

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

IN RE: MARV 2016-9: BURLINGTON HEIGHTS CONDOMINIUMS, LLC, AND WYNNDALE DEVELOPMENT, LLC – petition for a zone map amendment from a High Density Apartment (R-4) zone to a High Rise Apartment (R-5) zone, for 0.59 net (0.69 gross) acre, for property located at 256 & 260 Lexington Avenue. Dimensional variances were also requested. (Council District 3)

Having considered the above matter on **April 28, 2016**, at a Public Hearing, and having voted **9-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter for the following reasons:

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

4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply to the subject property:

Prohibited Uses:

- a. Extended-stay hotels.
- b. Restaurants.
- c. Incidental retail uses.

These use restrictions are appropriate and necessary to protect the existing area from incompatible development along Lexington Avenue.

ATTEST: This 15th day of August, 2016.


Secretary, Jim Duncan

MIKE OWENS
CHAIR

Note: The corollary development plan, ZDP 2016-43: Kaluski Property (Lex Ave Apartments), was approved by the Planning Commission on April 28, 2016 and certified on May 11, 2016.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Jacob Walbourn, attorney.**

OBJECTORS

- Amy Clark, 628 Kastle Road

- Kathy Chatfield, owner of a nearby building

OBJECTIONS

- She does not believe that an R-5 zone is necessary for the subject property, and is concerned that the proposed development will not be in keeping with the character of the area.
- Her building has limited parking, and she is concerned that the parking for the proposed building will be insufficient.

VOTES WERE AS FOLLOWS:

AYES: (9) Berkley, Brewer, Cravens, Mundy, Owens, Penn, Plumlee, Richardson, Wilson

NAYS: (0)

ABSENT: (2) Drake, Smith

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **MARV 2016-9** carried.

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