

ORDINANCE NO. 072 - 2021

AN ORDINANCE CHANGING THE ZONE FROM A NEIGHBORHOOD BUSINESS (B-1) ZONE TO A HIGH DENSITY APARTMENT (R-4) ZONE, FOR 1.56 NET (1.86 GROSS) ACRES, FOR PROPERTY LOCATED AT 1009 AND 1017 WELLINGTON WAY. (RTA FAMILY TRUST; COUNCIL DISTRICT 10).

WHEREAS, at a Public Hearing held on April 22, 2021, a petition for a zoning ordinance map amendment for property located at 1009 and 1017 Wellington Way from a Neighborhood Business (B-1) zone to a High Density Apartment (R-4) zone, for 1.56 net (1.86 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change by a vote of 7-1; 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 1009 and 1017 Wellington Way from a Neighborhood Business (B-1) zone to a High Density Apartment (R-4) zone, for 1.56 net (1.86 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 17, 2021



MAYOR

ATTEST:



CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: September 5, 2021-1t
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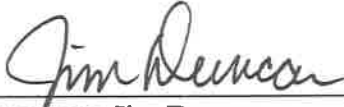
RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: **PLN-MAR-21-00001: RTA FAMILY TRUST** – a petition for a zone map amendment from a Neighborhood Residential (B-1) zone with conditional zoning restrictions to a High Density Apartment (R-4) zone, for 1.56 net (1.86 gross) acre, for properties located at 1009 & 1017 Wellington Way. (Council District 10)

Having considered the above matter on **April 22, 2021**, at a Public Hearing, and having voted **7-1** 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 agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed development will accommodate the demand for housing in Lexington responsibly, prioritizing a mixture of housing types (Theme A, Goal #1), by providing a denser type development in an area that is primarily single family detached and duplex dwelling units.
 - b. The proposed rezoning will support infill (Theme A, Goal #2), and add to a well-designed neighborhood and community (Theme A, Goal #3), while upholding the Urban Service Area concept (Theme E, Goal #1).
 - c. The proposed rezoning will achieve an effective and comprehensive transportation system (Theme D, Goal #1) by prioritizing a pedestrian-first design (Theme D, Goal #1.a), by developing a safe pedestrian crossing along Wellington way.
 - d. The proposed rezoning allows for positive and safe social interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians and various modes of transportation (Theme A, Goal #3.b) by providing a safe and more accessible link to the proposed enhanced transit facilities located across Wellington Way.
 - e. The proposed rezoning addresses the goal of absorbing vacant and underutilized land within the Urban Service Area (Theme E, Goal #1.a), and accommodating the demand for housing in Lexington responsibly, prioritizing higher-density and mixture of housing types.
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site creates a residential development that allows increased residential options, provides for safe pedestrian mobility and provides amenities for both residents and the surrounding community. In addition, the development will meet the Multi-Family Design Guidelines.
 - b. The proposed rezoning includes safe facilities for the potential users of the site by enhancing the pedestrian facilities along both Wellington Way and across Wellington Way to the commercial development and transit facilities. The proposed development is providing safe and clear access to the building, and providing covered and safe bike storage facilities. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it adds green infrastructure with the inclusion of permeable pavers and will add viable native tree canopy coverage.
3. This recommendation is made subject to approval and certification of **PLN-MJDP-21-00005: Schroyer Property Lots 3 & 4 (RTA Trust)(AMD)**, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

ATTEST: This 14th day of May, 2021.


Secretary, Jim Duncan

LARRY FORESTER
CHAIR

Note: The corollary development plan, PLN-MJDP-21-00005: SCHROYER PROPERTY (LOTS 3 AND 4) was approved by the Planning Commission on April 22, 2021 and certified on May 6, 2021.

K.R.S. 100.211(7) requires that the Council take action on this request by July 21, 2021.

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

OBJECTORS

- Doug Martin, 1031 Wellington Way
- Butch Schroyer, Schroyer Development Property
- Michael Walsh
- Lee Jinright

OBJECTIONS

- Concerned with the increase of traffic, noise and pedestrian safety on Wellington Way. He is also concerned that guests will park in his parking lot.
- Concerned with the increase of traffic and pedestrian safety because of the lack of sidewalks on Wellington Way
- Concerned with the increase of traffic and pedestrian safety. Concerned with the scale of the proposed development being out of character with surrounding neighborhood.
- Concerned with the height of the proposed building

VOTES WERE AS FOLLOWS:

AYES: (7) Bell, Davis, de Movellan, Nicol, Penn, Pohl, and Wilson

NAYS: (1) Plumlee

ABSENT: (3) Barksdale, Forester, Meyer

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-21-00001** carried.

Enclosures: Application
Justification
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: RTA FAMILY TRUST, 60 AVENUE OF CHAMPIONS, NICHOLASVILLE, KY 40356 |
| Owner(s): RTA FAMILY TRUST, 60 AVENUE OF CHAMPIONS, NICHOLASVILLE, KY 40356 |
| Attorney: SCOTT SCHUETTE, 201 E. MAIN STREET, LEXINGTON, KY 40507 PH: 859-420-4344 |

2. ADDRESS OF APPLICANT'S PROPERTIES

| |
|--|
| 1009 WELLINGTON WAY, LEXINGTON, KY 40513 1017 WELLINGTON WAY, LEXINGTON, KY 40513 |
|--|

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

| Existing | | Requested | | Acreage | |
|----------|--------|-----------|-------------|---------|-------|
| Zoning | Use | Zoning | Use | Net | Gross |
| B-1 | VACANT | R-4 | RESIDENTIAL | 1.56 | 1.86 |

4. COMPREHENSIVE PLAN

| | |
|--|----------------------------|
| a. Utilizing Placebuilder, what Place-Type is proposed for the subject site? | CORRIDOR |
| b. Utilizing Placebuilder, what Development Type is proposed for the subject site? If residential, provide the proposed density | MEDIUM DENSITY RESIDENTIAL |

5. EXISTING CONDITIONS

| | |
|---|---|
| a. Are there any existing dwelling units on this property that will be removed if this application is approved? | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| b. Have any such dwelling units been present on the subject property in the past 12 months? | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| c. Are these units currently occupied by households earning under 40% of the median income? If yes, how many units? If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing. | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |

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

| | |
|--------------------|--|
| Roads: | LFUCG |
| Storm Sewers: | LFUCG |
| Sanity Sewers: | LFUCG |
| Refuse Collection: | LFUCG |
| Utilities: | <input checked="" type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas <input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable |



SCOTT A. SCHUETTE
sschuette@mcbayerfirm.com
ALSO ADMITTED IN FLORIDA



201 EAST MAIN STREET, SUITE 900
LEXINGTON, KY 40507
859.231.8780 EXT. 1018

February 1, 2021

Via Hand-Delivery


Lexington-Fayette Urban County Planning Commission
101 E. Vine Street
Lexington, KY 40507

Re: 1009 and 1017 Wellington Way Zone Change from B-1 to R-4
Applicant: RTA Family Trust

Dear Commissioners:

Please find enclosed herewith RTA Family Trust's Application for a Zone Change for 1009 and 1017 Wellington Way, Lexington, KY 40513. Enclosed herewith are two checks, numbered 15324 and 153523, in the amount of \$450.00 and \$550.00, for the filing fee associated with the Development Plan and for the filing fee associated with the Zone Map Amendment Application.

If you have any questions please do not hesitate to contact me. Thank you for your assistance in this matter.

Sincerely,

SCOTT A. SCHUETTE

SAS/ss

4815-6689-0458, v. 1

SCOTT A. SCHUETTE
sschuette@mcbayerfirm.com
ALSO ADMITTED IN FLORIDA



201 EAST MAIN STREET, SUITE 900
LEXINGTON, KY 40507
859.231.8780 EXT. 1018

February 1, 2021

Via Hand-Delivery, Mail, and Email

Lexington-Fayette Urban County Planning Commission
101 E. Vine Street
Lexington, KY 40507

Re: 1009 and 1017 Wellington Way Zone Change from B-1 to R-4
Applicant: RTA Family Trust
Zone Map Amendment Justification Letter

Dear Commissioners:

I am writing on behalf of my clients, RTA Family Trust (“RTA”), the owner of 1009 and 1017 Wellington Way in Lexington, Fayette County, Kentucky. We ask that you accept this letter as our request that the two tracts be rezoned from B-1 (Neighborhood Business) to R-4 (High Density Apartments). We provide the following information in support of this request:

A. 2018 Comprehensive Plan Goals and Objectives

We believe that our proposed development is in agreement with the 2018 Comprehensive Plan, specifically the Goals and Objectives that encourage expanding housing choices,¹ prioritizing higher density and mixture of housing types,² infill and redevelopment throughout the Urban Service Area,³ well-designed neighborhoods and communities,⁴ and working to achieve an effective and comprehensive transportation system.⁵

1. Theme A – Growing Successful Neighborhoods

We submit that this proposal comports with Theme A of the 2018 Comprehensive Plan. In reviewing, Theme A, we maintain that this development comports with the applicable design policies articulated, and is appropriately dense. We further submit that it meets the following goals and objectives articulated in Theme A:

a. Expand Housing Choices

Goal 1 of Theme A of the Comprehensive Plan lists several objectives. Among them is that Lexington should, “[a]ccommodate the demand for housing in Lexington responsibly, prioritizing higher-density and mixture of housing types.” This proposal emphasizes housing

¹ Theme A, Goal #1.

² Theme A, Goal #1, Objective B.

³ Theme A, Goal #2.

⁴ Theme A, Goal #3.

⁵ Theme D, Goal #1.

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density in a responsible fashion. It has sought to identify an area of our community that currently has few higher density residential apartments and provide housing stock in a location where Lexington has seen continued growth and development.

b. Support Infill and Redevelopment Throughout the Urban Service Area as a Strategic Component of Growth

Goal 2 of Theme A emphasizes that areas for infill and redevelopment should be identified. This site falls within the defined Urban Service Area and is well suited for infill and redevelopment. The site is currently vacant and unoccupied. RTA believes that it is identifying an area of our community that is experiencing positive growth and is optimally suited for development.

c. Provide Well-Designed Neighborhoods and Communities

We believe this proposal addresses two of the objectives of Goal 3 in Theme A in a direct way. First, this proposal will assist in providing various modes of transportation as an option, due to its location. The Palomar Shopping Center, Panera Bread Company, LA Fitness and Sedona Taphouse are all within walking or biking distance. Further, there is a LexTran Bus stop directly across Wellington Way from the proposed development. This will allow for residents to utilize either public transportation with ease, or walk to any number of business' located within the Palomar Shopping Center and surrounding area.

2. Theme B – Protecting the Environment

We also submit that this proposal comports with goals and objectives outlined in Theme B of the Comprehensive Plan.

a. Reduce Lexington-Fayette County's Carbon Footprint

As previously noted, this site is located within walking distance of Palomar Shopping Center, LA Fitness, Sedona Taphouse, Panera Bread Company and a public transportation bus stop. We are hopeful that due to the location of this site, residents will use personal vehicles less than if the site was located elsewhere as they are in walking distance to a number of different stores and businesses. This a key objective of Goal 2 of Theme B.

3. Theme D – Improving a Desirable Community

We further submit that this proposal comports with the goals and objectives articulated in Theme D of the Comprehensive Plan.

a. Work to Achieve an Effective and Comprehensive Transportation System

We believe this proposal meets several of the objectives of Goal 1 of Theme D. As has been detailed above, the location of this site makes for easy walking and biking to and from a

plethora of stores and businesses. Further, due to LexTran already having a stop directly across the street from the site, accessing public transportation will be of ease.

4. *Theme E – Urban and Rural Balance*

Finally, we submit that this proposal meets the goal of safeguarding rural land by providing needed housing units in appropriately dense matter, thus reducing pressure on the Urban Service Boundary.

B. Community Engagement

We have circulated letters to each of the landowners adjoining the development or in reasonable proximity to the development. Due to the current COVID-19 crisis, public comment was conducted via ZOOM. We did in fact hold a ZOOM meeting with property owners, prior to the pre-application meeting, who wished to make comments or have their input heard on January 6th, 2021 at 6:00 p.m. Landowners voiced concerns regarding the potential for increased vehicular traffic and cost of rent. We believe both of these issues will be resolved throughout this process. The price of rent is yet to be determined and will likely increase from the initial projections due to a variety of factors. Lastly, we believe traffic concerns will be alleviated due to the walkability to numerous business' and stores as well as the ample parking afforded by the development. This will decrease vehicular movement around the development and surrounding areas.

C. Site Description

The subject site is currently a vacant commercial lot zoned B-1 (Neighborhood Business) and is located along the major corridor of Harrodsburg Road. The immediately surrounding area to the East and West of the subject site consists of properties zoned B-1 as well as P-1 Professional Office. Directly across Wellington Way, is the Palomar Shopping Center which consists of properties zoned B-1, P-1, and B-6P. The rear of the subject site abuts residential single-family dwellings that are zoned R-3. The proposed rezoning to R-4 will provide needed housing choices in the area which are compatible with the 2018 Comprehensive Plan.

D. Requested Variance

Along with the requested Zone Change, RTA is requesting a height variance for the development in order to comply with the open space requirements and provide a safe and spacious outdoor activity center. The current height restriction is 40' and anything over 40' would require approval of a variance. The requested variance would provide for an additional 10' of height in two areas of the development. Those two sections would be the stairwells and elevators which will provide access to the rooftop. The requested variance will allow for RTA to utilize the roof of the development as open space. The rooftop will be outfitted with lounge chairs and other amenities for residents to utilize.

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Due to this development encompassing two lots, there is not ample space to further set the development back, which would allow for a larger development. Strict application of the 40' height requirement would render this development economically unfeasible, creating an unnecessary hardship on RTA. These special circumstances are not result of any actions taken by RTA subsequent to adoption of the zoning regulations.

This request will not affect the public health, safety or welfare. The requested variance will not cause the development to be out of proportion to surrounding area. Only portions of the building will be above the allowed height. This will include stairwells and elevators which will allow residents easy access to the open space. This will not alter the essential character of the general vicinity as it will not be larger than other developments in the general vicinity. This requested variance will not cause a hazard or a nuisance to the public. Specifically, there will not be a pool or hot tub which could cause increased noise and activity. Instead, the open space will seek to implement a quiet and relaxing environment for the residents to utilize.

RTA is requesting this variance not in an attempt to circumvent the applicable Zoning Ordinance, but is requesting this variance to allow for adequate open space and to provide residents with a safe and spacious open space.

E. Place-Type

The 2018 Comprehensive Plan, through the Placebuilder, defines seven place-types within the Urban Service Boundary. This location is a Corridor place-type, which is defined as;

Lexington's major roadways focused on commerce and transportation. The overriding emphasis of Imagine Lexington is significantly overhauling the intensity of major corridors. The future of Lexington's corridors lies in accommodating the shifting retail economic model by incorporating high density residential and offering substantial flexibility to available land uses.

The Corridor place-type encourages medium, medium-high, and high-density residential land use, as well as medium density non-residential/mixed-use and high density non-residential/mixed-use land use. The most appropriate place-type for this site is the Corridor place-type because of the location of the proposed development site: it is not within downtown, is not within close proximity to downtown, but is located upon a major corridor, Harrodsburg Road, identified in the 2018 Comprehensive Plan. RTA has selected medium density residential as the most suitable development type for this site. The immediately surrounding area is already well-served with neighborhood retail, office space, and single-family dwellings. RTA's proposed development will increase the housing options for this area and will allow for the walking to and from the Palomar Shopping Center, LA Fitness, Sedona Taphouse, and Panera Bread Company, increasing business in the surrounding area.

The Placebuilder also recommends six (6) different recommended zones within the Corridor place-type. Specifically, the Placebuilder recommends; B-6P, B-1, MU-3, MU-3, R-4, and R-5 as the recommended zones within a Corridor place-type. The zone that is most applicable to the proposed development is R-4 (High Density Apartment).

The subject site is currently zoned B-1, Neighborhood Business, and RTA is proposing that the two parcels be rezoned to High Density Apartment zone (R-4) in order to build a multistory residential complex, which is a recommended zone for medium density residential within the Corridor place-type. This site will have immediate access to public transit as there is a bus stop located directly across Wellington Way from the subject site and residents will be able to easily access the Palomar Shopping Center, LA Fitness, Sedona Taphouse, and Panera Bread Company via foot or bike.

RTA understands and appreciates the goals and themes put forth in Imagine Lexington: The 2018 Comprehensive Plan. RTA believes the proposed development and rezoning of the subject site are in accord with the mission statement, goals, themes, objectives, and Placebuilder outlined in the 2018 Comprehensive Plan. Based upon the location of the subject site, RTA believes the site most closely aligns with the Corridor place-type. In addition, the requested rezoning to R-4 is in agreement with this place-type, is a suitable development for this area, and is consistent with the recommended zones established by Placebuilder.

F. Development Criteria

We have further evaluated our proposal under the design and development criteria outlined in the Placebuilder. The following standards are applicable to our proposal;

A-DS3-1: The proposal, at both preliminary and final development plan, will seek to comply with the Multi-Family Design Standards.

A-DS4-2 The proposal will be in accordance with the relevant scale of the surrounding buildings and neighborhood. The proposal also furthers the policies outlined in Imagine Lexington with regard to corridor place-types by increasing density within a corridor place-type.

A-DS5-3 The proposal will increase foot traffic to surrounding business' as well the Palomar Shopping Center due to the close proximity.

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A-DS5-4 The proposal will activate the ground level with pedestrian-oriented walkways to encourage foot traffic to Palomar Shopping Center.

A-DS7-1 Parking for the development will be located in the rear of the property and not fronting any street. Parking will also be available for the development by utilizing a below grade parking structure.

A-DS7-2 The multi-family parking area will be buffered by the building. This proposal will also utilize sub grade parking which will be out of view.

A-DS7-3 The parking structure for this development will utilize below grade parking. There will also be parking located in the rear of the development and will activate the first level of the development within reason.

A-DS8-1 The proposal will be context sensitive to the surrounding area and will be aesthetically pleasing for the area.

A-DS10-1 The proposal will be short walking distance to a focal point, Palomar Shopping Center, as it is located directly across Wellington Way from said shopping center.

A-DN2-1 The proposal will increase density.

A-DN2-2 The scale of the proposal is in accordance with the surrounding condominiums and businesses and will not affect the aesthetics of the surrounding area.

A-DN3-2 This proposal will incorporate residential units in the commercial center that is the Palomar Shopping Center and surrounding business' developed along Wellington Way and Palomar Centre Drive.

A-DN6-1 This proposal will be compact for the development size and will include single-family apartments.

A-EQ3-1 The proposal will soften the transition from the shopping center to the single-family dwelling neighborhood and will provide a buffer between the two.

B-PR9-1 This development will seek to limit any disturbance to the existing topography and this site is not environmentally sensitive.

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B-SU11-1 This proposal will seek to add tree coverage in the immediate area as well as landscaping on the front of the development which is fronting Wellington Way.

C-LI6-1 This proposal will provide walkable access to commercial properties already developed.

C-LI7-1 This development will be easily walkable to commercial locations within the Harrodsburg Road Corridor.

C-PS10-2 Parking for residents of the development will be self-contained below grade and in the rear of the property without use of any already existing parking lots.

C-PS10-3 Over parking will not be an issue, but adequate parking in line with the zoning requirement will be provided.

D-PL7-1 In accordance with Imagine Lexington, the surrounding community has been asked and provided input on the proposed development.

D-SP9-1 While this will not be marketed as a senior living facility or shared housing environment, tenancy will not be restricted and accommodate all persons.

E-GR9-4 The current lots are undeveloped and vacant. This proposal will provide additional housing opportunities in the area.

A-DS1-1 LexTran already has a public transit bus stop located directly across Wellington Way from the proposed development site.

A-DS1-2 Residents of the development will be able to easily cross Wellington Way via the cross walk at Palomar Center Drive to access the public transit bus stop.

A-DS5-1 Vehicular traffic and parking will be located below grade and in the rear of the property eliminating risks that pedestrians exiting the front of the property will be in the way of residential traffic.

A-EQ3-2 This development is transit-oriented as it is in walking distance to a focal point and in close proximity to public transit.

D-CO2-1 There will be ample parking for residents in the below grade parking structure and in the rear of the development and there is adequate and easy access to public transit.

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D-CO2-2 This proposal will allow for residents to utilize any number of transportation methods including personal vehicles, public transit, walking, and bicycle.

D-SP1-3 Due to the close proximity of this location to the Palomar Center and the bus stops located therein, as well as directly across the street, residents will be able to easily utilize and access public transit. This proposal will also have locations for locking of bikes.

D-SP6-1 Due to the close proximity of this location to the Palomar Center and the bus stops located therein, as well as directly across the street, residents will be able to easily utilize and access public transit. Further, the location being directly next to a major corridor will provide for ease of access to and from the development.

E-ST3-1 This proposal will take into consideration the everchanging methods of ridesharing and accommodate those uses.

A-DS4-3 The existing landscape is a vacant lot with no key natural features.

A-EQ7-3 The development will utilize the outdoor space in the rear of the development to incorporate private open spaces for residents to utilize. The development will also utilize roof top decks which will provide ample outdoor space for residents. These areas will be clearly marked as private open spaces.

B-PR7-2 This development will incorporate trees into the landscaping and will seek to group them together to facilitate survival.

B-PR7-3 While there is not a distinct tree canopy in the area of the development, the development will seek to increase the canopy of the lots.

B-RE1-1 This proposal will increase the presence of trees and other landscaping along Wellington Way.

The following design criteria and standards are not applicable to this proposal:

A-DS11-1 This proposal is not seeking to development new or additional focal points.

A-EQ7-1 This proposal is not creating a new school site.

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- D-PL9-1 There are no historically significant structures on the proposal site.
- D-PL10-1 With the development front facing Wellington Way, art easements are not possible in this development. Any art installations would have to be located in the rear of the property away from the public eye.
- D-SP3-1 This development is already located in an area with adequate communication networks in place.
- D-SP3-2 This proposal does not seek to implement a cellular tower antenna.
- E-GR4-1 There are no existing structures on the property.
- E-GR5-1 There are no existing historical structures on the property.
- E-GR9-1 This residential development will be for housing only.
- A-DS4-1 This proposal is located right next to the Palomar Center and provides for multiple avenues for movement to and from adjoining properties. Due to the relatively close nature of the development to the Palomar Center, residents can easily access the center by walking or bicycle traffic. Further, there is ample access to public transit in the immediate vicinity to the development.
- A-DS5-2 This proposal does not seek to develop any new roadways. It will be a turn-in turn-out property entrance onto Palomar Centre Drive.
- A-DS10-2 This proposal does not seek to create a new focal point, but instead seeks to utilize existing focal points.
- A-DS13-1 This proposal does not seek to create Stub Street beyond the entrance into the parking area in the rear of the development.
- B-SU4-1 There are community centers and greenspaces within walking distance of the proposed development.
- D-CO1-1 Due to this being a corridor place-type creation of right of ways is not needed.
- D-CO4-2 This proposal will not create new roadways that could create additional traffic in the area.

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- D-CO5-1 This proposal does not seek to develop new streets.
- B-PR2-1 This proposal does not encompass an environmentally sensitive area.
- B-PR2-2 This proposal does not seek to divide any floodplain.
- B-PR2-3 This proposal is not located within a floodplain.
- B-PR7-1 There are no greenways, tree stands, or stream corridors within reasonable proximity to the site.
- B-RE2-1 This proposal does not seek to develop a greenspace network.
- D-SP2-1 This proposal does not seek to develop a school site.
- D-SP2-2 This proposal does not include a school site.
- E-GR3-1 This proposal is not included in an existing greenway network.
- E-GR3-2 This proposal does not seek to develop a new focal point, but instead seeks to utilize existing focal points.

Conclusion

In sum, we submit our proposal is consistent with the 2018 Comprehensive Plan. We look forward to working with Staff and the Lexington-Fayette Urban County Planning Commission towards the ultimate approval of RTA's request. Thank you for your consideration.

Sincerely,



SCOTT A. SCHUETTE

SAS/ss

MEDIUM DENSITY RESIDENTIAL

SITE DESIGN, BUILDING FORM, & LOCATION

- A-DS3-1** Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
- A-DS4-2** New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.
- A-DS5-3** Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
- A-DS5-4** Development should provide a pedestrian-oriented and activated ground level.
- A-DS7-1** Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
- A-DS7-2** Any non-residential or multi-family parking not buffered by a building should be screened from the streetscape view and adjacent properties.
- A-DS7-3** Parking structures should activate the ground level.
- A-DS8-1** At the individual street level, medium density housing types should be interspersed with single-family detached units and should be context sensitive.
- A-DS10-1** Residential units should be within reasonable walking distance to a focal point.
- A-DS11-1** Common public uses that serve as neighborhood focal points, such as parks and schools, should be on single loaded streets.
- A-DN2-1** Infill residential should aim to increase density.
- A-DN2-2** Development should minimize significant contrasts in scale, massing and design, particularly along the edges of historic areas and neighborhoods. (D-PL9, E-GR6)
- A-DN3-2** Development should incorporate residential units in commercial centers with context sensitive design.
- A-DN6-1** Allow and encourage new compact single-family housing types.
- A-EQ3-1** Development should create context sensitive transitions between intense corridor development and existing neighborhoods.
- A-EQ7-1** School sites should be appropriately sized.
- B-PR9-1** Minimize disturbances to environmentally sensitive areas by utilizing the existing topography to the greatest extent possible.
- B-SU11-1** Green infrastructure should be implemented in new development. (E-GR3)
- C-LI6-1** Developments should incorporate multi-family housing and walkable commercial uses into development along arterials/corridors.

- C-LI7-1** Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.
- C-PS10-2** Developments should explore options for shared and flexible parking arrangements for currently underutilized parking lots.
- C-PS10-3** Over-parking of new developments should be avoided. (B-SU5)
- D-PL7-1** Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
- D-PL9-1** Historically significant structures should be preserved.
- D-PL10-1** Activate the streetscape by designating public art easements in prominent locations.
- D-SP3-1** Adequate right-of-way, lease areas and easements for infrastructure, with emphasis on wireless communication networks should be provided to create reliable service throughout Lexington.
- D-SP3-2** Cellular tower antennae should be located to minimize intrusion and negative aesthetic impacts, and stealth towers and landscaping should be used to improve the visual impact from the roadway and residential areas.
- D-SP9-1** Encourage co-housing, shared housing environments, planned communities and accessory dwelling units for flexibility and affordability for senior adults and people with disabilities.
- E-GR4-1** Developments should incorporate reuse of viable existing structures.
- E-GR5-1** Structures with demonstrated historic significance should be preserved or adapted.
- E-GR9-1** Live/work units should be incorporated into residential developments.
- E-GR9-4** Development should intensify underutilized properties and develop vacant and underutilized gaps within neighborhoods. (E-GR6)

TRANSPORTATION & PEDESTRIAN CONNECTIVITY

- A-DS1-1** Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7).
- A-DS1-2** Direct pedestrian linkages to transit should be provided.
- A-DS4-1** A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided. (A-DS2, A-DN1, B-SU1, B-SU2, C-LI7, E-AC5)
- A-DS5-1** Adequate multi-modal infrastructure should be provided to ensure vehicular separation from other modes of transport.
- A-DS5-2** Roadways should provide a vertical edge, such as trees and buildings.

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

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

MEDIUM DENSITY RESIDENTIAL

TRANSPORTATION & PEDESTRIAN CONNECTIVITY (CONT.)

- A-DS10-2** New focal points should be designed with multi-modal connections to the neighborhood.
- A-DS13-1** Stub streets should be connected. (D-CO4)
- A-EQ3-2** Development on corridors should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities). (B-SU3)
- B-SU4-1** Where greenspace/community centers are not located within walking distance of a new development, applicants should attempt to incorporate those amenities. (A-DS9)
- D-CO1-1** Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type.
- D-CO2-1** Safe facilities for all users and modes of transportation should be provided.
- D-CO2-2** Development should create and/or expand a safe, connected multimodal transportation network that satisfies all users' needs, including those with disabilities.
- D-CO4-2** Roadway capacity should be increased by providing multiple parallel streets, which alleviate traffic and provide multiple route options, in lieu of additional lanes.
- D-CO5-1** Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.
- D-SP1-3** Developments should provide multi-modal transportation infrastructure to school sites, including sidewalks, shared-use paths, and roadways that can accommodate the bus and vehicle traffic associated with the site.
- D-SP6-1** Social services and community facilities should be accessible via mass transit, bicycle and pedestrian transportation modes. (A-EQ7)
- E-ST3-1** Development along major corridors should provide for ride sharing pick up and drop off locations along with considerations for any needed or proposed park and ride functions of the area. (E-GR10, E-GR7)

GREENSPACE & ENVIRONMENTAL HEALTH

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

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

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

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

RTA FAMILY TRUST (PLN-MAR-21-00001)

1009 AND 1017 WELLINGTON WAY

Replace two vacant lots and with a multi-family residential development.

Applicant/Owner

RTA FAMILY TRUST
60 Avenue of Champions
Nicholasville, KY 40356
859-231-8780



Application Details

Acreage:

1.56 net (1.86 gross) acres

Current Zoning:

Neighborhood Business (B-1) zone

Proposed Zoning:

High Density Apartment (R-4) zone

Place-type / Development Type:

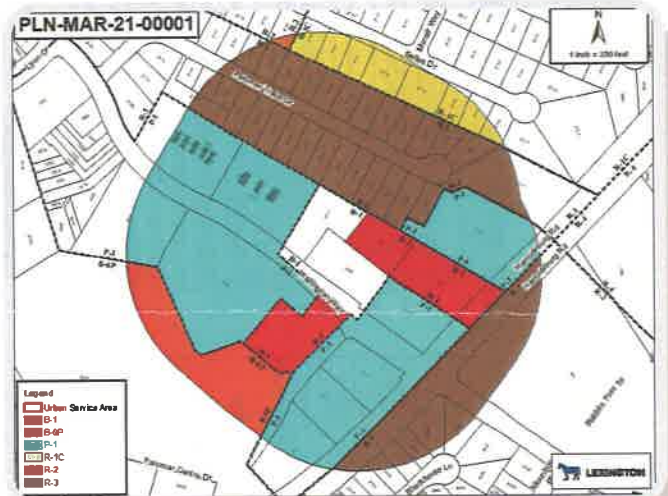
Corridor*

Medium Density Residential

For more information about the Corridor Place-Type see Imagine Lexington pages 303-304.

Description:

The applicant is seeking to develop a multi-family structure and associated amenities. The proposed four-story building would include 88 dwelling units, with some parking located below the structure.



Public Engagement

- The applicant held a virtual meeting with surrounding property owners on January 6th, 2021.

Status

- Public Engagement
- Pre-Application Meeting
- Application Review
- Planning Staff Review
- Technical Review Committee
- Zoning/Subdivision Committee Meetings
- Planning Commission Hearing
- Urban County Council Meeting

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

LEGAL DESCRIPTION

RTA FAMILY TRUST

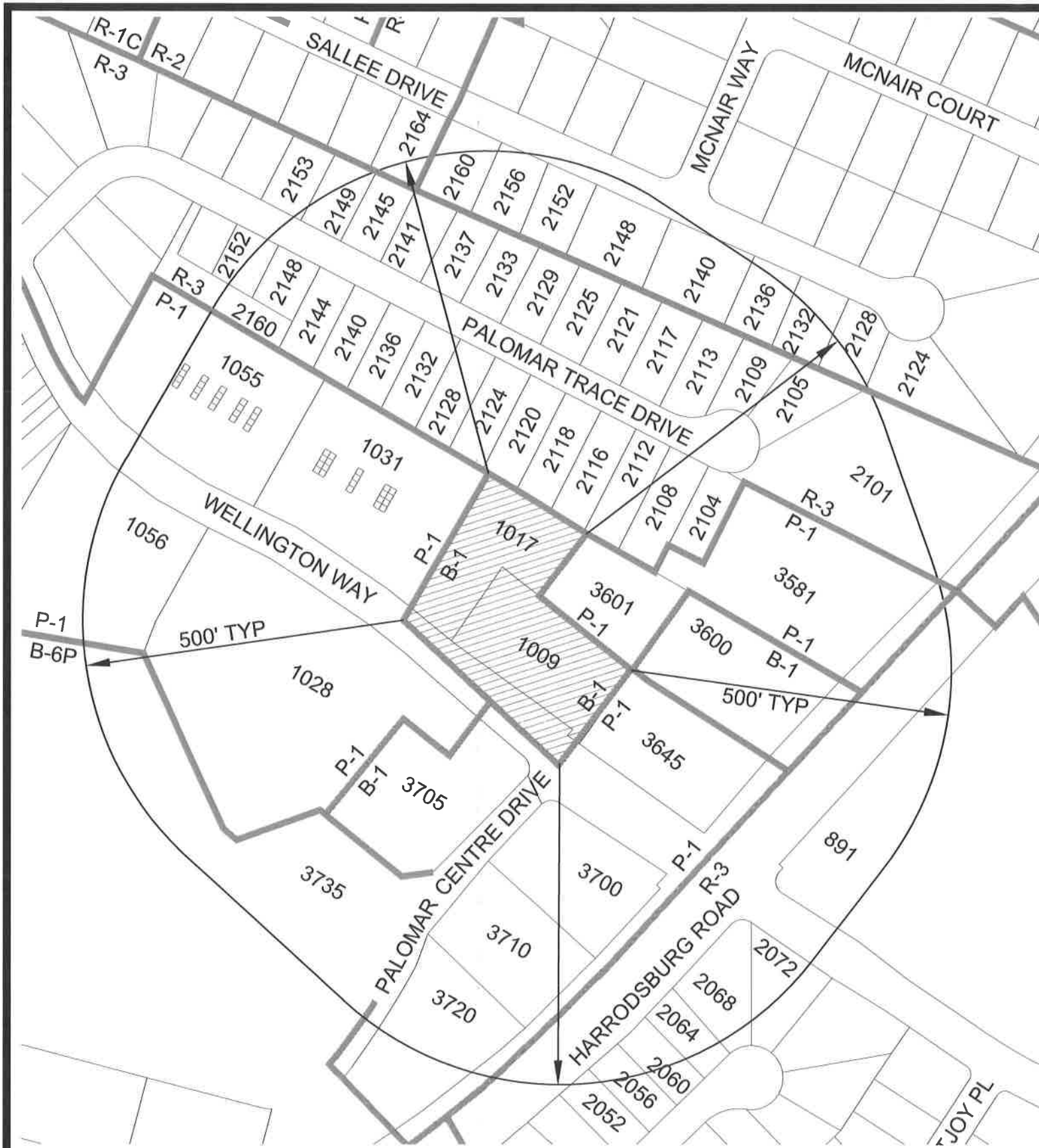
Zone Change from B-1 to R-4

1009 & 1017 Wellington Way

Lexington, Fayette County, Kentucky

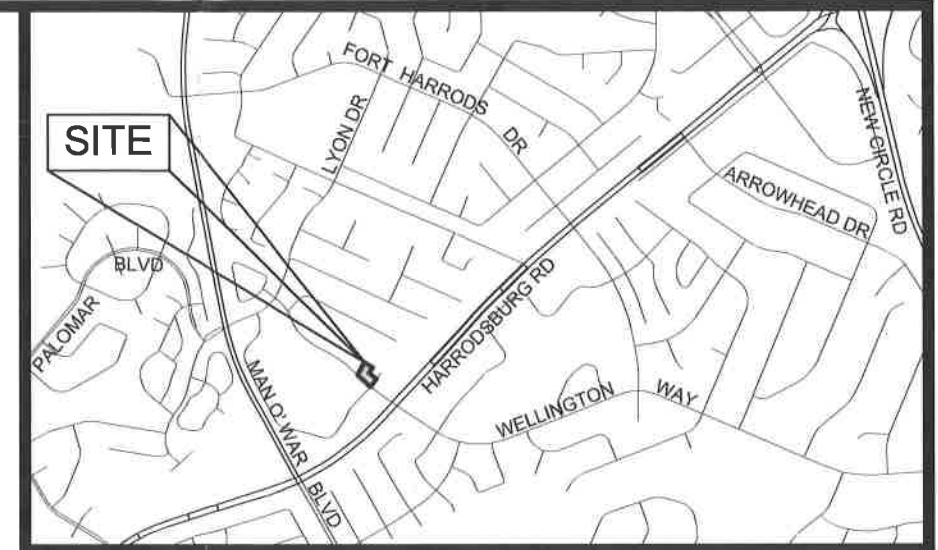
A TRACT OF LAND BEING SITUATED IN THE NORTHWESTERLY QUADRANT OF THE INTERSECTION OF WELLINGTON WAY AND PALOMAR CENTRE DRIVE IN LEXINGTON, FAYETTE COUNTY, KENTUCKY AND MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

Beginning at a point in the centerline of Wellington Way, said point being the centerline intersection of Wellington Way and Palomar Centre Drive, thence with the centerline of Wellington Way, N 53°51'39" W – 33.64' to a point, thence along a curve to the right, having a radius of 922.33' for an arc distance of 119.12' and having a chord bearing N 50°09'39" W – 119.04' to a point, thence N 48°06'13" W – 157.39' to a point, thence along a curve to the left, having a radius of 630.03' for an arc distance of 31.63' and having a chord bearing N 49°32'30" W – 31.62' to a point, thence leaving the centerline of Wellington Way N 30°48'00" E 268.49' to a point, thence S 59°21'58" E – 185.87' to a point, thence S 38°21'45" W – 122.27' to a point, thence S 50°44'06" E – 185.55' to a point in the centerline of Palomar Centre Drive, thence with the centerline of Palomar Centre Drive, S 36°08'21" W – 178.71' to the beginning and containing a gross area of 1.86 acres and a net area of 1.56 acres.



NOTIFICATION MAP
SCALE: 1" = 200'

PROJECT: 19178
DRAWN BY: GWS
DATE: JAN., 2021
DRAWING: 19178_zone_change_not_map.dwg



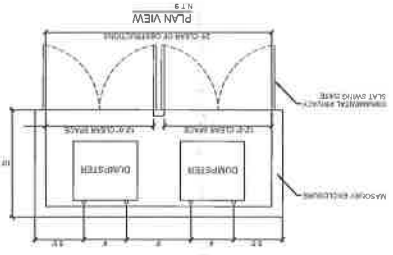
VICINITY MAP
SCALE: NTS



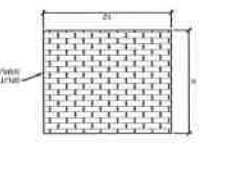
PROPERTY MAP
SCALE: 1" = 100'



| TITLE: SCHROYER PROPERTY LOTS 3 & 4 | From | To | Net | Gross |
|---|-------|-----|------|-------|
| Property Address: 1009 & 1017 WELLINGTON WAY | B-1 | R-4 | 1.56 | 1.86 |
| Applicant Name/Address: RTA FAMILY TRUST 60 AVENUE OF CHAMPIONS, NICHOLASVILLE, KY 40356 | | | | |
| Owner: RTA FAMILY TRUST 60 AVENUE OF CHAMPIONS, NICHOLASVILLE, KY 40356 | | | | |
| Prepared by: BANKS ENGINEERING INC. | | | | |
| Date Filed or Amended: JAN. 18, 2021 | | | | |
| | TOTAL | | 1.56 | 1.86 |



DUMPER ENCLOSURE DETAIL



ELEVATION VIEW

TREE PRESERVATION PLAN

1. THE PROTECTION AREAS (TPA) SHALL BE FENCED WITH A MINIMUM 3 FEET TALL FENCING LOCATED ALONG THE PERIMETER OF THE TREE CANOPY WITH SIGNS POSTED EVERY 100 FEET THAT READ "TREE PRESERVATION AREA".

2. ALL OTHER REQUIRED TREES SHALL CONFORM WITH THE LUCO PLANTING MANUAL. ALL TREES SHALL BE PLANTED WITHIN THE TPA AND THE REMOVAL, DAMAGE, OR CLEARING OF TREES SHALL BE WITHOUT PENALTY TO THE URBAN FOREST AND THE REMOVAL, DAMAGE, OR CLEARING OF TREES SHALL BE MAINTAINED IN GOOD ORDER FOR THE DURATION OF THE PROJECT AND NOT BE MOVED.

3. THE TPA SHALL BE PERMANENTLY FENCED WITH A MINIMUM 3 FEET TALL FENCING LOCATED ALONG THE PERIMETER OF THE TREE CANOPY WITH SIGNS POSTED EVERY 100 FEET THAT READ "TREE PRESERVATION AREA".

4. THE TPA SHALL BE PERMANENTLY FENCED WITH A MINIMUM 3 FEET TALL FENCING LOCATED ALONG THE PERIMETER OF THE TREE CANOPY WITH SIGNS POSTED EVERY 100 FEET THAT READ "TREE PRESERVATION AREA".

5. THE TPA SHALL BE PERMANENTLY FENCED WITH A MINIMUM 3 FEET TALL FENCING LOCATED ALONG THE PERIMETER OF THE TREE CANOPY WITH SIGNS POSTED EVERY 100 FEET THAT READ "TREE PRESERVATION AREA".

6. THE TPA SHALL BE PERMANENTLY FENCED WITH A MINIMUM 3 FEET TALL FENCING LOCATED ALONG THE PERIMETER OF THE TREE CANOPY WITH SIGNS POSTED EVERY 100 FEET THAT READ "TREE PRESERVATION AREA".

7. THE TPA SHALL BE PERMANENTLY FENCED WITH A MINIMUM 3 FEET TALL FENCING LOCATED ALONG THE PERIMETER OF THE TREE CANOPY WITH SIGNS POSTED EVERY 100 FEET THAT READ "TREE PRESERVATION AREA".

8. THE TPA SHALL BE PERMANENTLY FENCED WITH A MINIMUM 3 FEET TALL FENCING LOCATED ALONG THE PERIMETER OF THE TREE CANOPY WITH SIGNS POSTED EVERY 100 FEET THAT READ "TREE PRESERVATION AREA".

9. THE TPA SHALL BE PERMANENTLY FENCED WITH A MINIMUM 3 FEET TALL FENCING LOCATED ALONG THE PERIMETER OF THE TREE CANOPY WITH SIGNS POSTED EVERY 100 FEET THAT READ "TREE PRESERVATION AREA".

10. THE TPA SHALL BE PERMANENTLY FENCED WITH A MINIMUM 3 FEET TALL FENCING LOCATED ALONG THE PERIMETER OF THE TREE CANOPY WITH SIGNS POSTED EVERY 100 FEET THAT READ "TREE PRESERVATION AREA".

11. THE TPA SHALL BE PERMANENTLY FENCED WITH A MINIMUM 3 FEET TALL FENCING LOCATED ALONG THE PERIMETER OF THE TREE CANOPY WITH SIGNS POSTED EVERY 100 FEET THAT READ "TREE PRESERVATION AREA".

12. THE TPA SHALL BE PERMANENTLY FENCED WITH A MINIMUM 3 FEET TALL FENCING LOCATED ALONG THE PERIMETER OF THE TREE CANOPY WITH SIGNS POSTED EVERY 100 FEET THAT READ "TREE PRESERVATION AREA".

13. THE TPA SHALL BE PERMANENTLY FENCED WITH A MINIMUM 3 FEET TALL FENCING LOCATED ALONG THE PERIMETER OF THE TREE CANOPY WITH SIGNS POSTED EVERY 100 FEET THAT READ "TREE PRESERVATION AREA".

14. THE TPA SHALL BE PERMANENTLY FENCED WITH A MINIMUM 3 FEET TALL FENCING LOCATED ALONG THE PERIMETER OF THE TREE CANOPY WITH SIGNS POSTED EVERY 100 FEET THAT READ "TREE PRESERVATION AREA".

15. THE TPA SHALL BE PERMANENTLY FENCED WITH A MINIMUM 3 FEET TALL FENCING LOCATED ALONG THE PERIMETER OF THE TREE CANOPY WITH SIGNS POSTED EVERY 100 FEET THAT READ "TREE PRESERVATION AREA".

16. THE TPA SHALL BE PERMANENTLY FENCED WITH A MINIMUM 3 FEET TALL FENCING LOCATED ALONG THE PERIMETER OF THE TREE CANOPY WITH SIGNS POSTED EVERY 100 FEET THAT READ "TREE PRESERVATION AREA".

17. THE TPA SHALL BE PERMANENTLY FENCED WITH A MINIMUM 3 FEET TALL FENCING LOCATED ALONG THE PERIMETER OF THE TREE CANOPY WITH SIGNS POSTED EVERY 100 FEET THAT READ "TREE PRESERVATION AREA".

18. THE TPA SHALL BE PERMANENTLY FENCED WITH A MINIMUM 3 FEET TALL FENCING LOCATED ALONG THE PERIMETER OF THE TREE CANOPY WITH SIGNS POSTED EVERY 100 FEET THAT READ "TREE PRESERVATION AREA".

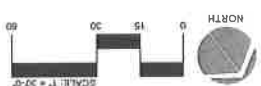
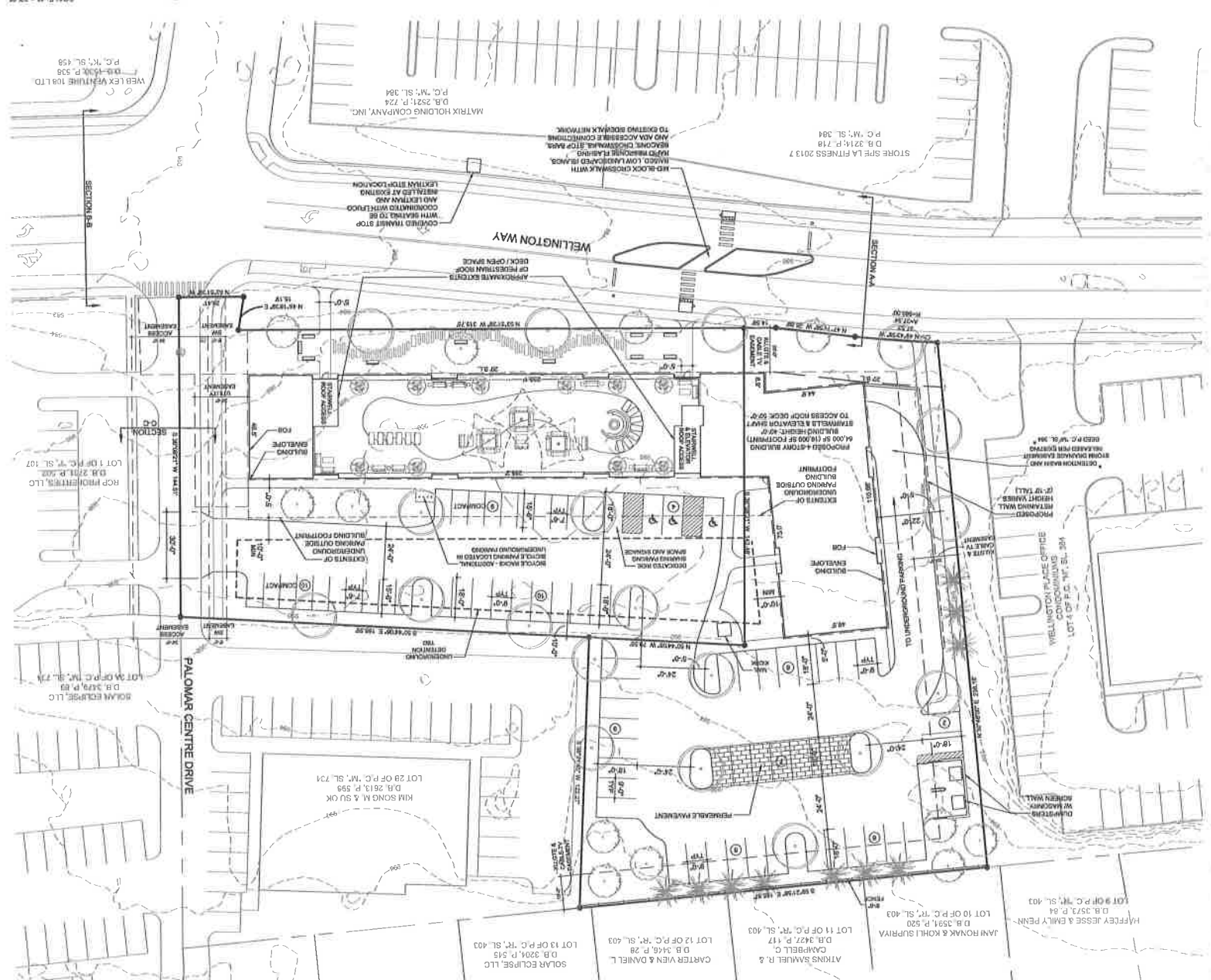


Table with 2 columns: SITE STATISTICS and PARKING STATISTICS. Includes data for site area (156 AC), proposed zone (R-4), and parking spaces (111 spaces).

GENERAL NOTES: 1. THIS DEVELOPMENT PLAN SHALL NOT BE USED AS A BASIS FOR SALE OF THIS PROPERTY. ANY SALE OF LAND SHALL BE MADE FROM A RECORDED SUBDIVISION PLAN...

Table with 2 columns: DATE and REVISION. Includes dates like FEB 2021 and 2/25/21 - TBC.

OWNER'S CERTIFICATION: I (WE) DO HEREBY CERTIFY THAT I (WE) AM (ARE) THE ONLY OWNER(S) OF THE PROPERTY SHOWN HEREON, AND DO ADOPT THIS AS MY (OUR) DEVELOPMENT PLAN FOR THE PROPERTY.

COMMISSIONER'S CERTIFICATION: I (WE) DO HEREBY CERTIFY THAT THIS DEVELOPMENT PLAN WAS APPROVED BY THE URBAN COUNTY PLANNING COMMISSION AT ITS MEETING HELD ON...

PROHIBITED USES: A. ESTABLISHMENTS FOR THE PROCESSING OR STORAGE OF PETROLEUM, NATURAL GAS, OR OIL. B. DISPOSAL OF GARBAGE AND REFUSE, TRANSFER STATIONS...



SCHROYER PROPERTY LOTS 3 & 4, 1009 & 1017 WELLINGTON WAY, LEXINGTON, KY. PRELIMINARY DEVELOPMENT PLAN.

RTA FAMILY TRUST, 60 AVENUE OF CHAMPIONS, NICHOLASVILLE, KY 40336.

DATE: FEB 2021. SHEET: PDP. DRAWN: GWS. CHECKED: JDB.

MULTI-FAMILY DESIGN STANDARDS

1. **A-DS3-1** - MULTI-FAMILY RESIDENTIAL DEVELOPMENTS SHOULD COMPLY WITH THE MULTI-FAMILY DESIGN STANDARDS IN APPENDIX 1. REFER TO ARCHITECTURAL RENDERING PAGE FOR ADDITIONAL INFORMATION.
2. **A-DS5-3** - BUILDING ORIENTATION SHOULD MAXIMIZE CONNECTIONS WITH THE SURROUNDING AREA AND CREATE A PEDESTRIAN FRIENDLY ENVIRONMENT. PROPOSED BUILDING HAS BEEN LOCATED ON SITE SO THAT THE BUILDING FRONTS ON WELLINGTON WAY AND LOCATES THE PARKING IN THE REAR. THIS ALLOWS FOR LESS PEDESTRIAN INTERACTION WITH VEHICLES. TWO CENTRALIZED ACCESS POINTS HAVE BEEN LOCATED FROM THE BUILDING TO WELLINGTON WAY TO ALLOW RESIDENTS DIRECT ACCESS TO WELLINGTON WAY. TWO ADDITIONAL PEDESTRIAN CONNECTIONS HAVE BEEN ESTABLISHED ON OPPOSITE SIDES OF THE SITE TO FURTHER ENHANCE PEDESTRIAN CONNECTIVITY.
3. **A-DS5-4** - DEVELOPMENT SHOULD PROVIDE A PEDESTRIAN-ORIENTED AND ACTIVATED GROUND LEVEL. PROPOSED BUILDING HAS BEEN LOCATED TO REINFORCE STREET FRONTAGE. BUILDING WILL BE CONSTRUCTED WITH MULTIPLE COLORS AND MATERIALS AND WILL ALSO FEATURE MULTIPLE BUILDING ARTICULATIONS. TWO PROMINENT, VISIBLE ENTRY WAYS HAVE BEEN CENTRALLY LOCATED ON THE BUILDING TO ALLOW RESIDENTS DIRECT ACCESS TO WELLINGTON WAY. PLAZA SPACE AND SEATING HAS BEEN ADDED AT BOTH ENTRANCES TO REINFORCE ENTRYWAYS AND MAKE THEM INVITING SPACES. REFER TO ARCHITECTURAL RENDERING PAGE.
4. **A-EQ3-1** - DEVELOPMENT SHOULD CREATE CONTEXT SENSITIVE TRANSITIONS BETWEEN INTENSE CORRIDOR DEVELOPMENT AND EXISTING NEIGHBORHOODS. PROPOSED BUILDING HAS BEEN LOCATED TO KEEP THE DISTANCE OF NEW STRUCTURE AS FAR AWAY AS POSSIBLE FROM ADJACENT RESIDENTIAL LOTS. ENHANCED EVERGREEN SCREENING WILL BE PLACED AT LESSEER INTERVALS THAN THE RECOMMENDED 40' SPACING TO PROVIDE THE MAXIMUM AMOUNT OF SCREENING BETWEEN PROPOSED DEVELOPMENT AND RESIDENTIAL LOTS. PEDESTRIAN SCALE LIGHTING (ALL FIXTURES 12' AND UNDER) WILL BE USED ON SITE TO MINIMIZE THE AMOUNT OF LIGHT DISTURBANCE TO SURROUNDING PROPERTIES. EXTERNAL SHIELDING DEVICES HAVE BEEN PROPOSED ON FIXTURES CLOSEST TO RESIDENTIAL LOTS TO FURTHER REDUCE THE AMOUNT OF LIGHT DISTURBANCE. REFER TO PHOTOMETRIC LIGHTING DIAGRAM.
5. **B-SU11-1** - GREEN INFRASTRUCTURE SHOULD BE IMPLEMENTED IN NEW DEVELOPMENT. PERMEABLE PAVEMENT WILL BE USED ON THIS SITE. REFER TO PLAN FOR LOCATION.
6. **C-L16-1** - DEVELOPMENTS SHOULD INCORPORATE MULTI-FAMILY HOUSING AND WALKABLE COMMERCIAL USES INTO DEVELOPMENT ALONG ARTERIALS / CORRIDORS. THIS MULTI-FAMILY DEVELOPMENT IS LOCATED ON THE NORTH SIDE OF THE PALOMAR CENTRE DEVELOPMENT AND IS IN CLOSE WALKING / BIKING PROXIMITY TO MULTIPLE RESTAURANTS, BANKS, A GYM, AND VARIOUS OTHER BUSINESSES.
7. **A-DS1-1** - MASS TRANSIT INFRASTRUCTURE SUCH AS SEATING AND SHELTERS SHOULD BE PROVIDED / ENHANCED ALONG TRANSIT ROUTES. A COVERED SHELTER WITH SEATING HAS BEEN PROPOSED AT THE EXISTING LEXTRAN STOP ON THE SOUTH SIDE OF WELLINGTON ROAD. FINAL DESIGN OF TRANSIT SHELTER WILL BE COORDINATED WITH LFUCG PLANNING, TRAFFIC, AND LEXTRAN.
8. **A-DS1-2** - DIRECT PEDESTRIAN LINKAGES TO TRANSIT SHOULD BE PROVIDED. A MID BLOCK CROSSING WITH RAPID RESPONSE FLASHING BEACON AND RAISED, LANDSCAPED ISLANDS HAS BEEN PROPOSED FOR WELLINGTON WAY. THIS CONCEPT HAS BEEN COORDINATED WITH LFUCG BIKEPED AND TRAFFIC AND DEEMED A SAFE SOLUTION FOR PEDESTRIAN TRAFFIC TO ACCESS TRANSIT STOP AS WELL AS RETAIL BUSINESSES. THIS SOLUTION WILL NOT ONLY PROVIDE SAFE ACCESS ACROSS WELLINGTON FOR THIS DEVELOPMENT, BUT WILL BENEFIT ALL BUSINESSES TO THE NORTH OF WELLINGTON WAY. THIS SOLUTION WILL ALSO PROVIDE TRAFFIC CALMING ALONG WELLINGTON WAY.
9. **A-EQ3-2** - DEVELOPMENT ON CORRIDORS SHOULD BE TRANSIT-ORIENTED (DENSE & INTENSE, INTERNALLY WALKABLE, CONNECTED TO ADJACENT NEIGHBORHOODS, PROVIDING TRANSIT AND INFRASTRUCTURE & FACILITIES). THIS 4-STORY APARTMENT COMPLEX IS LOCATED DIRECTLY ACROSS FROM AN EXISTING LEXTRAN STOP. MULTIPLE PEDESTRIAN CONNECTIONS WILL BE TIED INTO EXISTING PEDESTRIAN INFRASTRUCTURE AS WELL AS THE PROPOSED MID-BLOCK CROSSING TO HELP PEOPLE SAFELY CROSS WELLINGTON WAY. NOTE RED ARROWS ON PLAN FOR LOCATION OF NEW PEDESTRIAN CONNECTIONS.
10. **D-CO2-1** - SAFE FACILITIES FOR ALL USERS AND MODES OF TRANSPORTATION SHOULD BE PROVIDED. THE LOCATION OF THIS PROPERTY WILL AFFORD RESIDENTS ACCESS TO HARRODSBURG ROAD IN TWO LOCATIONS AND ACCESS TO MAN O' WAR BLVD VIA WELLINGTON WAY AND LYON DRIVE. PEDESTRIAN CONNECTIONS WILL BE UPDATED WITH REVISED ADA ACCESS RAMP AND THE MID-BLOCK CROSSING. THERE ARE ALSO EXISTING BICYCLE LANES ON THIS PORTION OF WELLINGTON WAY THAT WILL PROVIDE EASE OF TRAVEL FOR BICYCLISTS. BICYCLE STORAGE IS LOCATED IN CLOSE PROXIMITY TO THE BUILDING AND COVERED LONG-TERM BICYCLE STORAGE IS LOCATED IN THE UNDERGROUND PARKING GARAGE.
11. **E-ST3-1** - DEVELOPMENT ALONG MAJOR CORRIDORS SHOULD PROVIDE FOR RIDE SHARING PICK UP AND DROP OFF LOCATIONS ALONG WITH CONSIDERATIONS FOR ANY NEEDED OR PROPOSED PARK AND RIDE FUNCTIONS IN THE AREA. A RIDE SHARING SPACE HAS BEEN LOCATED ON THE SITE AND WILL INCLUDE ASSOCIATED SIGNAGE. SPACE WILL BE USED FOR RIDE SHARING PICK UP / DROP OFF, FOOD DELIVERY, ETC. SEE PLAN FOR LOCATION.
12. **A-EQ7-3** - COMMUNITY OPEN SPACES SHOULD BE EASILY ACCESSIBLE AND CLEARLY DELINEATED FROM PRIVATE OPEN SPACES. COMMUNITY OPEN SPACE IS CENTRALLY LOCATED AND ADJACENT TO THE BUILDING FACE ON THE GROUND PLANE. ADDITIONAL OPEN SPACE IS LOCATED ON THE ROOF AND IS ACCESSIBLE BY TWO DIFFERENT ELEVATOR / STAIR TOWERS. GREENSPACE LOCATED WITHIN THE FRONT YARD SETBACK IS ALSO BEING UTILIZED AS GATHERING / OPEN SPACE, BUT IS NOT INCLUDED IN THE OPEN SPACE CALCULATION.
13. **B-PR7-2** - TREES SHOULD BE INCORPORATED INTO DEVELOPMENT PLANS; PRIORITIZE GROUPING OF TREES TO INCREASE SURVIVABILITY. TREES HAVE BEEN SHOWN ON THE PLAN. SPECIAL CONSIDERATIONS HAVE BEEN TAKEN TO STILL INCLUDE SOME GROUPINGS OF TREES, HOWEVER THESE TREES HAVE NOW BEEN SHOWN AS MEDIUM TREES TO ACCOUNT FOR SPACING AND LIVABILITY CONCERNS. THE 30% TREE CANOPY REQUIREMENT HAS BEEN MET AND CAN BE SEEN ILLUSTRATED ON THE TREE



MULTI-FAMILY DESIGN STANDARDS

AD.1 - PROMOTE HOUSING VARIETY WITH VARYING MASS, BUILDING FORM, AND ROOF SHAPES. HOUSING TYPOLOGIES SUCH AS DUPLEX, TRIPLEX, FOURPLEX / QUADPLEX, OR TOWNHOUSES CAN HELP TO TRANSITION HIGHER DENSITY AREAS.

THE MULTI-FAMILY HOUSING TYPE CHOSEN IS BEST SUITED FOR THE SITE DYNAMICS.

AD.2 - RELATE THE OVERALL HEIGHT, SIZE, AND CHARACTER OF THE DEVELOPMENT TO THAT OF ADJACENT STRUCTURES AND THOSE OF THE IMMEDIATE NEIGHBORHOOD. SENSITIVELY SCALED DEVELOPMENT REINFORCES PEDESTRIAN-ORIENTED CHARACTER AND NEIGHBORHOOD APPEAL.

DEVELOPMENT IS SIMILAR IN SIZE TO VARIOUS ADJACENT PROPERTIES WHICH RANGE IN HEIGHT FROM 20' TO 45' IN HEIGHT (LA FITNESS & CHI HEALTH).

AD.3 - BREAK UP BUILDING MASS WITH FACADE ARTICULATION ON ALL SIDES BY USING VARYING ROOF SHAPES, EXTERIOR WALL SETBACKS, MATERIAL, COLOR, BUILDING HEIGHT, AND LANDSCAPING.

PROPOSED BUILDING INCORPORATES MULTIPLE EXAMPLES OF FACADE ARTICULATION AND WALL SETBACKS - REFER TO ARCHITECTURAL RENDERINGS 1 AND 3.

AD.4 - MAXIMIZE WINDOW NUMBER AND SIZE TO ENHANCE VIEWS AND MAKE SPACES FEEL LARGER.

WINDOWS ARE HEAVILY FEATURED IN ALL SIDES OF PROPOSED BUILDING AND ARE DESIGNED TO HELP EACH UNIT TO FEEL LARGER - REFER TO ARCHITECTURAL RENDERINGS 1-3.

AD.5 - AVOID LARGE AREAS OF BLANK WALL FACING THE STREET. THERE ARE NO EXAMPLES OF LARGE AREAS OF BLANK WALLS ON PROPOSED BUILDING - REFER TO ARCHITECTURAL RENDERINGS 1-3.

AD.6 - CONSIDER THE DESIGN OF PORCH AND STAIR RAILINGS, FASCIA BOARDS, CORNERS, AND AREAS WHERE VERTICAL AND HORIZONTAL SURFACES MEET - FOR EXAMPLE WHERE A WALL MEETS THE ROOF - TO ENHANCE A BUILDING'S CHARACTER.

PROPOSED BUILDING MEETS THESE CRITERIA.

AD.7 - USE MATERIALS AND COLORS FOR THE FACADE AND ROOFING TO EMPHASIZE ARCHITECTURAL ELEMENTS, TO INTRODUCE A SENSE OF DETAIL, AND TO CREATE DISTINCTIONS BETWEEN STRUCTURES ON ADJOINING LOTS.

PROPOSED BUILDING USES MULTIPLE COLORS AND MATERIALS AND HAS A VARYING ROOF LINE - REFER TO ARCHITECTURAL RENDERINGS 1-3.

AD.8 - SIDE OR REAR FACADES SHOULD MAINTAIN THE ARCHITECTURAL DESIGN, ARTICULATION, LEVEL OF DETAIL, AND MATERIALS CONSISTENT WITH THE FRONT FACADE.

LEVEL OF DETAIL IN DESIGN OF SIDE AND REAR FACADES WILL MATCH THAT OF THE FRONT - REFER TO ARCHITECTURAL RENDERINGS 1-3.

AD.9 - PROVIDE BUILT-FORM TRANSITIONS BETWEEN ADJACENT BUILDINGS WITH SEPARATIONS FOR LIGHT, AIR, AND PRIVACY UTILIZING LANDSCAPED SETBACKS, ADJUSTMENTS IN BULK AND MASSING, PRESENCE OF SIMILAR BUILDING HEIGHTS AND PROPORTIONS, AND CONTINUATION OF ARCHITECTURAL SHAPES AND LINES FROM STRUCTURE TO STRUCTURE.

PROPOSED BUILDING HAS BEEN DESIGNED TO PROVIDE THE MAXIMUM AMOUNT OF DISTANCE BETWEEN NEW STRUCTURE AND ADJACENT RESIDENTIAL PROPERTIES IN ORDER TO LESSEN THE IMPACT OF DEVELOPMENT ON ADJACENT HOMEOWNERS.

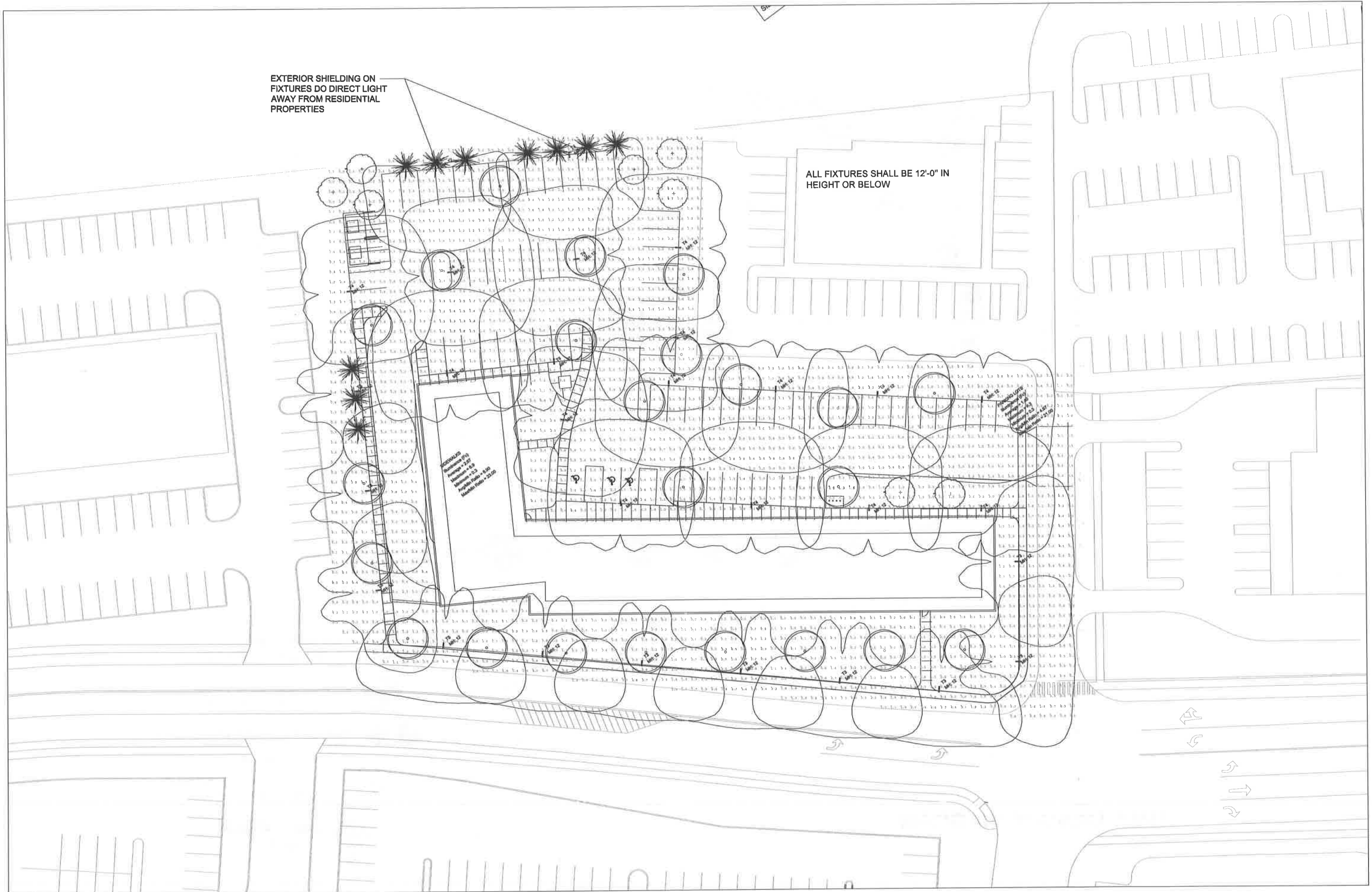


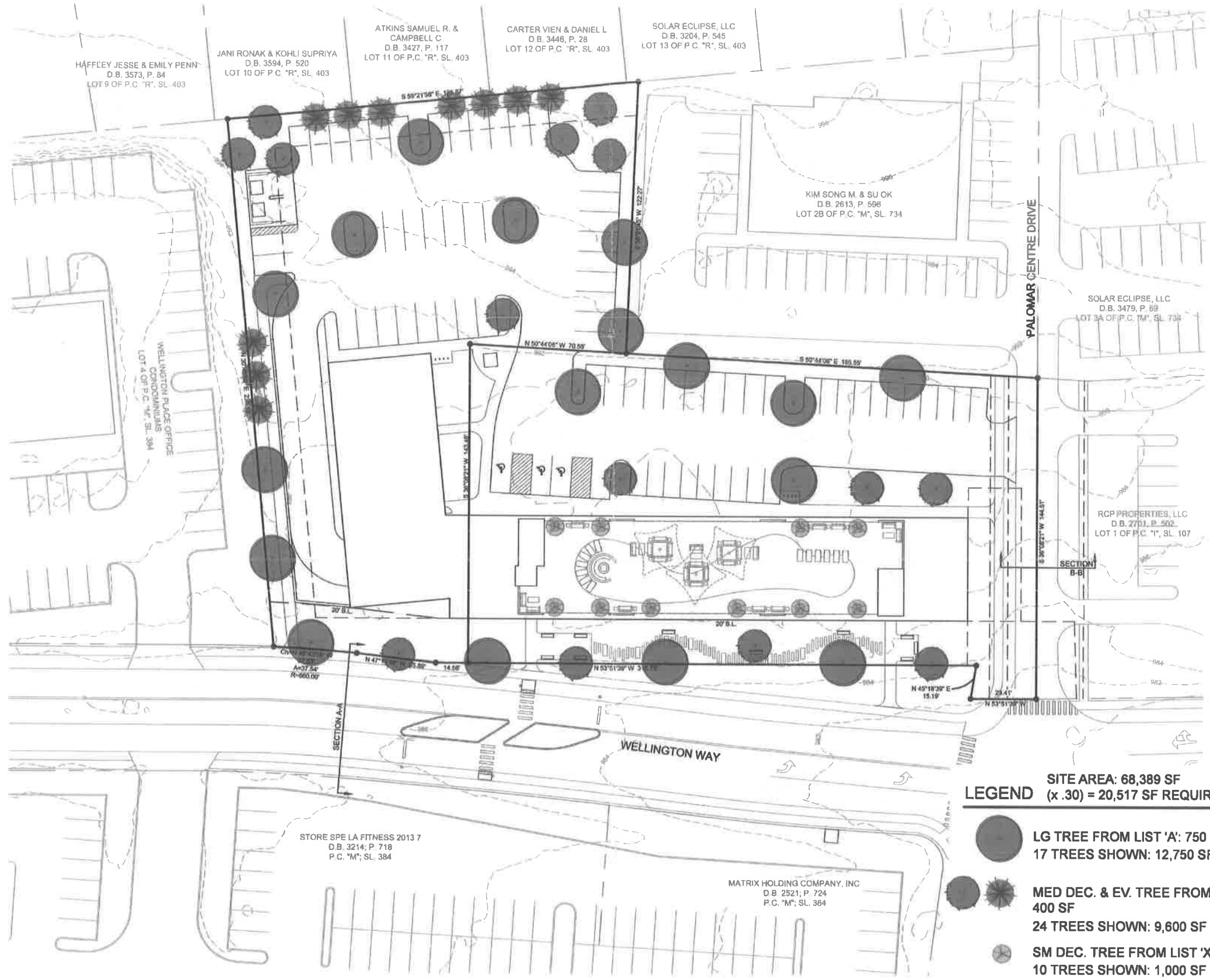
EXTERIOR SHIELDING ON
FIXTURES DO DIRECT LIGHT
AWAY FROM RESIDENTIAL
PROPERTIES

ALL FIXTURES SHALL BE 12'-0" IN
HEIGHT OR BELOW

PROPOSED
PARKING 200
MOTORCYCLE 10
MOTORCYCLE 10
MOTORCYCLE 10
MOTORCYCLE 10

PROPOSED
PARKING 200
MOTORCYCLE 10
MOTORCYCLE 10
MOTORCYCLE 10
MOTORCYCLE 10





TREE CANOPY DIAGRAM

SCALE: 1"=30'-0"

HAFLEY JESSE & EMILY PENN
D.B. 3573, P. 84
LOT 9 OF P.C. "R", SL. 403

JANI RONAK & KOHLI SUPRIYA
D.B. 3594, P. 520
LOT 10 OF P.C. "R", SL. 403

ATKINS SAMUEL R. & CAMPBELL C
D.B. 3427, P. 117
LOT 11 OF P.C. "R", SL. 403

CARTER VIEN & DANIEL L
D.B. 3448, P. 28
LOT 12 OF P.C. "R", SL. 403

SOLAR ECLIPSE, LLC
D.B. 3204, P. 545
LOT 13 OF P.C. "R", SL. 403

KIM SONG M. & SU OK
D.B. 2613, P. 596
LOT 28 OF P.C. "M", SL. 734

SOLAR ECLIPSE, LLC
D.B. 3479, P. 89
LOT 3A OF P.C. "M", SL. 734

RCP PROPERTIES, LLC
D.B. 2701, P. 502
LOT 1 OF P.C. "I", SL. 107

STORE SPE LA FITNESS 2013 7
D.B. 3214; P. 718
P.C. "M"; SL. 384

MATRIX HOLDING COMPANY, INC
D.B. 2521; P. 724
P.C. "M"; SL. 384

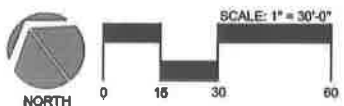
WELLINGTON PLACE OFFICE
CONDOMINIUMS
LOT 4 OF P.C. "W", SL. 394

PALOMAR CENTRE DRIVE

WELLINGTON WAY

SECTION B-B

SECTION A-A



STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-21-00001: RTA FAMILY TRUST

DESCRIPTION OF ZONE CHANGE

Zone Change: From a Neighborhood Business (B-1) zone
To a High Density Apartment (R-4) zone
Acreage: 1.56 net (1.86 gross) acres
Location: 1009 and 1017 Wellington Way



EXISTING ZONING & LAND USE

| PROPERTIES | ZONING | EXISTING LAND USE |
|------------------|--------------|---|
| Subject Property | B-1 | Vacant |
| To North | R-3 / B-1 | Single Family Residential / Athletic Facility & Office |
| To East | P-1 | Bank |
| To South | P-1 / B-1 | Gym / Restaurant |
| To West | P-1 | Offices |

URBAN SERVICE REPORT

Roads - The subject property is bordered by Wellington Way along the southern boundary and Palomar Center Drive along the eastern boundary of the site. Wellington Way is a collector street at the rear of the Palomar Shopping Centre, which connects Harrodsburg Road to Lyon Drive. Harrodsburg Road (US 68) is a major arterial with four travel lanes and two turn lanes at its intersection with Wellington Way in the vicinity of the subject property. Access to the subject property is from Palomar Centre Drive, which is an access easement that intersects with Wellington Way southeast of the site.

Curb/Gutter/Sidewalks - In this area, Harrodsburg Road does have curb and gutter, but not sidewalks. Wellington Way and Palomar Centre Drive do have all of these urban improvements along the subject property's frontage.

Utilities - All utilities, including natural gas, electric, water, phone, cable television, and internet are available in the area, and are available to serve the proposed development.

Storm Sewers - The subject property is located within the South Elkhorn watershed, and there are no known flooding issues in the immediate area. Storm sewers have been constructed along Wellington Way. An underground stormwater detention basin is planned behind the proposed

Sanitary Sewers - The subject property is located within the South Elkhorn sewershed and is served by the West Hickman Wastewater Treatment Plant, located in northern Jessamine County. Sanitary sewer capacity will need to be verified by the Capacity Assurance Program (CAP) prior to certification of the final development plan.

Refuse - The Urban County Government serves this area with refuse collection on Thursdays. However, supplemental service by private refuse haulers is commonly utilized for multi-family residential land uses.

Police - The nearest police station is the Main Headquarters located on Main Street, approximately five miles northeast of the subject property.

Fire/Ambulance - The nearest fire station (#20) is located near the corner of Harrodsburg Road and Arrowhead Drive, in the Indian Hills Subdivision, about ¾ mile to the northeast of the subject property.

Transit - LexTran transit route service is available along Wellington Way via the South Broadway Route (#13) and the Night Versailles Route (#58). The current facility does not include a transit seating or shelter.

Parks - There is one public park within close proximity of the development. Stonewall Park is located approximately one mile east of the subject property, located along Cornwall Drive.

SUMMARY OF REQUEST

The applicant is seeking a zone change from the Neighborhood Business (B-1) zone to the High Density Apartment (R-4) zone for the properties located at 1009 and 1017. The zone change application is seeking to construct a four story multi-family residential structure. With a total of 88 dwelling units. A dimensional variance has also been requested.

PLACE-TYPE

CORRIDOR

The Corridor Place-Type is Lexington's major roadways focused on commerce and transportation. The overriding emphasis of Imagine Lexington is significantly overhauling the intensity of the major corridors. The future of Lexington's corridors lies in accommodating the shifting retail economic model by incorporating high density residential and offering substantial flexibility to available land uses. Adding a mix of land uses to support the existing retail will provide a built-in customer base, create a more desirable retail experience, and allow a greater return on investment for landholders. Additional focus is on increasing the viability of enhanced mass transit, thereby reducing the reliance on single-occupancy vehicles and improving Lexington's overall transportation efficiency.

DEVELOPMENT TYPE

MEDIUM DENSITY
RESIDENTIAL

Primary Land Use, Building Form, & Design

Primarily attached and multi-family units. Multi-family units should complement and enhance existing development through quality design and connections.

Transit Infrastructure & Connectivity

Nearby commercial/employment uses and greenspaces should be easily accessible, and bicycle and pedestrian modes should be maximized to connect residents to destinations.

Quality of Life Components

These developments should include intentional open space designed to fit the needs of area residents, and a variety of neighborhood-serving commercial/employment uses.

PROPOSED ZONING



This zone is primarily for multi-family dwellings, but at a higher density than the R-3 zone. The R-4 zone should be at locations and at the density (units/acre) recommended by the Comprehensive Plan, and in areas of the community where necessary services and facilities will be adequate to serve the anticipated population.

PROPOSED USE



This petitioner is proposing the High Density Apartment (R-4) zone to construct a residential development comprised of a four-story multi-family structure. The proposed building will include 88 total units, with both underground and surface parking, and a roof-top deck. The proposed residential density is 56 dwelling units per net acre.

APPLICANT & COMMUNITY ENGAGEMENT



Prior to the submission of their application, the petitioner circulated letters to each of the landowners adjoining or in close proximity to the development. Due to the current COVID-19 pandemic, public comment was conducted via Zoom on January 6th, 2021 at 6:00 p.m. During this meeting, landowners voiced concerns, specifically regarding the potential for increased vehicular traffic and cost of rent. The applicant indicated that they would be working on these concerns during the planning process.

PROPERTY & ZONING HISTORY



The subject properties were initially rezoned in 1988 to a Planned Neighborhood Residential (R-3) zone to accommodate an existing child care center. At that time, the 1988 Comprehensive Plan recommended a combination of professional services (along Harrodsburg Road) and high density residential (along Wellington Way) future land use. The child care center was granted approval by the Board of Adjustment as a conditional use, resulting in the construction of the La Petite Academy which was constructed in 1990. The structure was smaller than was originally planned, which left a portion of land vacant to the west and north of the center. Over time, the land use recommendation for residential development along Wellington Way was reduced and in 2002, the remaining land was subdivided and the vacant parcel was rezoned to a Professional Office (P-1) zone in agreement with the 2001 Comprehensive Plan. At the time, the rezoning was done in the hopes of finding a suitable user for the property; however, no such user was found and the parcel remained vacant.

In 2013, the subject properties were rezoned to a restricted Neighborhood Business (B-1) zone in order to develop a three-story building with retail sales and a coffee shop on the first floor, and professional offices on the second and third floors. The build was proposed to be 23,300 square feet in size, with three-drive through lanes and associated off-street parking. The rezoning was reviewed under the 2007 Comprehensive Plan, and like the 2001 Plan that preceded it, recommended Professional Services (PS) future land use for the subject property in its entirety.

Since the 2013 zone change, little has changed on the properties. There have been several major development plans which have been submitted, but no permits were ever issued for construction.

COMPREHENSIVE PLAN COMPLIANCE



The 2018 Comprehensive Plan, *Imagine Lexington*, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The applicant opines that their proposed rezoning is in agreement with several goals, objectives, and policies of the 2018 Comprehensive Plan. In the following section, the staff describes some of the elements that are in agreement with the Comprehensive Plan and some areas that necessitate greater discussion.

GOALS & OBJECTIVES

The applicant opines that they are in agreement with the adopted Goals and Objectives of the 2018 Comprehensive Plan. They state that the proposed rezoning will grow successful neighborhoods (Theme A) by expanding housing choices by accommodating the demand for housing in Lexington responsibly, prioritizing a mixture of housing types (Theme A, Goal #1). The proposed development seeks to support infill and redevelopment (Theme A, Goal #2) by developing a residential land use on parcels that are currently vacant, while also providing a well-designed neighborhood and community (Theme A, Goal #3) with a preference for various modes of transportation and integrating multi-family residential development with established nearby commercial offerings. The applicant also indicates that by including multi-family residential on vacant land they are reducing pressure on the Urban Service Boundary Urban Service Area (Theme E, Goal #1.a). Finally, the applicant opines that the proposed rezoning will protect the environment (Theme B) by promoting a more walkable place, reducing Lexington-Fayette County's carbon footprint (Theme B, Goal #2), while also emphasizing a more effective and comprehensive transportation system by locating a multi-family residential land use along a transit route.

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

CRITERIA

The development criteria for a zone change are the distillation of the adopted Goals and Objectives, as well as the policies put forth in the 2018 Comprehensive Plan. The development criteria represent the needs and



desires of the Lexington-Fayette Urban County community in hopes of developing a better built environment. The applicable criteria are defined based on the proposed Place-Type and Development Type.

The applicant has indicated that the site is located within the Corridor Place-Type and is seeking to create a Medium Density Residential Development Type. Within this Place-Type and Development Type, the Comprehensive Plan states that special care should be taken to address mixing housing types, connecting multi-modal transportation networks, context sensitive development, and well integrated public facilities and green spaces. Staff concurs with the applicant's assessment of the Place-Type and agrees that medium density residential development can be appropriate for the subject property within a High Density Apartment (R-4) zone.

While the applicant has addressed some of the Development Criteria, there are areas of concern as to how the applicant has applied or not applied the development criteria.

1. Site Design, Building Form and Location

Despite compliance with some of the criteria for Site Design, Building Form and Location, there were several criteria that necessitated added discussion and warranted a staff response.

A-DS3-1 Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.

The applicant has not addressed the Multi-family Design Standards with their letter of justification nor the development plan. The applicant must address the site planning, open space and landscaping, and architectural design of Appendix A of the 2018 Comprehensive Plan. Special attention should be paid to the access to the structure and how the open space that is planned for the rooftop will be designed. Elevation drawings or renderings may be submitted to illustrate how the application is seeking to meet the Multi-family Design Standards.

A-DS5-3 Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.

The current development plan depicts a single access point to the structure from Wellington Way. The front building plane along the Wellington Way frontage is approximately 270 feet in length. The applicant should include additional pedestrian access points to the structure, which will also play a major role in the activation of the ground level of the structure.

A-DS5-4 Development should provide a pedestrian-oriented and activated ground level.

The current development plan provides limited connections to the public right-of-way along Wellington Way and has limited articulation along the front wall plain. The applicant should review the Multi-family Design Standards for guidance as to how to best activate the ground level of the proposed structure.

A-DN6-1 Allow and encourage new compact single-family housing types.

The applicant references multi-family residential as a compact single-family residential housing type. Such compact housing types may be found in a group residential setting, but are still of the single-family type, including townhomes, and cottage homes. This criterion is not applicable to the proposed development since it is a multi-family structure.

A-EQ3-1 Development should create context sensitive transitions between intense corridor development and existing neighborhoods.

The applicant indicates that the proposed development will act as a buffer, softening the transition from the shopping center to the single-family neighborhood to the rear. In an effort to further reduce the impact on the nearby single-family residences, the applicant has proposed to provide pedestrian scale lighting to minimize light disturbance on the adjacent properties, as well as enhanced screening between the property and the adjacent lots. The applicant should provide greater detail as to how this will be achieved.

B-SU11-1 Green infrastructure should be implemented in new development.



Within the applicant's letter of justification, they reference the inclusion of trees as satisfying the implementation of green infrastructure. However, green infrastructure is defined within the Comprehensive Plan as "infrastructure and stormwater control design approaches and technologies that mimic the natural hydrologic cycle processes of rainfall infiltration, evapotranspiration and reuse (Pg. 342)." To the extent possible, the applicant should seek to include green infrastructure on site.

C-LI6-1 Developments should incorporate multi-family housing and walkable commercial uses into development along arterials/corridors.

Though the applicant is proposing to provide multi-family residential into an area that is primarily commercial in use, greater detail as to how the development will be integrated to the commercial areas located across Wellington Way must be discussed. Currently, the only access point it located at the unsignalized intersection of Wellington Way and Palomar Center Drive. This intersection is a transition where the roadway narrows from five (5) lanes to three (3) lanes. The applicant is showing the creation of a crosswalk at this location. The applicant should work with the Division of Traffic Engineering and the Division of Planning to explore alternative solutions to provide the safest connection point between their proposed development and the commercial development located across Wellington Way.

2. Transportation and Pedestrian

Despite compliance with some of the criteria for Transportation and Pedestrian, there is still an area of concern. The applicant should expand upon the following development criterion and staff comments.

A-DS1-1 Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes.

Within the applicant's letter of justification, they reference the location of the transit stop across from the proposed development and its utility. This stop is also noted on the development plan, but indicates that it will be enhanced, which also allows for a ten (10) percent reduction in the amount of required parking. If the applicant is seeking to provide a shelter at this location, they should work with the Division of Planning, Transportation Section, and LexTran to discuss the design and viability of such a shelter.

A-DS1-2 Direct pedestrian linkages to transit should be provided.

A-EQ3-2 Development on corridors should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities).

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

The applicant should work with the Division of Traffic Engineering and the Division of Planning to review the proposed plan and explore alternative solutions to provide the safest connection point between their proposed development and the transit stop located across Wellington Way.

E-ST3-1 Development along major corridors should provide for ride sharing pick up and drop off locations along with considerations for any needed or proposed park and ride functions of the area.

The applicant indicates that they will take into consideration the ever changing methods of ridesharing and accommodate those uses. They should depict how those considerations would be formulated on the development plan, including designating specific parking spaces for this purpose.

3. Greenspace and Environmental Health

The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, limits the impacts on the surrounding environment, and adds both street trees and internal tree canopy coverage.

A-EQ7-3 Community open spaces should be easily accessible and clearly delineated from private open spaces.

The applicant should provide greater information as to the orientation and location of the open space on the proposed development. This should include where on the rooftop the open space will be located and potential amenities. The form of the rooftop open space is of particular concern as it is the subject of the associated variance request.



B-PR7-2 Trees should be incorporated into development plans; prioritize grouping of trees to increase survivability.

The applicant has provided staff with a tree planting plan. However, there is concern regarding the viability of the clustering of large trees throughout the site. The applicant should work with staff to ensure the survivability of the proposed larger trees, specifically the clustered areas, to meet the 30% tree canopy requirement.

STAFF RECOMMENDS: POSTPONEMENT, FOR THE FOLLOWING REASONS:



1. The zone change application for the subject property, as proposed, does not completely address the development criteria for a zone change within the Corridor Place Type, and the Medium-Density Residential Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. A-DS3-1 Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
 - b. A-DS5-3 Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
 - c. A-DS5-4 Development should provide a pedestrian-oriented and activated ground level.
 - d. A-EQ3-1 Development should create context sensitive transitions between intense corridor development and existing neighborhoods.
 - e. B-SU11-1 Green infrastructure should be implemented in new development.
 - f. C-LI6-1 Developments should incorporate multi-family housing and walkable commercial uses into development along arterials/corridors.
 - g. A-DS1-1 Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes.
 - h. A-DS1-2 Direct pedestrian linkages to transit should be provided.
 - i. A-EQ3-2 Development on corridors should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities).
 - j. D-CO2-1 Safe facilities for all users and modes of transportation should be provided.
 - k. E-ST3-1 Development along major corridors should provide for ride sharing pick up and drop off locations along with considerations for any needed or proposed park and ride functions of the area.
 - l. A-EQ7-3 Community open spaces should be easily accessible and clearly delineated from private open spaces.
 - m. B-PR7-2 Trees should be incorporated into development plans; prioritize grouping of trees to increase survivability.

STAFF REPORT ON VARIANCE REQUEST



As part of their application, the petitioner is seeking a dimensional variance regarding the height of the proposed structure from forty (40) feet to fifty (50) feet. Article 8-13(m) of the Zoning Ordinance requires that the maximum height of a building requires a 2:1 height-to-yard ratio, except that buildings under forty (40) feet may have side and rear yards as required in the R-3 zone. Article 8-12(i) defines the side yard for the R-3 zone as five (5) feet. The applicant is seeking a ten (10) foot increase of the allowable height of the structure, totaling 50 feet.

Before any variance is granted, the Planning Commission must find the following:

- a. 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 a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Planning Commission shall consider whether:
 1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone.
 2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
 3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
- b. The Planning Commission shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

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 8-13(m) states that the maximum height of a building requires a 2:1 height-to-yard ratio, for buildings over forty (40) feet in height.

Article 8-13(i) states that the side yard for the R-4 zone shall be five (5) feet.

Article 15-1(b) defines how height is measured. For the purpose of this Zoning Ordinance, the "height" of a wall of a structure (or any part of a building) is the mean vertical distance from the established grade in front of the lot or the average grade at the base of the front facade of the building, whichever is higher, to the average height of the top of the cornice of a flat roof or roof line; to the deck line of a mansard roof; or to the middle of the highest gable or dormer in a pitched or hipped roof. If there are no gables or dormers, the "height" of a wall shall be to the middle of such pitched or hipped roof.

On a corner lot, the height is the mean vertical distance from the average grade at the base of the building on the street of greatest width. If two (2) or more such streets are of the same width, and one (1) is at a higher elevation, it shall be from the highest of such grades. The height limitations, as controlled by the wider street, shall govern for a distance of one hundred twenty (120) feet, measured at right angles back from such wider street, unless parts of the one hundred twenty (120) feet are within a more restricted height zone.

Article 15-1(c) defines the exceptions to Height Limits, including:

1. Barns, silos, or other farm structures on farms; church spires, belfries, cupolas, and domes, not for human occupancy; monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, masts and aerials.
2. Bulkheads, elevator penthouses, water tanks, monitors and scenery lofts, provided that such structures shall not have an aggregate area greater than twenty-five percent (25%) of the lot area; and provided that no linear dimension of any such structure shall exceed fifty percent (50%) of the corresponding street lot line frontage if the structure is within twenty-five (25) feet of such street lot line.
3. Monuments or towers, including fire towers; hose towers; cooling towers; grain elevators; sugar refineries; gas holders; and other structures shall have no height limits where the manufacturing



process requires a greater height; provided, however, that all such structures above the limiting heights specified in this Zoning Ordinance shall not occupy more than twenty-five percent (25%) of the area of the lot, shall be distant at least twenty-five (25) feet from every adjoining property line, and shall be set back one (1) foot from the otherwise required setback at the limiting height for each foot of vertical height that the structure exceeds the limiting height.(4)Solar heating and solar collection devices, provided such devices are no more than five (5) feet higher than the otherwise permitted maximum height for the zone in which they are located.

Article 15-2(b)(4) defines the requirements for a Side Street Side Yard stating, on a corner lot in any zone, the required least width of the side street side yard shall equal either the minimum front yard required for that zone or the existing alignment on the lot immediately adjoining, whichever is less. Notwithstanding the above, no such yard shall be required to exceed thirty (30) feet in a residential, business, or industrial zone.

CASE REVIEW

The applicant is requesting a variance to the height of the proposed structure from 40 feet to 50 feet in an effort to provide a rooftop amenity space, so to meet the required open space for a residential development in the High Density Apartment (R-4) zone. The applicant indicates that the variance requested to the height is meant to provide for elevator and stairwell access to the rooftop. If there is no other added construction for the development of the open space, staff does not see the need for a variance in the height of the structure. Article 15-1(c)(2) describes some of the exceptions to the height of structures, which includes bulkheads, elevator penthouses, water tanks, monitors and scenery lofts, provided that such structures shall not have an aggregate area greater than twenty-five percent (25%) of the lot area; and provided that no linear dimension of any such structure shall exceed fifty percent (50%) of the corresponding street lot line frontage if the structure is within twenty-five (25) feet of such street lot line.

The applicant should provide greater detail as to how the rooftop space will be constructed and oriented on the building. Additionally, the applicant should provide greater information regarding the properties special circumstances, how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant, and/or how the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

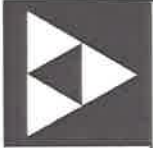
Finally, the applicant should review whether the height of the structure is the appropriate variance to request for the property. The subject property is uniquely oriented with Wellington Way, a public road, along the frontage and Palomar Center Drive, a private access easement, along the eastern boundary. The area of potential conflict with the height to yard ratio is located along Palomar Center Drive and away from a lot line that is not buffered by a roadway. In cases where an access easement has been provided, it has been policy to treat the access easement as if it were a public roadway regarding setbacks. Evaluating Palomar Center Drive as a public roadway would necessitate either a twenty (20) foot setback or alignment with the property located at 3601 Palomar Center Drive. The submitted development plan indicates that the building is setback from the back of the sidewalk twelve (12) feet. In order to allow a fifty (50) foot tall building, all side and rear yards would need to be a minimum of twenty-five (25) feet.

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



- a. The request is potentially unnecessary per the LFUCG Zoning Ordinance Article 15-1.
- b. The applicant has not submitted a sufficient application for a variance request. For this reason the staff cannot support the request at this time. The applicant must address the following in their justification:
 1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone.
 2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
 3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

SUPPLEMENTAL STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-21-00001: RTA FAMILY TRUST



STAFF REVIEW

As outlined in the initial staff report and further discussed during the March Subdivision and Zoning Subcommittee meetings, there were several overriding concerns regarding the proposed rezoning for the properties located at 1009 and 1017 Wellington Way. These concerns included the use of the Multi-Family Design Standards, the need for safe pedestrian movement from the proposed development to the Palomar Centre commercial area, needed specifics regarding the lighting and buffering of the site, the formation of the open space, and the activation of the front building plane. Each of these concerns were related to the Goals and Objectives of the Comprehensive Plan, as well as the Development Criteria for the Corridor Place-Type and the Medium Density Residential Development Type. Since the committee meetings, the applicant's team has met with staff from the Divisions of Planning and Traffic Engineering to discuss the areas of potential conflict and seek remedies, which would allow for the best possible solution for the Urban County.

Following continued discussion with staff, the applicant has submitted new materials to address those areas of concern. Included in this documentation is a color rendering of the updated plan view of the proposed development, with notations that directly refer to staff's concerns from the original staff report. These include increased access to the frontage of the building (A-DS5-3), a pedestrian-oriented and activated ground plan (A-DS5-4), the location of green infrastructure (B-SU11-1), direct and safe access to transit facilities and commercial amenities (C-LI6-1, A-DS1-1, A-DS1-2, A-EQ3-2, D-CO2-1), and clearly delineated open space (A-EQ7-3). The applicant's description of the open space and the associated materials submitted also removes the need for the proposed variance request for the subject properties.

Additionally, the applicant has also provided architectural renderings of the proposed development, which specifically address the Architectural Design standards of the Multi-Family Design Standards. While the documentation does not describe the Site Planning and Open Space Standards, the associated color rendering of the plan view does address many of staff's concerns with these elements. Staff agrees that the proposed development is in agreement with the Multi-Family Design Standards (A-DS3-1).

Other recent documentation submitted with the application includes a lighting study and a tree canopy diagram. These materials are specifically targeted the concerns regarding incorporating pedestrian scale lighting, while also limiting the impact on surrounding development and limiting the impact on the environment (B-PR7-2). These documents also demonstrate how a higher density development can fit into the context of a more commercial roadway (A-DS8-1, A-DN3-2), while also providing an adequate transition from the commercial development on the southern side of Wellington Way to the residential development on Palomar Trace Drive (A-EQ3-1).

With the inclusion of the color rendered plan view, the architectural renderings, the lighting study, and the tree canopy diagram, the applicant has been able to demonstrate agreement with the Development Criteria for the Corridor Place-Type and the Medium Density Residential Development Type.

While not addressed by the applicant's newly submitted documentation, the new information provided by the applicant also addresses several other aspects of the 2018 Comprehensive Plan, which were not described with their initial submission. The documentation shows how the applicant is working to achieve an effective and comprehensive transportation system (Theme D, Goal #1) by prioritizing a pedestrian-first design (Theme D, Goal #1.a), with the inclusion of the safe pedestrian crossing along Wellington Way. This also allows for positive and safe social interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians and various modes of transportation (Theme A, Goal #3.b) by providing a safe and more accessible link to the proposed enhanced transit facilities located across Wellington Way.

In review of the original submission of the applicant's materials and the updated materials, staff can now find that the proposed rezoning is in agreement with the 2018 Comprehensive Plan.

STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASONS:



1. The requested High Density Apartment (R-4) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed development will accommodate the demand for housing in Lexington responsibly, prioritizing a mixture of housing types (Theme A, Goal #1), by providing a denser type development in an area that is primarily single family detached and duplex dwelling units.
 - b. The proposed rezoning will support infill (Theme A, Goal #2), and add to a well-designed neighborhood and community (Theme A, Goal #3), while upholding the Urban Service Area concept (Theme E, Goal #1).
 - c. The proposed rezoning will achieve an effective and comprehensive transportation system (Theme D, Goal #1) by prioritizing a pedestrian-first design (Theme D, Goal #1.a), by developing a safe pedestrian crossing along Wellington way.
 - d. The proposed rezoning allows for positive and safe social interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians and various modes of transportation (Theme A, Goal #3.b) by providing a safe and more accessible link to the proposed enhanced transit facilities located across Wellington Way
 - e. The proposed rezoning addresses the goal of absorbing vacant and underutilized land within the Urban Service Area (Theme E, Goal #1.a), and accommodating the demand for housing in Lexington responsibly, prioritizing higher-density and mixture of housing types.
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site creates a residential development that allows increased residential options, provides for safe pedestrian mobility and provides amenities for both residents and the surrounding community. In addition, the development will meet the Multi-Family Design Guidelines.
 - b. The proposed rezoning includes safe facilities for the potential users of the site by enhancing the pedestrian facilities along both Wellington Way and across Wellington Way to the commercial development and transit facilities. The proposed development is providing safe and clear access to the building, and providing covered and safe bike storage facilities. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it adds green infrastructure with the inclusion of permeable pavers and will add viable native tree canopy coverage.
3. This recommendation is made subject to approval and certification of PLN-MJDP-21-00005: Schroyer Property Lots 3 & 4 (RTA Trust)(AMD), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

1. RTA FAMILY TRUST ZONING MAP AMENDMENT & SCHROYER PROPERTY (LOTS 3 AND 4) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-21-00001: RTA FAMILY TRUST (5/2/21)*- a petition for a zone map amendment from a Neighborhood Residential (B-1) zone with conditional zoning restrictions to a High Density Apartment (R-4) zone, for 1.56 net (1.86 gross) acre, for properties located at 1009 & 1017 Wellington Way.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2018 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The applicant is seeking a zone change from the Neighborhood Business (B-1) zone to the High Density Apartment (R-4) zone for the properties located at 1009 and 1017. The zone change application is seeking to construct a four story multi-family residential structure. With a total of 88 dwelling units.

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

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

1. The requested High Density Apartment (R-4) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed development will accommodate the demand for housing in Lexington responsibly, prioritizing a mixture of housing types (Theme A, Goal #1), by providing a denser type development in an area that is primarily single family detached and duplex dwelling units.
 - b. The proposed rezoning will support infill (Theme A, Goal #2), and add to a well-designed neighborhood and community (Theme A, Goal #3), while upholding the Urban Service Area concept (Theme E, Goal #1).
 - c. The proposed rezoning will achieve an effective and comprehensive transportation system (Theme D, Goal #1) by prioritizing a pedestrian-first design (Theme D, Goal #1.a), by developing a safe pedestrian crossing along Wellington way.
 - d. The proposed rezoning allows for positive and safe social interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians and various modes of transportation (Theme A, Goal #3.b) by providing a safe and more accessible link to the proposed enhanced transit facilities located across Wellington Way.
 - e. The proposed rezoning addresses the goal of absorbing vacant and underutilized land within the Urban Service Area (Theme E, Goal #1.a), and accommodating the demand for housing in Lexington responsibly, prioritizing higher-density and mixture of housing types.
 2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site creates a residential development that allows increased residential options, provides for safe pedestrian mobility and provides amenities for both residents and the surrounding community. In addition, the development will meet the Multi-Family Design Guidelines.
 - b. The proposed rezoning includes safe facilities for the potential users of the site by enhancing the pedestrian facilities along both Wellington Way and across Wellington Way to the commercial development and transit facilities. The proposed development is providing safe and clear access to the building, and providing covered and safe bike storage facilities. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it adds green infrastructure with the inclusion of permeable pavers and will add viable native tree canopy coverage.
 3. This recommendation is made subject to approval and certification of PLN-MJDP-21-00005: Schroyer Property Lots 3 & 4 (RTA Trust)(AMD), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. PLN-MJDP-21-00005: SCHROYER PROPERTY (LOTS 3 AND 4) (5/2/21)* - located at 1009 & 1017 WELLINGTON WAY, LEXINGTON, KY.
Project Contact: Banks Engineering

Note: The purpose of this amendment is to rezone the property for a residential use.

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

The Subdivision Committee Recommended: Postponement, There are questions regarding ability to meet tree canopy requirements of Article 26-5 and agreement with the Comprehensive Plan.

1. Provided the Urban County Council rezones the property to the R-4 zone; 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. United States Postal Service Office's approval of kiosk locations or easement shall be determined at the time of the Final Development Plan.
7. Provided the Planning Commission grants the requested height variance.
8. Revise Note #15 to state Zoning Compliance Permit.
9. Discuss ability to meet tree canopy requirement of Article 26-5 of the Zoning Ordinance.
10. Discuss additional landscaping adjacent to Single Family Residential.
11. Discuss exterior lighting.
12. Discuss Placebuilder criteria.
 - a. A-DS3-1 Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
 - b. A-DS5-3 Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
 - c. A-DS5-4 Development should provide a pedestrian-oriented and activated ground level.
 - d. A-EQ3-1 Development should create context sensitive transitions between intense corridor development and existing neighborhoods.
 - e. B-SU11-1 Green infrastructure should be implemented in new development.
 - f. C-LI6-1 Developments should incorporate multi-family housing and walkable commercial uses into development along arterials/corridors.
 - g. A-DS1-1 Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes.
 - h. A-DS1-2 Direct pedestrian linkages to transit should be provided.
 - i. A-EQ3-2 Development on corridors should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities).
 - j. D-CO2-1 Safe facilities for all users and modes of transportation should be provided.
 - k. E-ST3-1 Development along major corridors should provide for ride sharing pick up and drop off locations along with considerations for any needed or proposed park and ride functions of the area.
 - l. A-EQ7-3 Community open spaces should be easily accessible and clearly delineated from private open spaces.
 - m. B-PR7-2 Trees should be incorporated into development plans; prioritize grouping of trees to increase survivability.

Staff Zoning Presentation – Mr. Baillie said that the staff had received letters of opposition, which have been distributed to the Planning Commission. He said that Mr. Jimmy Emmons will also be presenting, since there was concern at the Zoning Committee meeting regarding the traffic at this location, even though this proposal did not require a Traffic Impact Study. Mr. Baillie presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and aerial photographs of the general area. He said this the applicant is seeking to construct a four story multi-family residential structure, with a total of 88 dwelling units (56 dwelling units per acre), surface and below ground parking, and a roof-top deck. He said that the subject property is bordered by Wellington Way, which is a collector street and Palomar Centre Drive, which is an access easement. The subject property is surrounded by Neighborhood Business (B-1), Professional Office (P-1), Two Family Residential (R-2), Planned Neighborhood Residential (R-3), and Single-Family Residential (R-1C) zoning. He said that the application was submitted under the Corridor Place-Type and a Medium-Density Non-Residential / Mixed-Use Development Type. The applicant is also proposing a recommended zone. The staff agreed that the Place-Type, Development Type, and zone can be appropriate at this location.

Mr. Baillie said that the proposed site is close in proximity to the Palomar Shopping Center, which will allow the residents many commercial options. He said that with the Corridor Place-Type, the intent is for higher density residential to be located along the collector or arterial roadways, which include Wellington Way and Harrodsburg Road. He said that there was concern with the proposed forty-foot height of the structure. He displayed photos of adjacent structures that range from 20-38 feet in height and are at different elevations, which would lessen the impact of the proposed structure.

Mr. Baillie said that there was also concern with the activation of the open space on the site, as well as the pedestrian movement along the frontage of the property. The applicant submitted a color rendering clarifying the design standards and the development criteria associated with the zone change request. He said that the applicant has significantly enhanced the front of the building, along Wellington Way, which provides an active front space with two pedestrian entryways into the property. He said in regards to the pedestrian safety concern, the applicant has created a refuge area in the median of Wellington Way, which both the Planning staff and the Division of Traffic Engineering support. He said that the majority of the open space is located on the roof of the building, which provides an amenity to the residents and would be located away from the adjacent single-family residences. The applicant has also submitted color elevations of the building, which depict how it will meet the multi-family design standards,

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specifically the architectural design standards. He said that the staff agrees that these renderings meet the Development Criteria of the Comprehensive Plan. Staff was also concerned with the buffering for the neighbors and the residents of the proposed development. The applicant submitted a tree canopy plan, which includes more buffering than required along the rear of the property and along the west boundary of the property. The applicant also submitted a lighting plan, which depicts the amount and type of lighting and potential spill over. The applicant proposes outdoor lighting twelve feet in height and no spill over to neighboring properties. He said that the staff is recommending approval of this zone change application.

Note: Mr. Forester left the meeting at 4:00 p.m. Mr. Penn resumed as Chair.

Development Plan Presentation – Mr. Martin presented a color rendering of the preliminary development plan associated with this zone change. He said that the applicant submitted a revised development plan and indicated that revised conditions were distributed to the Planning Commission, as follows:

1. Provided the Urban County Council rezones the property to the R-4 zone; 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. United States Postal Service Office's approval of kiosk locations or easement shall be determined at the time of the Final Development Plan.
- ~~7. Provided the Planning Commission grants the requested height variance.~~
7. 8. Revise Note #15 to state Zoning Compliance Permit.
- ~~9. Discuss ability to meet tree canopy requirement of Article 26-5 of the Zoning Ordinance.~~
- ~~10. Discuss additional landscaping adjacent to Single Family Residential.~~
- ~~11. Discuss exterior lighting.~~
8. 42. Discuss Placebuilder criteria.

Mr. Martin said the access into the development will be off of Palomar Centre Drive. He pointed to the surface parking areas and to the drive aisle that leads to underground parking. He said that they are providing the required 112 parking spaces. He said that there will be an underground detention area due to the change in elevation of the site. The proposed building is four stories (forty feet) in height, with a total of 64,000 square feet. There was a concern with the amount of required open space. The applicant is utilizing the roof area to meet that requirement. He said that the surface parking area will not be of any nuisance to the neighbors. He said that there will be pedestrian scaled lighting in the parking areas, which Mr. Baillie previously stated. There will also be enhanced landscaping along the boundary of the single-family homes. He said that the pedestrian crossing is a great solution for a complicated intersection. He said that the location of the transit stop on Wellington Way will be determined at the time of the Final Development Plan. He said that with these changes, the staff is recommending approval of this zoning development plan.

Traffic Impact Study – Mr. Emmons said that this property didn't meet the thresholds to require a Traffic Impact Study; however, the staff anticipated that traffic would be a concern of the neighbors. He said that the proposed development will create approximately 473 vehicle trips per day, in and out of the development, which will only be about 39 during a.m. and p.m. peak hours. He said that Traffic Impact Studies are required when a development creates more than 200 peak hour trips. He said that the currently approved commercial development plan on this site, with the combination of restaurants and retail landuse, would generate approximately 2,000 daily vehicle trips, with 160 during a.m. and p.m. peak hours. He said that the proposed development will generate a very small amount of traffic.

Mr. Emmons said that the Kentucky Transportation Cabinet did complete a traffic study of this area in 2019. That report had traffic counts of approximately 3,000 Average Daily vehicles along Wellington Way, with 400 vehicle trips during a.m. and p.m. peak hours. That number is also very similar to Lyon Drive. He also completed a congestion study of the area, which measures the rate at which the cars are moving. He said that this area didn't particularly have an increase of traffic during the a.m. and p.m. peak hours, it was congested from 7:00 a.m. to 11:00 p.m., but is isn't over capacity. He said that a typical local road with 2 lanes would carry approximately 1,000 vehicles per lane, per hour and the study that he performed was approximately only 400 vehicles per lane, per hour. The police reports of accidents and collisions in the area indicate that most occur at the intersection of Harrodsburg Road and Wellington Way. There were also many accidents on Palomar Centre Drive south of the subject properties. More than half of them occurred in the parking lot, which means that there were very few on the public roadways. He said that he recommends the Planning Commission follow the Division of Traffic Engineering and the staff's recommendation for the safe pedestrian crossings in the medians.

Applicant Presentation – Jon Woodall, attorney; Greg Smorstad, Banks Engineering, Inc.; Celia Moore, Integrity Architecture, were all present representing the applicant. Mr. Woodall gave a brief history of the property and said that the owner has owned these properties since 2013. The property at 1009 Wellington Way was located within a Planned Neighborhood Residential (R-3) zone and housed the LaPetite Day Care Center at that time, which had approximately 200 children attend every day, and drew a lot of traffic to the area. The property at 1017 Wellington Way was located with a Professional Office (P-1) zone. In 2013, the property was rezoned to the Neighborhood Business (B-1) zone.

Mr. Woodall said that they are proposing 88 units. The building is proposed to be forty feet to the roofline, with a guard rail system around the top of the building, which will be at a height of forty-three and a half feet. Roof access points (staircases and elevator) will be at fifty feet in height. This height limit is actually lower than the height approved at the 2013 zone change hearing. He said in regard to the traffic counts, they are 50-75% below the amount of the currently approved development plan. He said that one of the attractions of this development is its proximity to the Palomar Shopping Center, the nearby restaurants, and the gym facility. The pedestrian movement was a large concern. He believes that this is an infill and redevelopment project and that they meet several of the 2018 Comprehensive Plan's Goals & Objectives that Mr. Baillie has already clarified. He said that they are in agreement with the staff's recommendations and realizes that their work is not complete if the zone change is approved. He said that the transit stop location will be finalized at the time of the Final Development Plan.

Mr. Woodall said that they have met with the neighborhood and have tried to accommodate all of their concerns. He said that the height of the proposed building and traffic were the major concerns and that they believe that they are well within the limits. He added that lighting was also a concern of the neighbors and that they plan to use lighting that doesn't project any light into their homes. They are proposing more landscaping than is required in order to properly screen the neighboring properties. He said that they will not have a pool within the development because of the congregational area on the rooftop. He believes that this is high-end development and will enhance the community.

Commission Questions – Ms. Plumlee asked the applicant what kind of safe guards will be on the roof to keep residents safe. Mr. Woodall said that there will be guard rail and protective devices to keep the residents safe.

Mr. Nicol said that a member of the community suggested that he may have a conflict of interest with this zone change and should recuse himself. He made a statement that he will not recuse himself from PLN-MAR-21-00001: RTA FAMILY TRUST and PLN-MJDP-21-00005: SCHROYER PROPERTY (LOTS 3 AND 4). He said that he does not have any financial interest in the project nor will he receive any financial benefit from the project in any way. He also does not have any association with any of the parties involved that will impede his ability to hear this case and make an objective and fair decision supported by the facts presented today.

Citizen Comment – Doug Martin, 1031 Wellington Way and President of the Wellington Condominium Office Association, said that he did not receive any instructions for joining the via teleconference meeting. He said that he believes that this is primarily a Neighborhood Business (B-1), and Professional Office (P-1) zoned area, since the existing residential area, to the rear of the proposed development, is not accessible either by automobile or on foot. He said that the safety of the pedestrians is not adequate at any time of the day and that the crosswalk leads them to a parking lot. He believes that the pedestrian refuge island will block the left turn lane of incoming vehicles from Harrodsburg Road. He said that his office is directly adjacent to this development and he will be the most impacted by noise and additional traffic. He doesn't believe that this development has enough parking and that the Sedona Tap House employees are already parking in his parking lot and he doesn't want more vehicles parking there. He recommended a six-foot fence along the border with his property. He is also concerned with the height of the proposed building.

Butch Schroyer, Schroyer Development Property, said that he is concerned with the increase of traffic. He said that vehicles on Palomar Center Drive currently have a difficult time exiting onto Wellington Way during peak hours. He also agreed with Mr. Martin in regard to the lack of sidewalks on Wellington Way. He said that he would prefer the greenspace at ground level and the parking underground at this location.

Michael Walsh, said that he submitted photos along with descriptions of how this plan fails to meet provisions of the 2018 Comprehensive Plan to protect neighborhoods. He said that this development creates problems and imposes restrictions on the immediate vicinity. He believes that the proposed development will be out of place, obtrusive and will not blend with surrounding structures due to its contrast of scale. This is in conflict with Design Policy #4 and Density Policy #2. He also believes that this development will create additional traffic problems because this property only has one access onto a very narrow road, which conflicts with Design Policy #13 and #2. He believes that this plan doesn't provide safe pedestrian access to neighboring businesses. The sidewalks terminate before they reach the restaurant or retail uses, forcing pedestrians through hedges, landscaping or uneven terrain, which is hazardous and unsafe and conflicts with Design Policy #5. He said that the median block pedestrian crossing is a Type-2 traffic calming device and prohibited by Traffic Policy on a Collector street without a detailed and extensive approval process. He said that relocating the transit stop will only create other line-of-sight issues for vehicles.

Applicant Rebuttal – Mr. Woodall displayed an aerial photo of the height of the surrounding buildings and said that they range between 20-36 feet in height, which is 7 feet above their finished floor. He thanked the staff for their support, said that they are in agreement with their recommendations and asked for the Planning Commission's approval.

Note: Ms. Barksdale left the meeting at 5:00 p.m.

Citizen Comment - Lee Jinright, said that he is concerned with the height of the proposed building. He said that the Saint Joseph medical building is 36 feet in height and also below grade of the subject property. He said that the subject property is at a higher grade level than the buildings that have been referenced by the applicant.

Chair Comments – Mr. Penn asked Mr. Woodall if he has any further rebuttal. Mr. Woodall declined.

Staff Rebuttal – Mr. Baillie clarified that the proposed development will have 112 parking spaces, with both the surface and the underground parking areas, which meet the Zoning Ordinance requirements. He said in regard to the request for of a six-foot fence, typically where a P-1 zone and an R-4 zone are adjacent, there is an opportunity to install a six-foot fence as part of the property perimeter screening, but the applicant is not required to install it because of their large landscape buffer. He added that this could be discussed further at the time of the Final Development Plan. In regards to the open space and vegetated/green space, he said that in this case it is only open space. The applicant is meeting the open space requirement. He said that the applicant is proposing a significant amount of activation on the frontage of the property, which is to make it more neighborhood oriented. He said that the applicant is attempting to make the pedestrian connection between the north and south side of Wellington Way and Palomar Centre Drive, but they can't change another owner's property to create that connection. He added that vehicular traffic may increase during the peak hours, but from the staff's perspective, the roadways are able to carry that capacity.

Ms. Wade said in regards to Mr. Martin's comment about the public notice that we have public hearings every month and during this time of COVID restrictions, the video teleconference setting is a little more difficult. She said that our regular public notification letters state that the meeting is being held at 200 East Main Street, which is the place of the hearing. Unfortunately with the restrictions and the teleconference setup, there is a new webinar identification created for every meeting and for that reason the notification letters don't include the specific webinar identification or password. She added that information is made available on the meeting agendas. Also, included in the notification mailings is a form that includes information of how to participate in a hearing, which directs you to the City Calendar and the Division of Planning website to obtain the information to participate in a particular meeting. Ms. Wade thanked Mr. Martin for participating in the hearing.

Citizen Rebuttal – Mr. Walsh said that some of the tall building that were being referenced in the vicinity also start at a lower grade level. He said the building located at 3581 Wellington Way was developed with complete community involvement. He believes that the community involvement of this proposed development could have been better.

Commission Comments – Ms. Plumlee said that she empathizes with the neighbors, but she believes that the project is in agreement with Comprehensive Plan as an Infill and Redevelopment project.

Mr. Wilson agrees with Ms. Plumlee's comment and added that he is respectful of the comments regarding the traffic and pedestrian safety. He said that the Planning Commission has been emphasizing Infill and Redevelopment projects as part of the 2018 Comprehensive Plan.

Zoning Action – A motion was made by Mr. Wilson, seconded by Mr. Bell, and carried 7-1 (Ms. Plumlee opposed; Barksdale, Forester, and Meyer absent) to approve PLN-MAR-21-00001: RTA FAMILY TRUST, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Wilson, seconded by Mr. Bell, and carried 7-1 (Ms. Plumlee opposed; Barksdale, Forester, and Meyer absent) to approve PLN-MJDP-21-00005: SCHROYER PROPERTY (LOTS 3 AND 4), as presented by the staff.