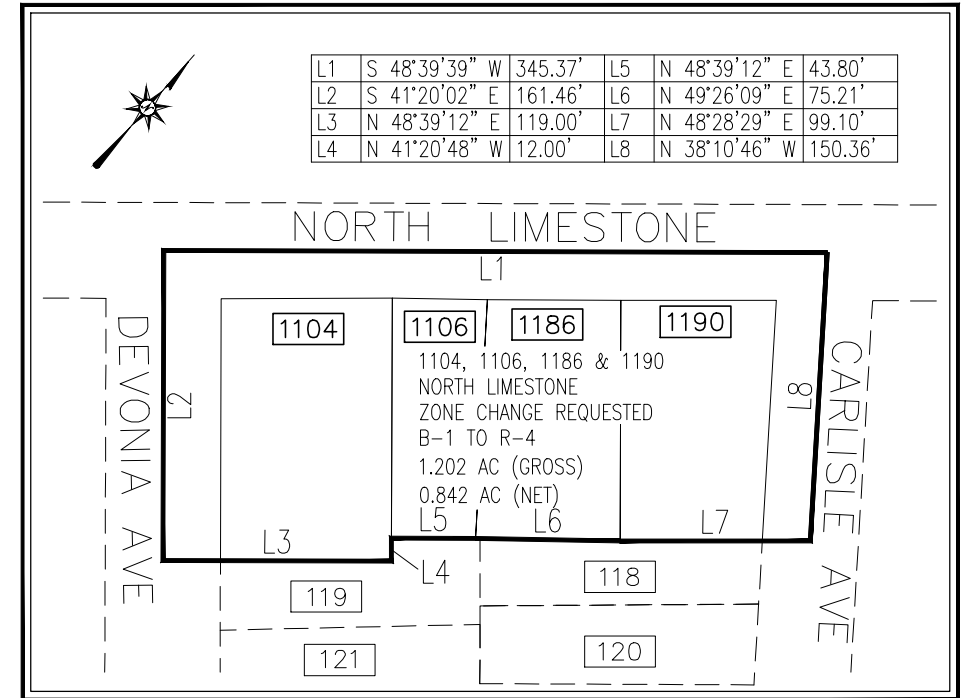
Matt Carter, PE
Vision Engineering



NOTIFICATION MAP
SCALE: 1"=200'



VICINITY MAP
SCALE: 1" = 1000'



ZOMAR TITLE: 1104, 1106, 1186 & 1190 N. LIMESTONE			ACREAGE	
PROPERTY ADDRESS / EXISTING OWNER:	FROM	TO	GROSS	NET
1104 N. LIMESTONE: M A JETER INC	B-1	R-4	0.441	0.279
1106 N. LIMESTONE: WINCHESTER 836 LLC	B-1	R-4	0.161	0.133
1186 N. LIMESTONE: RANDY & LINDA WATTS	B-1	R-4	0.244	0.207
1190 N. LIMESTONE: MARK & CHRISTA JETER	B-1	R-4	0.356	0.223
TOTAL	B-1	R-4	1.202	0.842
DATE FILED OR AMENDED: APRIL 30, 2018				
APPLICANT NAME / ADDRESS:				
WINCHESTER 836 LLC 1150 HUGHES LN. LEXINGTON, KY 40511				
APPLICATION PREPARED BY: VISION ENGINEERING, LLC				

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-17-00041: WINCHESTER 836, LLC

DESCRIPTION

Zone Change: From a Neighborhood Business (B-1) Zone
To a High Rise Apartment (R-5) Zone

Acreeage: 0.842 net (1.202 gross) acre

Location: 1104, 1106, 1186, and 1190-1194 North Limestone

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Properties	B-1	Residential & Neighborhood Business
To North	R-1C	Single Family Residential
To East	R-1C & B-1	Single Family Residential & Neighborhood Business
To South	R-1C	Single Family Residential
To West	R-1C & B-1	Single Family Residential & Neighborhood Business

URBAN SERVICES REPORT

Roads – North Limestone is a two-lane minor arterial roadway along the frontage of the subject properties. The subject properties comprise the entire frontage along North Limestone between Devonia Avenue and Carlisle Avenue, both of which are local streets. Vehicular access to the subject site is proposed from Devonia Avenue and Carlisle Avenue. Roadway improvements should be considered along all three frontages to ensure the development has adequate infrastructure.

Curb/Gutter/Sidewalks – North Limestone, Carlisle Avenue and Devonia Avenue all have curb, gutter and sidewalks along the frontage of the subject properties. To facilitate and encourage pedestrian movement along North Limestone, additional sidewalk width may be necessary to meet ADA requirements.

Storm Sewers – The subject properties are located within the Cane Run watershed. There are no FEMA special flood hazard areas on the properties or in the immediate vicinity. Storm sewers exist in this portion of the Urban Service Area; however, the Central Sector Small Area Plan notes that surface drainage issues are prevalent in the immediate area. Stormwater quality features will be required to adequately address any water quality impacts created by the proposed redevelopment. Due to the existing stormwater issues in the area, stormwater quantity measures may also be appropriate.

Sanitary Sewers – The subject properties are located within the Cane Run sewershed, which is served by the Town Branch Wastewater Treatment Facility, located on Old Frankfort Pike, east of New Circle Road. According to the Capacity Assurance Program, limited capacity does exist within the sewer bank in which the subject properties are located. Depending upon the capacity necessary to serve the proposed redevelopment, sanitary sewer facilities may need to be upgraded to serve the subject properties.

Refuse – The Urban County Government serves this area with refuse collection on Tuesdays. Supplemental service may be required to serve the needs of the multi-family apartment building, which can be accomplished by contracting with private refuse haulers, if desired.

Police – The subject properties are located within the Central Sector and are served by the Central Sector Roll Call Center, located on Goodwin Drive near its intersection with Winchester Road, approximately 1½ miles to the southeast of the subject properties.

Fire/Ambulance – The nearest fire station (#8) is located less than one mile to the northeast on North Broadway, between New Circle Road and Interstates 64/75.

Utilities – All utilities, including gas, electric, water, phone, and cable TV are available in the area to serve the proposed redevelopment of the subject properties.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The subject properties are located within the boundary of the Central Sector Small Area Plan (CSSAP), adopted by the Planning Commission in April 2009, specifically Subarea "D". The CSSAP recommends significant streetscape improvements along North Limestone, retention of North Limestone's unique character as a traditional neighborhood retail corridor, utilization of Best Management Practices for stormwater improvements, preservation of structures with historical and cultural value, and provision of adequate and quality affordable housing.

The petitioner proposes to redevelop the entire site with a multi-family apartment building and associated off-street parking. A total of 36 dwelling units are proposed, for a residential density of 42.8 dwelling units per acre. Dimensional variances are also requested in association with the proposed zone change.

CASE REVIEW

The petitioner has requested a zone change from a Neighborhood Business (B-1) zone to a High Rise Apartment (R-5) zone for less than one acre of property located at 1104, 1106, 1186 and 1190-1194 North Limestone.

The subject site is comprised of four parcels located on the southeast side of North Limestone, between Devonia and Carlisle Avenues. The site is occupied by two single-family residences, a beauty salon, and a vacant commercial structure. The immediate area is characterized by a mix of residential and neighborhood commercial land uses. The site is bordered to the east and west by single-family residences, and to the north and south by small business establishments, including a general contractor/handyman business and a daycare center. Non-residential land uses along the North Limestone corridor, between Loudon Avenue and New Circle Road, are neighborhood-oriented, including a lamp shop, a grocery/convenience store, an elementary school, churches, community gardens, offices, and retail stores.

The petitioner proposes to redevelop the property for a 36-unit, multi-family apartment building, and associated off-street parking. The building is planned to be three-stories in height, and will be located along the North Limestone frontage, with surface parking provided to the rear of the site. The petitioner is also requesting variances to the amount of required parking and to reduce the front yard setback along North Limestone, which will be addressed in a separate staff report.

In April 2009, the Planning Commission adopted the Central Sector Small Area Plan as an element of the Comprehensive Plan, following months of meetings and neighborhood involvement. The CSSAP was anticipated and recommended through the 2007 Comprehensive Plan update process so that the Planning Commission could more closely study the area bounded by Georgetown Road, Winchester Road, New Circle Road and Second Street.

The subject properties are located within Sub-Area D of the CSSAP, and North Limestone has been designated as a "neighborhood connector" corridor within this area, with significant streetscape improvements recommended and the properties along North Limestone and Loudon Avenue are part of a "focus area." The Plan identifies six Sub-Area priorities, one of which is to "retain unique character of

North Limestone as a traditional *neighborhood retail corridor*" (*emphasis added*) and also indicates a need to upgrade the North Limestone streetscape and building façades. The Goals and Objectives section of the CSSAP does provide some guidance for the Planning Commission in considering a zone change and provides more detailed information.

The CSSAP identifies four guiding principles for the area. They include: (1) enhance the urban fabric; (2) promote and prepare for redevelopment and investment; (3) provide adequate and equitable housing; and (4) preserve the cultural and historic heritage. Specifically, the CSSAP encourages providing affordable housing, utilizing Best Management Practices for stormwater improvements, preservation of structures with historical and cultural value, and offering goods and services for local residents. The subject properties, if redeveloped together, present an opportunity to meet the established goals of affordable housing and enhancing the urban fabric of the corridor, with the possibility of spurring additional investment in the neighborhood.

Subsequent to the CSSAP, the current Comprehensive Plan was adopted in November 2013. The 2013 Comprehensive Plan is a flexible, policy-oriented plan and no longer includes a detailed land use map with a specific land-use recommendation for each parcel within the Urban-County. More recently, the Goals and Objectives of the 2018 Comprehensive Plan were adopted by the Urban County Council in November 2017. The policies and recommendations of the CSSAP, the entire 2013 Comprehensive Plan, and to some extent, the Goals and Objectives of the 2018 Comprehensive Plan, are relevant to the proposed redevelopment.

The petitioner contends that their requested R-5 zone is in agreement with the Goals and Objectives of the Comprehensive Plan, particularly the following: to expand housing choices (Theme A, Goal #1); to plan for safe, affordable, and accessible housing to meet the needs of older and disadvantaged residents (Theme A, Goal #1c.); to support infill and redevelopment by identifying opportunities for infill, redevelopment and adaptive reuse that respect the area's context and design features (Theme A, Goal #2a); to provide well-designed neighborhoods and communities (Theme A, Goal #3); to incorporate green infrastructure principles into new plans (Theme B, Goal #3b); and to uphold the Urban Services Area concept (Theme E, Goal #1).

The staff generally agrees that residential redevelopment along N. Limestone could help improve the neighborhood, as the existing structures along this block lack continuity (setback and scale) and generally have experienced deferred maintenance. However, the Small Area Plan specifically recommends that N. Limestone be a retail and service district to serve the Central Sector neighborhoods (page 67). Therefore, in the staff's opinion, the request to rezone to a residential zone is not in agreement with the 2013 Comprehensive Plan, and more specifically the Central Sector Small Area Plan, which was adopted by reference as an element of the Comprehensive Plan. Rather, the existing B-1 zone is in agreement with the Plan.

The Planning Commission may consider whether the requested R-5 zone is appropriate and the existing B-1 zone is inappropriate, or whether there has been a significant change of a physical, social or economic nature in the immediate area that was not anticipated by the Comprehensive Plan and the Small Area Plan.

The Planning Commission should consider how the site may improve the overall urban fabric and specifically the N. Limestone streetscape, as those were important aspects of the Small Area Plan recommendations for this corridor. The staff can support increasing residential density along N. Limestone, but cannot conclude that an R-5 is appropriate at this location within the community. The R-5 zone allows a Floor Area Ratio of 1.3, far higher than any of the surrounding land uses, and in stark contrast to the R-1C zoning and single-family homes within the Highlawn neighborhood. In addition, the applicant is also requesting a front yard setback variance, and has eliminated the usable open space at ground level, both of which might help to improve the urban fabric and the streetscape along N.

Limestone. Instead, the proposed elevation (provided at the staff's request) depicts a structure that has very little architectural character, with a mass and scale that does not have a positive impact on the streetscape. Although the applicant states that they intend to provide affordable housing, they have not provided any evidence that supports this statement. This leads the staff to determine that the proposed R-5 zone is not compatible with the character of N. Limestone; however, the existing zone or a less intense residential zone, may be more suitable at this location.

Lastly, the petitioner has not provided any justification that there has been a significant change of a physical, social or economic nature within the immediate area since the 2013 Comprehensive Plan was adopted.

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

1. The requested High Rise Apartment (R-5) zone is not in agreement with the 2013 Comprehensive Plan, and the Central Sector Small Area Plan (CSSAP), for the following reasons:
 - a. The subject property is located within Sub-Area D of the Central Sector Small Area Plan, and North Limestone has been designated as a "neighborhood connector" corridor within this particular area and a "focus area."
 - b. The Central Sector Small Area Plan, within the recommendations stated for Sub-Area D, establishes the priority of retaining the "unique character of North Limestone as a traditional neighborhood retail corridor" and also indicates a need to upgrade the North Limestone streetscape and building façades.
 - c. The Central Sector Small Area Plan encourages providing affordable housing, utilizing Best Management Practices for stormwater improvements, preservation of structures with historical and cultural value, and offering goods and services for local residents. Although the petitioner indicates their intent to offer affordable housing units within the corridor, they have not provided any documentation in that regard.
 - d. The 2013 and 2018 Comprehensive Plan's Goals and Objectives both encourage compact and contiguous development, but such infill or redevelopment project should "respect the context and design features of areas surrounding development projects" (Theme A, Goal #2b).
 - e. The R-5 zone allows a Floor Area Ratio of 1.3, far higher than any of the surrounding land uses, and in stark contrast to the R-1C zoning and single-family homes within the Highlawn neighborhood to the southeast. In addition, the applicant is also requesting a front yard setback variance, and has eliminated the usable open space at ground level, both of which would help to improve the urban fabric and the streetscape along N. Limestone. Instead, the proposed residential structure has very little architectural character, with a mass and scale that does not have a positive impact on the streetscape (based upon rendering provided by the applicant).
2. The proposed R-5 zone is not compatible with the character of N. Limestone, nor the nearby single-family residential neighborhood. The petitioner should consider a development that complies with the existing zoning, which would support the Central Sector Small Area Plan, or a less intense residential zone that would be more compatible with the nearby neighborhoods.
3. There have been no unanticipated changes of an economic, physical, or social nature in the immediate area since the adoption of the 2013 Comprehensive Plan that have significantly changed the basic character of the immediate area.

STAFF REPORT ON VARIANCES REQUESTED FROM PLANNING COMMISSION

PLN-MAR-17-00041: WINCHESTER 836, LLC

REQUESTED VARIANCES

1. Reduce the number of required parking spaces from 55 to 52.
2. Reduce the required front yard from 20 feet to 10 feet.

ZONING ORDINANCE

Article 6-4(c) states that the Planning Commission may hear and act upon requested variances associated with a zone change. In such cases, they may assume all of the powers and responsibilities of the Board of Adjustment, as defined in Article 7-6(b) of the Zoning Ordinance.

Article 7-6(b)(1) states that before any variance is granted, it must be found that the granting of the variance will not adversely affect the public health, safety or welfare; will not alter the essential character of the general vicinity; will not cause a hazard or nuisance to the public; and will not allow an unreasonable circumvention of the requirements of the Zoning Ordinance.

Article 8-14(h) states that the minimum front yard in the R-5 zone shall be 20 feet.

Article 8-14(n) [per 8-12(n)] states that, for multiple family dwellings, other than for elderly housing, three (3) parking spaces are required for every two (2) dwelling units; or, in the alternative, 0.9 spaces per bedroom, whichever is greater.

Article 15-7(d) states that there should be special considerations for Infill & Redevelopment areas. "The intent of the Infill and Redevelopment regulations is to allow new construction that is compatible with existing development patterns in older, established neighborhoods. Unique circumstances may require appropriate Board of Adjustment action to allow some relief of yard requirements where strict application of the regulations would cause unusual hardship or a development incompatible with the existing pattern of the neighborhood."

Article 16-10 states that all parking reductions shall apply only under the following circumstances: Uses shall be limited to attached single family dwellings and multi-family dwellings in residential and/or mixed use zones." The section of the Zoning Ordinance continues to establish the regulations which allow for bicycle racks to be utilized to reduce the number of required parking spaces by 5 percent, and for transit stops or shelters to reduce the number of required parking spaces by 5 or 10 percent, respectively. A maximum of 15 percent of the required parking may be reduced utilizing the provisions of Article 16-10.

CASE REVIEW

The applicant wishes to rezone the properties at 1104, 1106, 1186 and 1190 N. Limestone from a Neighborhood Business (B-1) zone to a High Rise Apartment (R-5) zone, to allow site redevelopment for a multi-family residential structure and associated off-street parking. The proposed development will contain 36 dwelling units with a total of 72 bedrooms.

Based on Article 8-14(n) of the Zoning Ordinance, 65 off-street parking spaces are required for the new development (1.5/dwelling unit); however Article 16 of the Zoning Ordinance allows for a reduction for parking if certain criteria are met. The petitioner is utilizing the parking reduction permitted by the Ordinance to reduce parking by 5 percent for bicycle racks and by another 10 percent for a transit shelter within 300 feet of the site. These parking reductions allow the required parking to be reduced to a minimum of 55 spaces to serve

the 36, two-bedroom dwelling units on the site.

The Zoning Ordinance also requires that the proposed multi-family structure be located a minimum of 20 feet from the right-of-way of all three streets, since they are either front yards or side street side yards.

There are two variances requested to allow this redevelopment to occur, which are related to the proposed redevelopment itself, and not specifically related to a unique characteristic of the site. First, the applicant is requesting to reduce the number of required parking spaces for the proposed apartment building from 55 to 52, which is a small (6.5%) reduction. The applicant opines that the demand for parking will be reduced based on the desire to provide affordable housing, the proximity to multiple transit stops along N. Limestone (already factored into the required parking reduction listed above) and the fact that the site is located within a pedestrian-friendly portion of the Infill and Redevelopment Area. These factors work together to provide a partial justification for the variance. Theoretically, the need for residents to have personal vehicles will be reduced due to the developer's desire to provide affordable housing, following the thought that low income residents are less likely to own a vehicle, and are more likely to utilize transit. The requested minor reduction may be justified, contingent upon the site being utilized for affordable housing.

If the variance is not granted, the number of dwelling units must be reduced to meet the parking that can be provided on site (or somewhere within 300 feet of the properties with a signed parking agreement), which may not be desirable for the applicant.

The second requested variance is to reduce the required front yard from 20 feet to 10 feet, the purpose of which is to maximize the available parking area in the rear of the property. As noted, this site is within the Infill and Redevelopment Area, and there is a provision in Article 15 that addresses setbacks in the I/R Area. It states that the intent of the I/R regulations is to "allow new construction that is compatible with existing development patterns in older, established neighborhoods. Unique circumstances may require appropriate Board of Adjustment (in this case, Planning Commission acting as the Board) action to allow some relief of yard requirements where strict application of the regulations would cause unusual hardship or a development incompatible with the existing pattern of the neighborhood." In this case, strict application of the front yard requirement would actually result in a development that is more in keeping with the existing setbacks along N. Limestone; therefore, the staff cannot support a variance of the magnitude requested for this reason alone. The Zoning Ordinance would generally allow for averaging if the site were flanked on either side by existing residential units; but this site comprises the entire block face, so the setback averaging provision does not apply in this case. The applicant states that the current zoning permits a build-to range between 10 and 20 feet; thus a redevelopment of the site could result in a building being sited along a 10 foot setback. While that is a true statement, the applicant is not proposing redevelopment under the current zone, but rather a new R-5 zone that potentially allows a more intense height and floor area ratio than under the current B-1 zone. The applicant has indicated that the depth of the lot is a special circumstance that creates a hardship, because a parking lot is required to be a certain depth. The building itself, however, is not required to be any certain depth or width to accommodate the proposed dwelling units. The lot depth is 125 feet; because of this, according to the applicant's engineer, "any type of development other than single family lots" would be difficult to accomplish (i.e., building and parking on the same lot). The building is designed to have a row dwelling units across the front of the building and a row of dwelling units across the rear of the building. The two unit depth of the multi-family building is a result of the applicant's own design, not an inherent requirement of the building type or fundamental modules of housing units. In addition, the 125-foot lot depth is common within the immediate area.

Other development along N. Limestone either respects the average 20-foot setback or may deviate an average of up to five feet into the required front yard. Even the proposed mixed-use project at N. Broadway Park is being constructed with a 15-foot setback. By reducing the setback, the site would lose some of the desirable open space and activity space along a minor arterial corridor. The staff cannot support creating a new structure that would alter the character of the general vicinity, and therefore, cannot support the ten-foot variance for the front yard along N. Limestone.

Lastly, the staff would note that the requested variances are contingent upon the proposed zoning and the specific density, lot coverage and floor area ratio (FAR) proposed on the associated development plan. Since the staff is recommending postponement of the requested zone change, it would also be appropriate to recommend postponement of the associated variances until the development can be modified to be compatible with the surrounding area.

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

- a. Granting the requested front yard variance may alter the character of the general vicinity, which generally respects a 20-foot setback along the N. Limestone corridor.
- b. Strict application of the requirements of the Zoning Ordinance would require a redesign of the associated preliminary development plan and a potential decrease in the number of dwelling units for this redevelopment project. A postponement will provide an opportunity to reconsider the design of the property to more closely reflect the character of the surrounding neighborhood.
- c. The staff is not supportive of the requested R-5 zone, which the variances are generally contingent upon. Modification of the requested zone and associated floor area ratio may eliminate the need for both variances on the site.

TLW/BJR/dw
2/28/2018

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1. WINCHESTER 836, LLC ZONING MAP AMENDMENT (AMD) & ARLINGTON WEEKLY PAYMENT LOT & INVESTMENT COMPANY'S ADDITION ZONING DEVELOPMENT PLAN

- a. PLN-MAR-17-00041: WINCHESTER 836, LLC (AMD) (6/28/18)*- an amended petition for a zone map amendment from a Neighborhood Business (B-1) zone to a High Density Apartment (R-4) zone, for 0.842 net (1.202 gross) acres, for property located at 1104, 1106, 1186 & 1190-1194 N. Limestone. Dimensional variances are also requested.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The subject properties are located within the boundary of the Central Sector Small Area Plan (CSSAP), adopted by the Planning Commission in April 2009, specifically Sub-Area "D". The CSSAP recommends significant streetscape improvements along North Limestone, retention of North Limestone's unique character as a traditional neighborhood retail corridor, utilization of Best Management Practices for stormwater improvements, preservation of structures with historical and cultural value, and provision of adequate and quality affordable housing.

The petitioner proposes to redevelop the entire site with a multi-family apartment building and associated off-street parking. A total of 36 dwelling units are proposed, for a residential density of 42.8 dwelling units per acre. Dimensional variances are also requested in association with the proposed zone change.

The Zoning Committee Recommended: Approval to the full Commission.

The Staff Recommends: Approval, for the following reasons:

1. The requested High Density Apartment (R-4) zone is in substantial agreement with the 2013 Comprehensive Plan, the Goals and Objectives of the 2018 Comprehensive Plan, and the central Sector Small Area Plan, for the following reasons:
 - a. The subject property is located within Sub-Area D of the Central Sector Small Area Plan, and North Limestone has been designated as a "neighborhood connector" corridor within this particular area and a "focus area."
 - b. The Central Sector Small Area Plan encourages providing affordable housing, utilizing Best Management Practices for stormwater improvements, preservation of structures with historical and cultural value, and offering goods and services for local residents. The petitioner has committed to offer affordable housing units within the corridor, and has sought funding from the LFUCG Affordable Housing Trust Fund.
 - c. The 2013 and 2018 Comprehensive Plan's Goals and Objectives also encourage expanding housing choices; emphasize accommodating the demand for housing, with a priority on higher-density housing types; and to plan for safe, affordable, and accessible housing to meet the needs of older and disadvantaged residents (*Theme A, Goal #1*). The petitioner proposes a density of 42 dwelling units per acre along N. Limestone, a minor arterial roadway. They propose creating 36 affordable housing dwelling units to meet the needs of lower income residents.
 - d. The 2013 and 2018 Comprehensive Plan's Goals and Objectives both encourage infill and redevelopment projects that "respect the context and design features of areas surrounding development projects" (*Theme A, Goal #2b*), and the 2018 Goals and Objectives further emphasize providing open space in all development projects. The petitioner proposes usable greenspace at the intersection of Devonia Avenue and N. Limestone, which will be visible and accessible from the public streets. In addition, front yard landscaping, benches and patios/balconies will provide additional open space.
 - e. The proposed multi-family residential building is proposed to be physically compatible with the surrounding area, which is encouraged by *Theme A, Goal #2*. The development is residential in nature, is limited in scale and massing by the proposed zone, and the development will respect the urban context along N. Limestone.
 - f. The 2018 Goals and Objectives recommend supporting "the Complete Streets concept, prioritizing a pedestrian-first design that accommodates the needs of bicycle, transit and other vehicles" (*Theme D, Goal #1a*). The petitioner proposes to widen the sidewalk along N. Limestone, incorporate street-level entrances to the building, install accessible bicycle racks, and separate the vehicular traffic from the pedestrian activity.
 - g. The 2013 Comprehensive Plan encourages single parcel or small scale infill sites of less than two acres to add to the densification of the immediate area in a manner that respects the context and character of the neighborhood (pg. 102). The proposed density is in keeping with this recommendation of the Plan.
2. The requested High Density Apartment (R-4) zone is appropriate for the subject property, for the following reasons:
 - a. High density residential land use is most appropriately located along the community's collector and arterial roadways, where adequate urban services and infrastructure are available.
 - b. The proposed R-4 zone is compatible with the character of N. Limestone, which has a mixture of residential and business land uses, as well as a mixture of building setbacks and heights. The proposed high-density apartment building is located along the primary road frontage and will serve to activate the street, and enhance the urban form

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

of the North Limestone neighborhood. The rear parking will serve as a buffer between the three-story structure and the single-family residential homes within the Highlawn subdivision to the east.

3. This recommendation is made subject to the approval and certification of PLN-MJDP-17-00121: Arlington Weekly Payment Lot & Investment Company's Addition, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

b. REQUESTED VARIANCE

1. Reduce the number of required parking spaces from 55 to 50.
2. Reduce the required front yard from 20 feet to 10 feet.

The Zoning Committee recommended: Approval to the full Commission.

The Staff Recommends: Approval, for the following reasons:

- a. Granting the requested variance should not adversely affect the public health, safety, or welfare; nor should it affect the character of the general vicinity. The property is located within the defined Infill & Redevelopment Area where parking variances of up to 50% may be granted. The general vicinity has adequate pedestrian facilities, on-street parking and public transportation is available. The structure is proposed to be located within about 5 to 8 feet of the average setback along this portion of the N. Limestone corridor, therefore there will be little impact to the immediate area.
- b. The special circumstances that justify the variance are the location of the development and the need for less pavement to reduce stormwater impacts within the N. Limestone corridor, as detailed in the Central Sector Small Area Plan (CSSAP). The development is in a pedestrian and bike-friendly area, located nearby retail, restaurants, a school and several churches.
- c. The request is not a result of a willful violation of the Zoning Ordinance. The applicant has taken care to go through the necessary process for this project and has requested the variance prior to commencing construction.

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

1. Provided the Urban County Council approves the requested zone change to the R-4 zone, otherwise the requested variance shall be null and void.
2. The development shall be constructed in accordance with an approved Final Development Plan, or as that plan is amended to address design requirements of the Divisions of Engineering, Traffic Engineering, or Building Inspection.
3. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
4. Action of the Planning Commission shall be noted on the Development Plan for the subject property.
5. The nearest transit stop shall be converted to a transit shelter to the specifications and approval of LexTran.
6. The proposed residential building shall meet the requirements of Article 15-7 for architectural and façade articulation, and reflect the rendering submitted in April 2018 that included a masonry façade, with pedestrian entrances from N. Limestone and open balconies for individual dwelling units.

- c. PLN-MJDP-17-00121: ARLINGTON WEEKLY PAYMENT LOT & INVESTMENT COMPANY'S ADDITION (6/28/18)* - located at 1104, 1106, 1186 AND 1190-1194 N. LIMESTONE. (**Vision Engineering**)

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

1. Provided the Urban County Council rezones the property R-4; 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. Denote location of covered bus transit stop.
7. Denote diameter of existing trees within the Tree Inventory information.
8. Denote review by the Royal Spring Aquifer Committee required at Final Development Plan.
9. Denote construction access on plan.
10. Provided the Planning Commission grants the requested variances to reduce the N. Limestone front yard and to reduce the required parking.
11. Denote compliance with Article 15-7 Infill and Redevelopment requirements shall be resolved at time of Final Development Plan.
12. Denote compliance with Central Sector Small Area Plan recommendations shall be resolved at time of Final Development Plan.
13. Denote the ability to meet tree canopy requirements shall be resolved at time of Final Development Plan.
14. Discuss cross-section widths for N. Limestone and Carlisle Avenue.
15. Discuss usable open space requirements and compliance utilizing roof top space.

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

Staff Zoning Presentation – Ms. Wade presented the staff report and recommendations for the zone change. She displayed photographs of the subject property and aerial photographs of the general area. She said that the applicant is proposing to construct one multi-family structure on the property with 36 dwelling units. She said that there is one email correspondence that staff received which has been distributed to the Planning Commission and entered into the record. She said that there are existing structures on the subject property, which are a mixture of residential and commercial uses.

Ms. Wade said that the subject property is located within the Central Sector Small Area Plan (CSSAP). She said that this Plan identified North Limestone as a "neighborhood connector corridor", with designated streetscape improvements and was identified as a "focus area". She also said that the Plan stated that this area "should retain its unique character as a traditional neighborhood retail corridor." She said that the applicant states that this application is in agreement with the Small Area Plan, the 2013 Comprehensive Plan, and the 2018 Goals and Objectives. The Small Area Plan recommends that the retail be improved on North Limestone and not eliminated. The staff does not concur the zone change from a B-1 zone to a residential zone was in agreement with the Small Area Plan land use recommendation and the R-3 or residential zone could improve the character of North Limestone.

Ms. Wade said that this is an amended application, the original application requested an R-5 zone, which the staff believed was too intense, but the amended application to the R-4 zone can meet many of the Goals and Objectives from the 2018 Comprehensive Plan. She said that the applicant stated in their application that they intend to make these units affordable and they have applied to the Lexington Affordable Housing Trust Fund for funding. She said the applicant met with the Lexington Affordable Housing Trust Board and they indicated that they would like to have the property in the correct zone before they approve funding.

Ms. Wade said the staff determined that the R-4 zone was in substantial agreement with the Comprehensive Plan and the Small Area Plan recommendations for the best management practices for stormwater, improving the urban fabric, with the requested variances. She said that the R-4 zone is also considered appropriate for the subject property because the high density residential is appropriate along the community's collector and arterial roadways. She said that the staff is recommending approval of this zone change.

Development Plan Presentation – Mr. Martin presented a rendering of the revised preliminary development plan, and he handed out an updated staff report to the Commission with revised conditions, as follows:

The Staff Recommends: Approval, subject to the following conditions:

1. Provided the Urban County Council rezones the property R-4; 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. Denote location of covered bus transit stop.~~
- ~~7. Denote diameter of existing trees within the Tree Inventory information.~~
- ~~8. Denote review by the Royal Spring Aquifer Committee required at Final Development Plan.~~
- ~~9. Denote construction access on plan.~~
6. 40. Provided the Planning Commission grants the requested variances to reduce the N. Limestone front yard addressing the B-4 front yard setback and to reduce the required parking.
- ~~41. Denote compliance with Article 15-7 Infill and Redevelopment requirements shall be resolved at time of Final Development Plan.~~
- ~~42. Denote compliance with Central Sector Small Area Plan recommendations shall be resolved at time of Final Development Plan.~~
7. 13. Denote the ability to meet tree canopy requirements shall be resolved at time of Final Development Plan.
8. 14. Discuss Resolve cross-section widths for N. Limestone and Carlisle Avenue to the approval of Traffic Engineering.
- ~~15. Discuss useable open space requirements and compliance utilizing roof top space.~~
9. Adjust location of building to meet side street side yard requirement.

Mr. Martin said that applicant is proposing to construct a single structure on the lot, which will be a three-story apartment building, 35 feet in height, with 36 two-bedroom units. He said that the applicant is requesting a reduction in the number of required parking spaces. He said the access is proposed from Devonia Avenue and Carlisle Avenue to the apartments with angled parking. He said the plan now meets the 20 percent open space requirement and there are existing trees along the rear of the property, which meet the canopy requirements.

Mr. Martin gave a brief history of the subject property. He said that the original parcels were sold by deed and the lots were shorted in the rear, creating a gap. He said that in the past, they didn't follow the plat, they followed the deeds. He said the layout of the building will need to be adjusted to meet the setback requirements on the side yards before this plan can be certified. He said that there will be a Final Development Plan, where the applicant will need to address the Central Sector Small Area

Plan's streetscape and pedestrian requirements, as well as the architectural features that are required in the Infill and Redevelopment Area for the building.

Commission Questions – Mr. Owens asked for clarification of condition #6.

Mr. Martin said that there is an error on the staff report. Condition #6 should be as follows:

6. 40. Provided the Planning Commission grants the requested variances ~~to reduce the N. Limestone front yard~~ addressing the R-4 B-4 front yard setback and to reduce the required parking.

Mr. Martin said that the applicant has a variance for the front yard setback to move the building closer up towards N. Limestone. He also said the applicant is not meeting the setback requirement on Carlisle Avenue. The building will need to be adjusted to meet the 20-foot setback.

Requested Variance – Ms. Wade presented the staff report and the staff's recommendations for the requested variances for the subject property. She said the first variance is to reduce the number of required parking spaces from 55 to 50 spaces and the second variance is to reduce the required front yard from 20 feet to 10 feet along N. Limestone.

Ms. Wade said the existing front yard setbacks in the area vary between 15 feet and 35 feet. She said that applicant is requesting this setback be reduced to 10 feet from the right-of-way line. She said they are also proposing to perform improvements in the right-of-way by increasing the sidewalk width along N. Limestone. She said that the staff is concerned about what the structure would like. She said the staff conferred with the director of the Office of Affordable Housing, Richard McQueady, who provided a rendering, which depicts the general character of the proposed building. She said that the dimension of the lot is not deep enough to accommodate the building, the required parking lot and the walkways within the space allowed.

Ms. Wade said the parking requirements are based on the number of dwelling units being proposed. She said that 36 dwelling units requires 65 parking spaces. She said the applicant and utilize parking reductions for transit and bike racks, which is a fifteen percent reduction. She said that with those reductions the applicant is still required to provide 55 parking spaces. She said the applicant is requesting that number to be reduced to 50 parking spaces. She said that the staff recognizes that this site has three frontages on two local streets and N. Limestone, and all of them have on-street parking available. She said that these will be affordable housing, which may also reduce the demand for parking. She said this affordable housing is not geared toward the very lowest income brackets. She said that the staff and the Zoning Committee is recommending approval of the variances with the six conditions associated with them.

Applicant Presentation – Matt Carter, was present representing the petitioner. He said that the applicant is in agreement with the staff's recommendations and conditions. He said that there are two ways to calculate the number of parking spaces that are required. He said that one is based on the number of units times 1.5, which would equate to three parking spaces for every two units, 54 parking spaces. He said that the other method is the number of bedrooms times 0.9, which would equate to 65 parking spaces. He then said that the Zoning Ordinance requires providing the larger of those. He said that they are allowed to use some reductions for transit, bike racks and if there is a covered bus stop, they could add an additional 5 percent, which totals 15 percent reductions, 55 parking spaces. Mr. Carter requested approval of the zone change variances and development plan.

Citizen Comment – Reva Russell English, 1107 N. Limestone, said that she is supportive of high-density "affordable" housing. She asked for clarification of the word "affordable." She said that the median average income for this area is approximately \$25,000 per year and she fears for her neighbors having to be displaced due to increasing rent costs due to redevelopment. She asked the Planning Commission to place a deed restriction, of twenty years, on this plan to keep the units affordable. She said that if the average median income is reduced, it could also reduce their parking needs.

Andrew Russell English, 1107 N. Limestone, he is also concerned with the displacement of their neighbors.

Applicant Rebuttal - Matt Carter said the applicant applied for funding through the Affordable Housing Trust Fund, which they set the rental rate discounts and the term limit that those rates will be discounted. He said the applicant hasn't received the grant yet because the zone change is the first step to receiving this grant.

Citizen Rebuttal – Ms. Russell English asked if an amendment could be added to the plan that if approved, it be guaranteed affordable housing. She said that as of now, if this is approved and the affordable housing grant is denied, the applicant can build any high-density apartments, which will affect the entire neighborhood.

Staff Rebuttal – Ms. Wade said that when a land use is granted, it doesn't have a limit on the cost to charge renters. She said that the staff can assist the Affordable Housing Trust Fund, by providing the minutes and any other materials they may need to make their decision.

Mr. Jim Duncan said that the staff can't mandate that, however, the applicant could volunteer to place restrictions on their use of this property. He said that the Affordable Housing Trust Fund will manage how their funds will be distributed and what kind of restrictions could be applied to them.

Ms. Russell English said the staff recommended approval for this zone change is because it meets the 2013 Comprehensive Plan's need for affordable housing. She asked if the affordable housing grant isn't received, how the subject property will still meet that need.

Ms. Wade said that during the staff evaluation of a zone change, they evaluate the entire 2013 Comprehensive Plan and in the applicant's justification it was stated that they will provide affordable housing, which does meet one aspect of the Plan. She said that the staff was hesitant to recommend approval until more elements of the zone change met the Plan. She said that if it isn't affordable housing, the improvements along N. Limestone will still be a positive improvement to the area. She said that a multi-family building would be beneficial in this area even if it isn't "affordable housing."

Commission Question – Mr. Owens said that he appreciates the Mr. and Ms. Russell English attending today's meeting and expressing their concerns. He asked about the square footage of the proposed units. Mr. Carter said they are mostly 800 square feet, some of them are smaller. Mr. Owens asked the applicant will meet for the Affordable Housing Trust Fund before they submit a Final Development Plan. Mr. Carter said that the grant will be secured by then.

Mr. Wilson said that Council Member James Brown has put together an Affordable Housing Task Force, which he will be serving on, and they will be addressing gentrification and displacement. He said their first meeting is on July 10, 2018. He said their main concern is what is being discussed today and he said there will be additional discussions related this, since this is a city-wide and nation-wide issue.

Ms. Plumlee asked if the applicant can request from the Affordable Housing Trust Fund length of time that the units would remain as affordable housing. Mr. Carter said that is dictated by the Affordable Housing Trust Fund.

Mr. Wilson asked how many dwelling units are being proposed. Mr. Carter said that there are 36 dwelling units, all with two-bedrooms. Mr. Wilson said the application states there are 42 dwelling units. Mr. Carter said that is the density per acre, and the subject property is 0.842 acre.

Mr. Penn said that when things start to improve in a neighborhood, property values will increase as well.

Mr. Wilson said that there are some creative ways that this could be addressed. He said that neighborhood improvements are wanted just as much as protecting the neighbors from being displaced from increasing rent costs.

Ms. Wade said that if the Planning Commission wants to make a recommendation to the Affordable Housing Trust Fund in terms of the length of the deed restriction, if it could be made part of the record and the staff could transmit it to them. The Board may consider that request so it wouldn't have to be part of a conditional zoning restriction.

Mr. Penn made a statement that the intent of the zone change is to be used for affordable housing. There was an agreement among most of the Planning Commission members.

Mr. Carter said that he would prefer that the Planning Commission not send a recommendation and to let the Affordable Housing Trust Fund dictate what the time period would be.

Mr. Cravens said that he doesn't believe that this needs to be made part of the recommendation. He also said that the Affordable Housing Trust Fund will put the term restriction on the property.

Recommendation Action – Mr. Wilson asked the Planning Commission to vote on sending forth a recommendation, the vote failed, 4-4 (Cravens, Penn, Mundy, and Richardson opposed).

Zoning Action – A motion was made by Mr. Penn, seconded by Ms. Mundy, and carried 8-0 (Bell, Brewer and Forester absent) to approve PLN-MAR-17-00041: WINCHESTER 836. LLC (AMD), for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Penn, seconded by Ms. Mundy, and carried 8-0 (Bell, Brewer and Forester absent) to approve PLN-MJDP-17-00121: ARLINGTON WEEKLY PAYMENT LOT & INVESTMENT COMPANY'S ADDITION, with the revised conditions provided by the staff as follows:

The Staff Recommends: Approval, subject to the following conditions:

1. Provided the Urban County Council rezones the property R-4; 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. Denote location of covered bus transit stop.~~
- ~~7. Denote diameter of existing trees within the Tree Inventory information.~~
- ~~8. Denote review by the Royal Spring Aquifer Committee required at Final Development Plan.~~
- ~~9. Denote construction access on plan.~~
- 6. 10. Provided the Planning Commission grants the requested variances to reduce the N. Limestone front yard addressing the R-4 front yard setback and to reduce the required parking.
- ~~11. Denote compliance with Article 15-7 Infill and Redevelopment requirements shall be resolved at time of Final Development Plan.~~
- ~~12. Denote compliance with Central Sector Small Area Plan recommendations shall be resolved at time of Final Development Plan.~~
- 7. 13. Denote the ability to meet tree canopy requirements shall be resolved at time of Final Development Plan.
- 8. 14. Discuss Resolve cross-section widths for N. Limestone and Carlisle Avenue to the approval of Traffic Engineering.
- ~~15. Discuss usable open space requirements and compliance utilizing roof top space.~~
- 9. Adjust location of building to meet side street side yard requirement.

Requested Variance Action – A motion was made by Mr. Penn, seconded by Ms. Mundy, carried 8-0 (Bell, Brewer and Forester absent) to approve the requested variances, for the reasons provided by the staff.

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