

MAR 2016-8

Date Received 3/7/16

Pre-Application Date 1/25/16

Filing Fee \$ 500⁰⁰

GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

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

APPLICANT:	Wynndale Development, LLC 859-523-8612 101 Stable Way, Nicholasville, Kentucky 40356
OWNER:	Wynndale Development, LLC 859-523-8612 101 Stable Way, Nicholasville, Kentucky 40356
ATTORNEY:	Jacob Walbourn, MMLK 859-231-8780 201 East Main Street, Suite 1000, Lexington, Kentucky 40356

2. ADDRESS OF APPLICANT'S PROPERTY (Please attach Legal Description)

1850 Higbee Mill Road (a portion of)

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

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
B-6P	Vacant	R-3	Residential	8.46	9.02
A-U	Vacant	R-3	Residential	2.90	3.26

4. SURROUNDING PROPERTY, ZONING & USE

Property	Use	Zoning
North	Residential	R-1D
East	Residential	R1D & R-1T & R-3
South	Residential	R1-D & R-3
West	Residential	R-1D

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 ____ % 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 ____ Units

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

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

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

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

8. APPLICANT/OWNER SIGNS THIS CERTIFICATION

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

APPLICANT _____ DATE _____

OWNER Jacob Walbourn ATTOENEY _____ DATE 3/7/16

LFUCG EMPLOYEE/OFFICER, if applicable _____ DATE _____

March 7, 2016

Mr. Mike Owens, Chairman
Lexington-Fayette Urban County Planning Commission
200 East Main Street
Lexington, Kentucky 40507

RE: Zone Change Application from B-6P and A-U to R-3
A portion of 1850 Old Higbee Mill Road

Dear Chairman Owens:

Please be advised that we represent Wynndale Development LLC, which is the owner of 1850 Old Higbee Mill Road. My client desires to rezone a portion of the above-mentioned parcel from its current Planned Shopping Center (B-6P) zone and Agricultural-Urban Zone (A-U) to the Planned Neighborhood Residential (R-3) zone. We believe that the existing B-6P and A-U zoning is inappropriate for the site, and that the site is more appropriately zoned R-3. Further, we believe that such a rezoning request is in accord with the Goals and Objectives of the 2013 Comprehensive Plan, as further explained herein.

Property Information

The parcel we propose to rezone is a unique parcel in many ways. It is a large parcel (approximately 27.8 acres in whole) that is bounded by Old Higbee Mill Road and Man O' War Boulevard to the north, an R-1T parcel (under the control of the applicant) to the east, and residential development (in the form of R-1D and PUD-1 zoning) to the south and west. The parcel is in two parts, split by 1960 Old Higbee Mill Road, which is owned by the Urban County Government, and is currently an unimproved property known as Clemens Park. The property currently has three separate zoning designations – R-3 on the eastern end, B-6P in the middle, and A-U to the west. The South Elkhorn Creek passes through the property, and a large portion of the property is flood plain. There is, however, some developable area nearer Old Higbee Mill Road in the B-6P area that is beyond the limits of the flood plain. The property is presently undeveloped.

Portions of the property have been slated for residential development for nearly 30 years. In October 2015, the applicant received approval from the Planning Commission of a preliminary subdivision plan for the southern portion of the R-3 segment of the property. Additionally, a final development plan was approved for the applicant's adjacent property, an R-1T zoned parcel, located at 3757 Kings Glen Park. The present rezoning proposal will allow the final pieces of developable land to be developed in this area. The Applicant desires to construct one apartment building within the developable area.

Planned Shopping Center Zoning is Inappropriate; Residential Zoning is Appropriate

As a threshold matter, we submit that the present Planned Shopping Center (B-6P) and Agricultural-Urban (A-U) zoning is inappropriate and the proposed Planned Neighborhood Residential (R-3) zoning is appropriate.

The A-U zoning category is often identified as a “placeholder” zone, appropriate for property within the Urban Service Boundary that is rural in character prior to its development. The intent section of the zone notes that it is to “control the development of the rural land within the Urban Service Area over a period of time so as to manage the growth of the community.” Zoning Ordinance, §8-4(a). A review of the surrounding area reveals that the area has developed, and that A-U zoning is no longer appropriate for the site.

Likewise, B-6P zoning is also inappropriate for this parcel. While the parcel as a whole is relatively large, the developable land within the B-6P segment is actually quite small. The intent section of the B-6P zone notes that its provisions are to “[a]ssure convenience by providing commercial areas of sufficient size and in the property location to service conveniently the people in the area.” Zoning Ordinance, §12-1. Simply put, the developable area on this parcel is too small to accommodate a shopping center of sufficient size to adequately serve the area. Even under the least restrictive parking requirements, two square feet of off-street parking are required for every foot of “parking floor area.” As such, the parking requirements for B-6P zoning, when contrasted with the developable area available, would make this an extremely difficult site for B-6P development. Further, while additional shopping centers are likely needed for this area, there are B-6P and B-1 developments within a mile of this parcel.

In short, the present zoning for this parcel is inappropriate. R-3 would appear to be a more appropriate zone than the existing zoning for several reasons: a large portion of the property is already zoned R-3; the area is predominantly residential in character, and the proposed development would maintain that residential character; the proposed zoning would allow for higher density, but the size of the developable area necessarily constrains the possible density to appropriate levels; and the location of the proposed development should have limited impact on the existing residential development in the area.

In conclusion, the present zoning for the site is inappropriate, and R-3 zoning is appropriate for the site.

Proposal in Agreement with 2013 Comprehensive Plan

The proposal to rezone the subject parcel is also in accord with several of the goals and objectives of the 2013 Comprehensive Plan. Our conclusion that this rezoning request

is in agreement with the 2013 Comprehensive Plan (hereinafter “Comp Plan”) is based on the following:

Growing Successful Neighborhoods

Theme A of the Comp Plan embraces several goals regarding residential life in Fayette County. We believe this redevelopment proposal embraces Goals 1, 2 and 3 articulated in Theme A of the Comp Plan.

Expand Housing Choices. Lexington seeks to create and implement housing incentives that strengthen the opportunity for economic development, new business, and jobs, including, but not limited to higher density and housing. “At its core, the 2013 Comprehensive Plan promotes neighborhood prosperity and success” (Comp Plan, p. 38). In pursuit of that goal, the Comp Plan encourages varied housing choices featuring townhomes, apartments, and condominium and duplex housing adjacent and mixed with single-family homes.

This proposal is in accord with the comprehensive plan because it adds the availability of apartment style living in an area that is dominated by single family residences. However, because of the location of the parcel, this housing variety can be introduced without significantly altering the character of the existing neighborhood. The location of the flood plain will constrain the size of the development, and thus, increase the diversity of housing choices in the immediate area without substantially impacting the existing character of the neighborhood. As this Planning Commission has heard in many recent zone changes, apartment living is increasing in popularity among various segments of the population.

Support infill and redevelopment throughout the Urban Service Area as a strategic component of growth. This goal is accomplished by identifying areas of opportunity for infill, redevelopment and adaptive reuse that respect the area’s context and design features whenever possible. This project utilizes vacant land within the Urban Service Boundary, which is becoming increasingly rare in Lexington. As you are no doubt aware, 95% of Fayette County’s population resides within the Urban Services Area (“USA”), and this number is expected to rise by nearly 35,000 people by 2020 (Comp Plan, p. 13). It is anticipated that the USA will reach its capacity within the next 12 to 17 years. Thus, redevelopment is needed to provide housing choices to the ever increasing population within the USA. The Comp Plan calls for quality connections with parks, schools, and stores, and pedestrian friendly streets and amenities (Comp Plan, p. 39). Our project is immediately adjacent to an LFUCG owned park property, and will be located in an area with substantial green space.

Provide well designed neighborhoods and communities. The Comp Plan calls not only for well-designed new developments, but to provide enhancements to existing neighborhoods to increase their desirability (Comp Plan, p. 38). Our proposed development will provide a modest increase in density to an area that that has largely developed, but will minimally

impact the existing neighborhood. Additionally, this development will minimize disruption of the natural features of an area, another objective of Goal 3, as it will avoid building within or altering the flood plain, and will maintain a significant tree canopy in the area. In fact, we submit that this proposal truly embraces Goal 3 of Theme A: this development has found the one area of developable land, and proposes to use it (and only it) to provide for a modest increase in neighborhood density while predominantly maintaining the character of the existing neighborhood.

Creating Jobs and Prosperity

Theme C of the Comp Plan embraces goals related to continued economic prosperity in Fayette County. We believe this redevelopment proposal embraces elements of Theme C of the Comp Plan.

Attract the world's finest jobs, encourage entrepreneurial spirit, and enhance our ability to recruit and retain a talented, creative workforce by establishing opportunities that embrace diversity with inclusion in our community. One way to attract new jobs and young professionals to Lexington is by providing entertainment and other quality of life opportunities that will bring a workforce of all ages and talents to the city. The proposed development will allow members of the working community to live in a desirable neighborhood without having to commit to the substantial investment and maintenance required when purchasing a single-family home. These housing opportunities will be attractive to not only young-professionals, but also graduate students, young couples, and perhaps even older individuals wishing to downsize. The median age in Fayette County is 34 (Comp Plan, p. 17), and 34% of the population is between the ages of 20 and 39 (Comp Plan, p. 18). The opportunities for young professionals to live within the USA must be expanded to accommodate this growing demographic. This will in turn attract more young professional (and jobs) to Lexington. The Comp Plan also reflects commitment to allowing people to live where they work and creating opportunities to make this a reality (Comp Plan, p. 74). This property is within a short bike ride of the Nicholasville and Harrodsburg Road corridors, which are thriving commercial areas with new commercial development. It is also only approximately one mile from an existing Lextran stop on Route #13, which is an every day, day-night route.

Maintaining a Balance Between Planning for Urban Uses and Safeguarding Rural Land

Theme E of the Comp Plan embraces goals related to preserving rural land while encouraging growth. We believe this redevelopment proposal embraces elements of Theme E of the Comp Plan.

Uphold the Urban Services Area concept. This goal requires the absorption of vacant or under-utilized land in the Urban Service Area as well as encouraging the compact, contiguous, and/or mixed-use sustainable development within the Urban Service Area to accommodate future growth needs. This project will utilize undeveloped but developable land within the Urban Services Boundary. Finding vacant land within the USA is an

increasingly rare prospect, and when such land is located, it is important to develop it as efficiently as practicable.

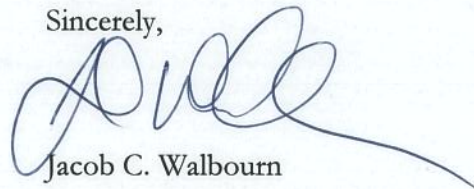
The Comp Plan also encourages maintenance of this balance by encouraging infill, redevelopment, and adaptive reuse. As noted, this project utilizes existing vacant land. The Comp Plan provides guidelines in what it calls “context-sensitive design.” This allows for a project to approach the development with an eye towards the exterior and architectural features that reflect, relate to, or are in proportion to the surrounding neighborhood (Comp Plan, p. 98). Context-sensitive design can quell many of the fears expressed by neighborhood residence when presented with an infill project (Comp Plan, p. 101). Infill and redevelopment are geared towards improvement, reinvigoration, and development of the quality neighborhoods that create compact development, livable neighborhoods, and viable neighborhood commercial centers (Comp Plan, p. 98). The Comp Plan admits that to successfully achieve infill and redevelopment, regulatory change to the Zoning Ordinance must be reviewed on a regular basis (Comp Plan, p. 99). Because of the location of the developable land, this modest increase in density will only minimally impact the existing neighborhood.

Conclusion

As you can see, this proposal comports with many of the applicable goals and objectives of the Comp Plan. We believe this project is precisely the type of project the Comp Plan encourages – it provides for appropriate density in unused or underutilized land. Such a project is important to limiting expansion into Lexington’s agricultural areas, and is the type of project needed to make Lexington a desirable community. This type of project is vitally important to preserving the USA boundary at its current location. In short, this project complies with the goals and objectives of the 2013 Comprehensive Plan.

Based on the foregoing, we respectfully request approval of our application as submitted.

Sincerely,



Jacob C. Walbourn

JCW/klm
Enclosures

WYNNDALE DEVELOPMENT, LLC PROPERTY
1850 Old Higbee Mill Road (a portion of)
Lexington, Fayette County, Kentucky
Zone Change from A-U to R-3

A TRACT OF LAND SITUATED SOUTH OF OLD HIGBEE MILL ROAD IN LEXINGTON, FAYETTE COUNTY, KENTUCKY AND BEING MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

COMMENCING AT A POINT in the northeastern most corner of Lot 5 (known as 4201 Steamboat Road) of Zanwynn Staion, Unit 1 as recorded in Plat Cabinet "K", Slide 491 in the Fayette County Clerk's Office; thence South 86 degrees 11 minutes 27 seconds East, 708.35 feet to a the **TRUE POINT OF BEGINNING**; thence North 12 degrees 27 minutes 09 seconds East, 192.41 feet to a point; thence North 72 degrees 33 minutes 19 seconds East, 60.50 feet to a point; thence South 17 degrees 26 minutes 40 seconds East, 55.27 feet to a point; thence South 24 degrees 05 minutes 41 seconds East, 50.00 feet to a point; thence South 33 degrees 48 minutes 09 seconds West, 29.70 feet to a point; thence South 55 degrees 15 minutes 44 seconds West, 145.61 feet to **THE POINT OF BEGINNING** and containing 0.33 acres (gross) and 0.18 acres (net).

WYNNDALE DEVELOPMENT, LLC PROPERTY
1850 Old Higbee Mill Road (a portion of)
Lexington, Fayette County, Kentucky
Zone Change from B-6P to R-3

A TRACT OF LAND SITUATED SOUTH OF OLD HIGBEE MILL ROAD IN LEXINGTON, FAYETTE COUNTY, KENTUCKY AND BEING MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

BEGINNING AT A POINT in the northwestern most corner of Lot 29 (known as 4292 Steamboat Road) of Zanwynn Station, Unit 1 as recorded in Plat Cabinet "K", Slide 491 in the Fayette County Clerk's Office; thence with the northern line of Zanwynn Station, Unit 1 for the following four (4) calls: North 63 degrees 03 minutes 26 seconds West, 193.13 feet to a point; thence North 53 degrees 55 minutes 53 seconds West, 195.26 feet to a point; thence North 38 degrees 04 minutes 32 seconds West, 72.67 feet to a point; thence North 25 degrees 50 minutes 21 seconds West, 445.41 feet to a point; thence leaving said northern line South 65 degrees 39 minutes 32 seconds East, 202.91 feet to a point; thence North 55 degrees 15 minutes 44 seconds East, 379.21 feet to a point in the centerline of Old Higbee Mill Road; thence with said centerline for the following three calls: South 20 degrees 45 minutes 20 seconds East, 298.80 feet to a point; thence 347.20 feet along a curve to the left having a radius of 477.47 feet and a chord which bears South 41 degrees 35 minutes 23 seconds East, 339.60 feet to a point; thence South 62 degrees 25 minutes 17 seconds East, 157.76 feet to a point; thence leaving said centerline South 27 degrees 24 minutes 06 seconds West, 144.47 feet to a point; thence South 04 degrees 48 minutes 29 seconds West, 178.76 feet to a point; thence North 77 degrees 34 minutes 48 seconds West, 133.20 feet to a point; thence North 64 degrees 01 minutes 31 seconds West, 208.18 feet to **THE POINT OF BEGINNING** and containing 9.02 acres (gross) and 8.46 acres (net).