

ORDINANCE NO. 35 -2016

AN ORDINANCE CHANGING THE ZONE FROM A SINGLE FAMILY RESIDENTIAL (R-1D) ZONE TO A HIGH DENSITY APARTMENT (R-4) ZONE, FOR 0.31 NET (0.38 GROSS) ACRE, FOR PROPERTY LOCATED AT 836 CAMPBELL LANE (RML CONSTRUCTION, LLP; COUNCIL DISTRICT 6).

WHEREAS, at a Public Hearing held on January 28, 2016 a petition for a zoning ordinance map amendment for property located at 836 Campbell Lane from a Single Family Residential (R-1D) zone to a High Density Apartment (R-4) zone for 0.31 net (0.38 gross) acre, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 9-0; and

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

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

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

Section 1 - That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for property located at 836 Campbell Lane from a Single Family Residential (R-1D) zone to a High Density Apartment (R-4) zone for 0.31 net (0.38 gross) acre, being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - That the granting of this zone change is made subject to the following use restrictions as conditions of granting the zone change:


Under the provisions of Article 6-7 of the Zoning Ordinance, the following use and buffering restrictions are proposed for the subject property via conditional zoning:


- a. Any lighting installed on the subject property shall be directed downward and shall be directed away from any single-family residential zone.

Section 3 - 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 4 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: March 17, 2016


MAYOR

ATTEST

CLERK OF URBAN COUNTY COUNCIL
Published: March 24, 2016-1t
TWJ:\X:\CASES\PLANNING\16-LE0001\LEG\00524190.DOCX

ODELL VANDERPOOL PROPERTY
836 Campbell Lane
Lexington, Fayette County, Kentucky
Zone Change from R-1D to R-4

A TRACT OF LAND SITUATED ADJACENT TO AND SOUTH OF CAMPBELL LANE IN SOUTHEAST LEXINGTON, FAYETTE COUNTY, KENTUCKY AND BEING MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

COMMENCING AT A POINT in the northeastern property corner of Lot 11 (known as 821 Mickey Lane) of Caden Landing (a.k.a. Kennedy Landing) Section One as recorded in Plat Cabinet "L", Slide 682 in the Fayette County Clerk's Office; thence North 25 degrees 29 minutes 29 seconds West, 121.16 feet to a point in the centerline of Campbell Lane, said point being **THE TRUE POINT OF BEGINNING**; thence with said centerline North 61 degrees 15 minutes 30 seconds East, 136.80 feet to a point; thence leaving said centerline South 27 degrees 00 minutes 45 seconds East, 121.92 feet to a point; thence South 61 degrees 37 minutes 30 seconds West, 133.90 feet to a point; thence North 28 degrees 22 minutes 30 seconds West, 121.01 feet to **THE POINT OF BEGINNING** and containing 0.38 acres (gross) and 0.31 acres (net).

GENERAL INFORMATION

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

APPLICANT:	RML Construction, LLP 859-268-1191 3609 Walden Drive, Lexington, KY 40517
OWNER:	Odell Vanderpool 836 Campbell Lane, Lexington, KY 40509
ATTORNEY:	Richard Murphy (859) 233-9811 250 West Main Street, Suite 2510, Lexington, Kentucky 40507

2. ADDRESS OF APPLICANT'S PROPERTY (ATTACH LEGAL DESCRIPTION-SEE ATTACHED SAMPLE.)

836 Campbell Lane, Lexington, KY 40509

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

Zoning	Existing Use	Zoning	Requested Use	Net Acreage	Gross
R-1D	Storage	R-4	Apartment	0.31	0.38

4. SURROUNDING PROPERTY, ZONING & USE

Property	Use	Zoning
North	Apartments & Vacant	R-4
East	Apartments	R-3
South	Single Family	R-1D
West	Single Family & Vacant	R-1D & R-4

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 <u>40%</u> of the median income? If yes, how many units? If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No * ___ Units *

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

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

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

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

7. APPLICANT/OWNER SIGNS THIS CERTIFICATION

I do hereby certify that to the best of my knowledge and belief, all application materials are herewith submitted, and the information they contain is true and accurate. I further certify that I am OWNER or HOLDER of an agreement to purchase this property since 10-2-15.

APPLICANT [Signature] DATE 11-24-15

OWNER _____ DATE _____

LFUCG EMPLOYEE/OFFICER, if applicable _____ DATE _____

Odell Vanderpool
836 Campbell Lane
Lexington, Kentucky 40509

November 20, 2015

Lexington-Fayette Urban County Planning Commission
101 East Vine Street, 7th Floor
Lexington, KY 40507

Re: 836 Campbell Lane

Dear Members of the Planning Commission:

I am the owner of the property at 836 Campbell Lane.

I hereby give permission to RML Construction, LLP, or a related entity, to apply for a zone change to the R-3 or R-4 zone on this property.

Sincerely,



Odell Vanderpool

7. Justification for requested change.


The Applicant, RML Construction LLP, an affiliate of Ball Homes, is requesting a zone change for 0.31 acres from the R-1D to the R-4 zone at 836 Campbell Lane.

This one-third acre parcel is adjacent to the property which was the subject of a zone change application which this Planning Commission heard on October 22, 2015.

The subject property application will be a part of the existing multi-family development project which the applicant owns and operates. It is totally consistent with recent development in the area.

This requested rezoning to a high-density apartment (R-4) zone is in agreement with the 2013 Comprehensive Plan because the Goals & Objectives and policy statements of the Plan encourage the consideration of how proposals relate to existing development in the immediate vicinity, and focus on protecting neighborhoods and residential areas from incompatible land uses. A neighborhood node already exists at Man-O-War Boulevard and Liberty Road, which will be expanded with this rezoning to R-4. Also, the Comprehensive Plan encourages the placement of residential land and development nearest to parks and greenways to ensure that they are utilized to the highest extent possible. This property will have access to the Brighton Trail, which is planned for the former railroad line north of the property. Also, this request is consistent with the recently approved zone change for the adjacent property on Liberty Road.

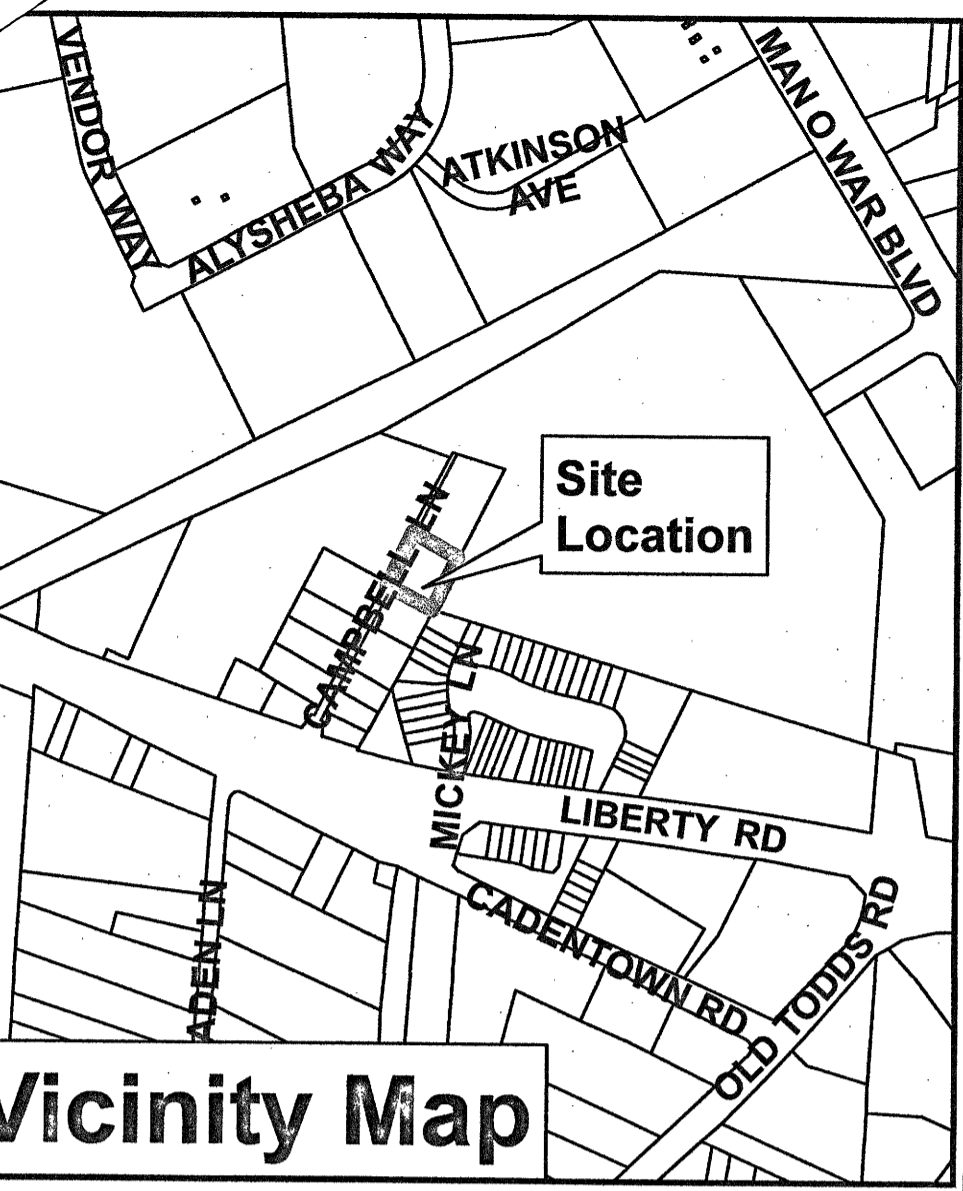
Thank you for your consideration of this zone change request.


RICHARD V. MURPHY
Attorney for Applicant

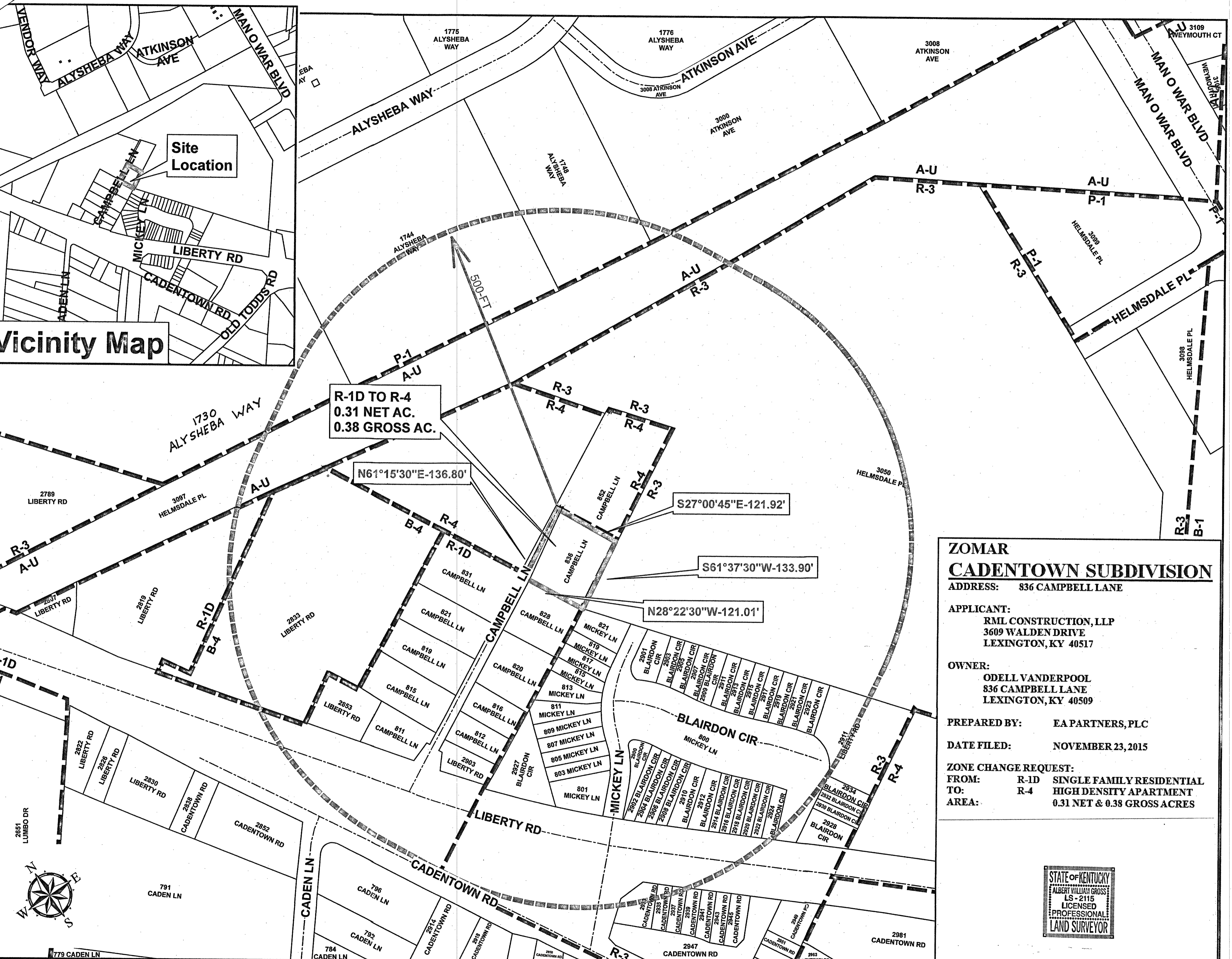
ODELL VANDERPOOL PROPERTY
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Vicinity Map



R-1D TO R-4
0.31 NET AC.
0.38 GROSS AC.

N61°15'30"E-136.80'

S27°00'45"E-121.92'

S61°37'30"W-133.90'

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ZOMAR
CADENTOWN SUBDIVISION
 ADDRESS: 836 CAMPBELL LANE

APPLICANT:
 RML CONSTRUCTION, LLP
 3609 WALDEN DRIVE
 LEXINGTON, KY 40517

OWNER:
 ODELL VANDERPOOL
 836 CAMPBELL LANE
 LEXINGTON, KY 40509

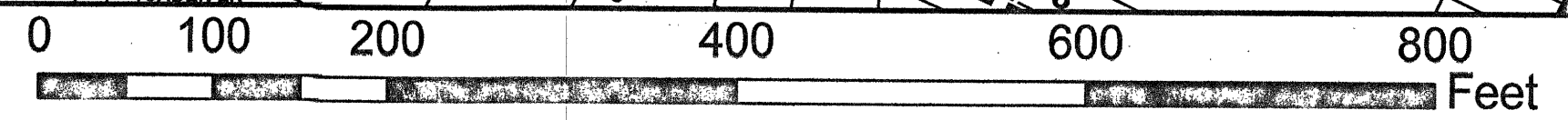
PREPARED BY: EA PARTNERS, PLC

DATE FILED: NOVEMBER 23, 2015

ZONE CHANGE REQUEST:
 FROM: R-1D SINGLE FAMILY RESIDENTIAL
 TO: R-4 HIGH DENSITY APARTMENT
 AREA: 0.31 NET & 0.38 GROSS ACRES



Notification Map



Rec'd by _____

Date: _____

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

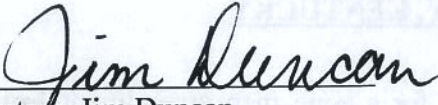
IN RE: **MAR 2016-3: RML CONSTRUCTION, LLP** - petition for a zone map amendment from a Single Family Residential (R-1D) zone to a High Density Apartment (R-4) zone, for 0.31 net (0.38 gross) acre, for property located at 836 Campbell Lane. (Council District 6)

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

1. Even though the requested High Density Apartment (R-4) zone is not in agreement with the 2013 Comprehensive Plan, it is appropriate and the existing Single Family Residential (R-1D) zone is inappropriate, for the following reasons:
 - a. Although single-family residential development is possible at this location, the surrounding zoning and proposed land use suggest that a more intense use of the property is more appropriate, especially since the subject property is bounded on three sides by R-4 zoning.
 - b. The proposed rezoning of the subject property will be compatible with and sensitive to the character of the immediate area, especially since the parcel across Campbell Lane was rezoned to R-4 in December 2015. Also, the proposed closure of Campbell Lane and construction of a residential building straddling the right-of-way will effectively complete the Brighton 3050 complex because additional expansion along Campbell Lane will be difficult.
 - c. The proposed R-4 expansion will create a more typical zoning boundary (extending straight from a shared property boundary with the Kennedy Landing development across Campbell Lane), rather than having a "notch" around an existing single-family home. This will improve the transition between zones and will allow for a solid and consistent landscape screen and buffer area between uses.
 - d. The proposed multi-family residential land use is considered a compatible and complementary land use that can support the established neighborhood-oriented development (Brighton Place Shoppes) because of its higher density.
2. This recommendation is made subject to the approval and certification of **ZDP 2016-5: Cadentown Subdivision, Lots 3 and 4**, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. **Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restriction is recommended via conditional zoning for the subject property:**
 - a. Any lighting installed on the subject property shall be directed downward and shall be directed away from any single-family residential zone.

This restriction is appropriate in order to protect the adjacent low density residential properties to the southwest of the subject property from the possible light pollution associated with the proposed apartment building and its off-street parking area.

ATTEST: This 17th day of February, 2016.


Secretary, Jim Duncan

MIKE OWENS
CHAIR

Note: The corollary development plan, ZDP 2016-5: Cadentown Subdivision, Lots 3 and 4, was approved by the Planning Commission on January 28, 2016, and certified on February 11, 2016.

K.R.S. 100.211(7) requires that the Council take action on this request by April 27, 2016.

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

OBJECTORS

- None

OBJECTIONS

- none

VOTES WERE AS FOLLOWS:

AYES: (9) Berkley, Cravens, Drake, Mundy, Owens, Plumlee, Richardson, Smith, Wilson

NAYS: (0)

ABSENT: (2) Brewer, Penn

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **CONDITIONAL APPROVAL** of **MAR 2016-3** carried.

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

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APPLICANT [Signature] DATE 11-24-15

OWNER _____ DATE _____

LFUCG EMPLOYEE/OFFICER, if applicable _____ DATE _____

Odell Vanderpool
836 Campbell Lane
Lexington, Kentucky 40509

November 20, 2015

Lexington-Fayette Urban County Planning Commission
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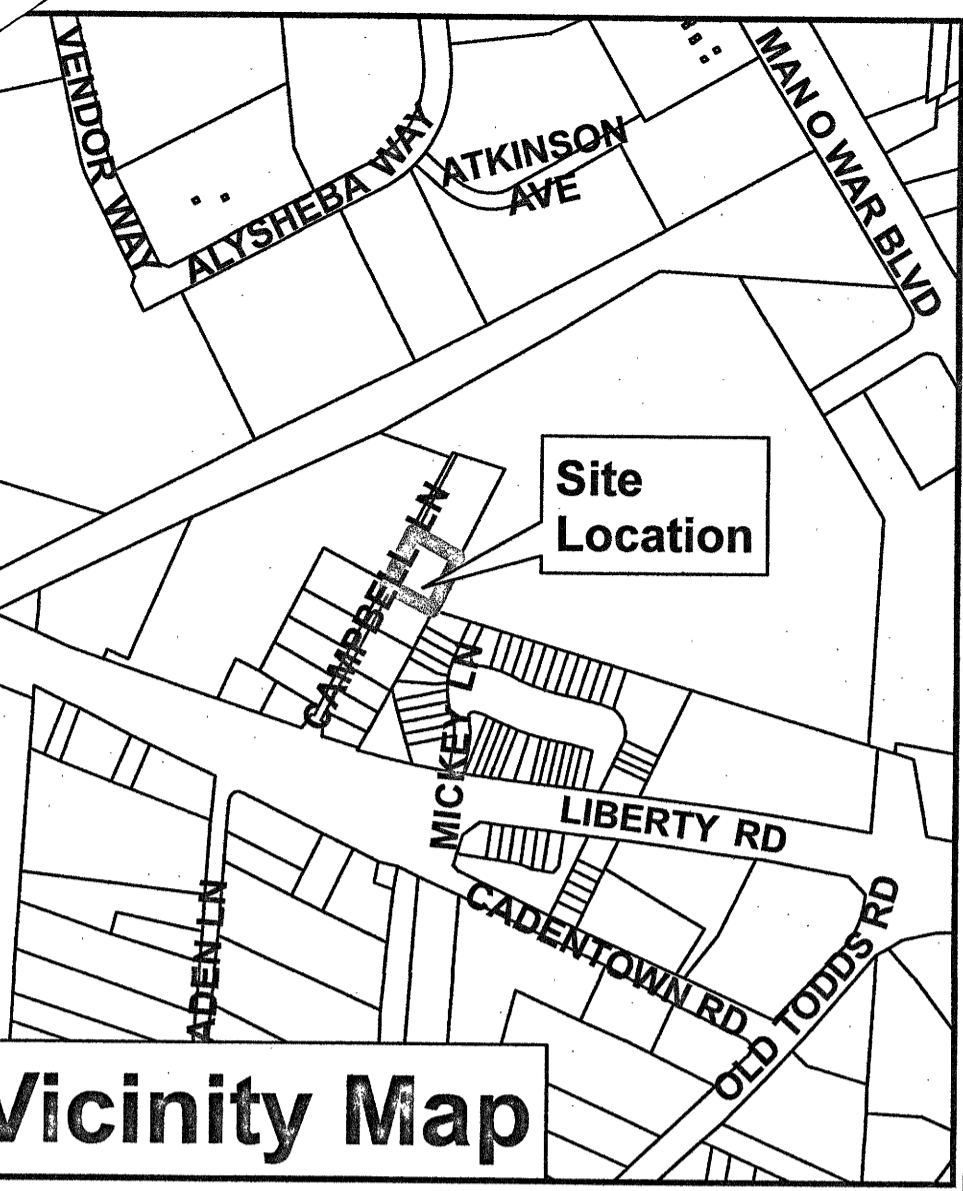
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RICHARD V. MURPHY
Attorney for Applicant

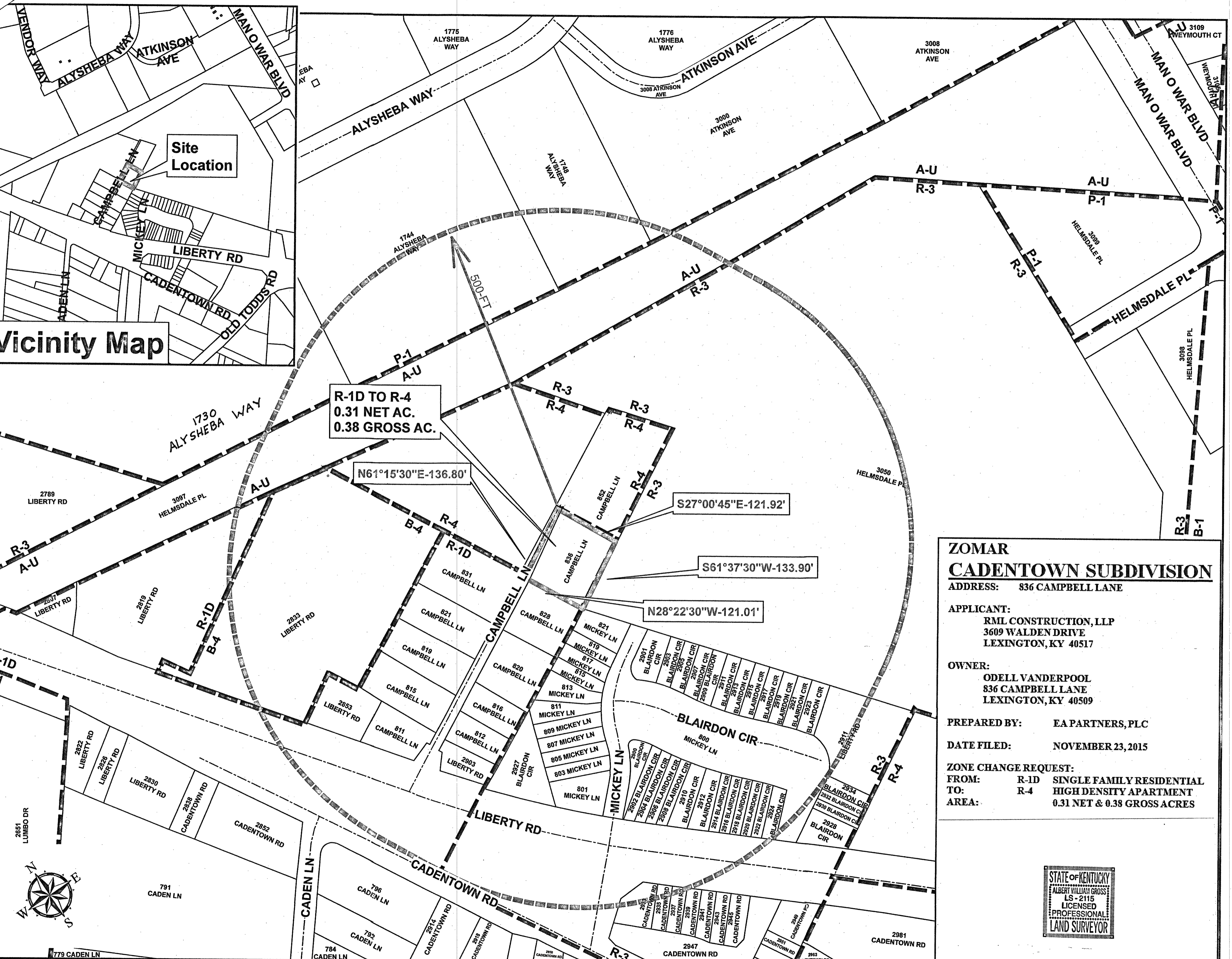
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Vicinity Map



**R-1D TO R-4
0.31 NET AC.
0.38 GROSS AC.**

N61°15'30"E-136.80'

S27°00'45"E-121.92'

S61°37'30"W-133.90'

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500-FT



ZOMAR
CADENTOWN SUBDIVISION
 ADDRESS: 836 CAMPBELL LANE

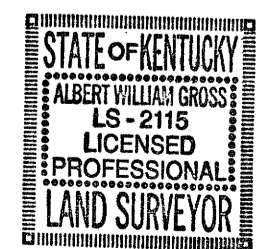
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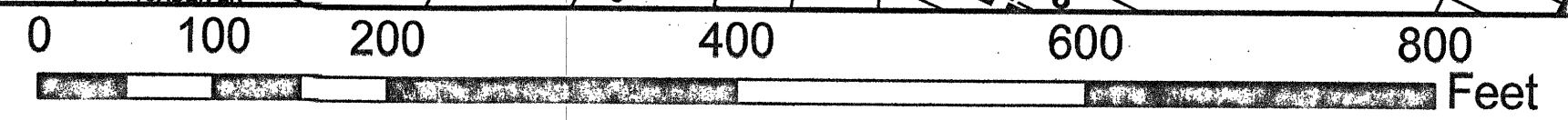
PREPARED BY: EA PARTNERS, PLC

DATE FILED: NOVEMBER 23, 2015

ZONE CHANGE REQUEST:
 FROM: R-1D SINGLE FAMILY RESIDENTIAL
 TO: R-4 HIGH DENSITY APARTMENT
 AREA: 0.31 NET & 0.38 GROSS ACRES



Notification Map



STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2016-3: RML CONSTRUCTION, LLP

DESCRIPTION

Zone Change: From a Single Family Residential (R-1D) zone
To a High Density Apartment (R-4) zone

Acreage: 0.31 net (0.38) acre

Location: 836 Campbell Lane

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	R-1D	Single-Family Residence
To North	R-4	Vacant
To East	R-4	Multi-Family Residential
To South	B-3	Townhouses
To West	R-1D	Single Family Residential

URBAN SERVICES REPORT

Roads – Campbell Lane is a narrow and substandard local street that is accessible from Liberty Road (KY1927), to the north of its intersection with Todds Road and Man o’ War Boulevard. Campbell Lane, which is approximately 14 feet wide, is an old county road that does not meet current local street standards. Campbell Lane currently terminates without a cul-de-sac or hammerhead for turnaround of vehicles. A portion of Campbell Lane has been used as access to the rear portion of the adjoining apartment complex and its off-street parking since 2009. Through access from Liberty Road to the multi-family residential complex is blocked by an emergency gate and overgrown vegetation. Access to the subject property will be from the adjoining multi-family residential complex, with plans to close the Campbell Lane right-of-way along the subject site’s frontage.

Curb/Gutter/Sidewalks – Campbell Lane was constructed without curb, gutter or sidewalks. In 2008, the realignment and widening of Liberty Road allowed for some limited curbing to be constructed at the Campbell Lane and Liberty Road intersection to provide an appropriate transition from the new road to the rural cross-section. Additional improvements to Campbell Lane are not anticipated in the future for either this old rural roadway, or along the existing frontage of the subject property if the right-of-way is successfully closed.

Storm Sewers – The subject property is located within the East Hickman Creek watershed, which generally drains to the Jacobson Park reservoir in this portion of Fayette County. No storm sewers or stormwater improvements exist on the subject property, nor are any planned. Rather, stormwater runoff from the subject property is planned to flow toward the adjacent multi-family residential development and the detention basin located thereon. The developer will be required to document compliance with the Division of Engineering Stormwater Manuals prior to any construction on the subject property.

Sanitary Sewers – The subject property is in the East Hickman sewershed, which is served by the West Hickman Wastewater Treatment Plant. The subject property is planned to be connected to the sanitary sewer through the existing multi-family residential development of which it is proposed to become a part (Brighton 3050). Sanitary sewers along Campbell Lane, including a connection for the subject property, were recently completed by LFUCG.

Refuse – The Urban County Government serves Campbell Lane with residential refuse collection on Tuesdays. As part of the larger multi-family residential development to the south, additional refuse collection may already be occurring for the Brighton 3050 development.

Police – The nearest police station is located approximately 3 miles northwest of the subject property, at the East Sector Roll Call Center (Police Sector 3) on Goodwin Drive, near the Winchester Road and New Circle Road interchange.

Fire/Ambulance – The nearest fire station to the property is Station #21, located approximately $\frac{3}{4}$ mile southwest of the subject property on Mapleleaf Drive, across Man o' War Boulevard.

Utilities – Natural gas, telephone service, electric, water, and cable television are all available to the areas surrounding the subject property. All can easily be extended to serve the property if it is permitted to incorporate into the adjoining development.

COMPREHENSIVE PLAN AND PROPOSED USE

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

The Comprehensive Plan encourages expanding housing choices (Theme A, Goal #1), locating higher density development near greenways and public parks, and creating neighborhood nodes of commercial development to support residential neighborhoods.

The petitioner proposes a High Density Apartment (R-4) zone for the subject property to allow for expansion of the "Brighton 3050" (formerly "The Summit") apartment complex. The petitioner proposes to incorporate the subject property and the rear portion of 2833 Liberty Road, which was recently rezoned, into the apartment complex and construct two buildings, with a total of 56 residential dwelling units. Overall, the Brighton 3050 site is planned to have 372 dwelling units, for a density of approximately 19.9 dwelling units per net acre.

CASE REVIEW

The petitioner has requested a zone change from a Single Family Residential (R-1D) zone to a High Density Apartment (R-4) zone for about one-third of an acre of property located at the terminus of Campbell Lane.

Campbell Lane is a stub street located on the northeast side of Liberty Road, approximately 1,300 feet north of the Liberty Road, Todds Road and Man o' War Boulevard intersection. Campbell Lane is also about $\frac{1}{2}$ mile south of the signalized Liberty Road and Star Shoot Parkway intersection. The subject property is located at the terminus of Campbell Lane, along the south side and adjacent to the existing Brighton 3050 apartment complex (formerly "The Summit"). Campbell Lane was developed in the 1940s and 50s as part of a rural subdivision, and currently serves eight single-family residential homes.

The immediate vicinity was a rural crossroads for many years, with Bryant Road, Todds Road, and Liberty Road all entering the Cadentown area. When Man o' War Boulevard was constructed, the intersection remained, but its use diminished. In 2008, Liberty Road was widened and realigned so that it connected directly to Man o' War Boulevard and Todds Road. The development of commercial uses on both corners changed the character of the area to some extent. The immediate area is comprised of both residential and business uses, as well as the local Historic District that encompasses the Cadentown residential area to the west. This portion of the Urban Service Area has developed over the past 20 years since the construction of Man o' War Boulevard with a combination of neighborhood business and office uses fronting along Man o' War Boulevard, with residential uses to the rear of the business uses or along Liberty Road.

The Adams Property, which is located adjacent to the subject property (northeast and southeast), was developed by the applicant, RML Construction, as an apartment complex between 2005 and 2008, and it is now known as Brighton 3050. Within the past two years, RML Construction has successfully rezoned three adjoining parcels in order to expand the complex to include frontage along Liberty Road at the Brighton Place Shoppes entrance, and about 1.75 acres across Campbell Lane from the subject property. The apartment complex is primarily zoned Planned Neighborhood Residential (R-3), with High Density Apartment (R-4) zoning and Neighborhood Business (B-1) zoning along its southeast and southwest edges. The existing apartment complex is situated to the rear of the Brighton Place Shoppes (when viewed from Man o' War Boulevard), and also behind the Kennedy Landing townhome development (when viewed from Liberty Road). Properties to the southwest along Campbell Lane, and across Liberty Road within the Cadentown residential area, remain zoned R-1D for single family residential use.

The petitioner is now requesting the rezoning to R-4 of this small tract along Campbell Lane to essentially complete the Brighton 3050 apartment complex. A 28-unit building is proposed that would straddle the Campbell Lane right-of-way and be partially located on the existing R-4 land across Campbell Lane (currently part of 2833 Liberty Road). The overall density of the apartment complex is approximately 19.9 dwelling unit per acre.

The petitioner contends that the proposed rezoning is in agreement with the 2013 Comprehensive Plan because the Plan encourages a variety of housing types, locating multi-family residential development near public parks and greenways, and encourages developing neighborhood nodes to serve surrounding residential areas. Although the applicant is proposing to add a number of multi-family dwelling units with the requested rezoning, that is not a unique or even uncommon development type within the immediate area. In fact, the applicant is proposing to expand an existing large apartment complex to a total of 372 dwelling units. In addition, the subject property is not located adjacent to a public park or the proposed Brighton Rail Trail extension, planned for the abandoned railroad easement to the north. Lastly, the proposed residential development does not build on the commercial neighborhood node. The staff does not agree that this zone change is in agreement with the 2013 Plan.

Rather, the staff believes that the proposed zone change is appropriate and the existing R-1D zone is no longer appropriate for four reasons. First, the redevelopment of the site is compatible with and sensitive to the character of the immediate area, especially since the parcel across Campbell Lane was rezoned to the R-4 zone in December 2015. Also, the applicant proposes to close Campbell Lane and construct a 28-unit building straddling the right-of-way, which will effectively complete the Brighton 3050 complex because additional expansion along Campbell Lane will be difficult. Second, the proposed R-4 expansion will create a more "straight" zoning boundary, rather than leaving a "notch" around an existing single-family home. This will improve the transition between zones and will allow for a solid and consistent landscape screen and buffer area between these uses. Third, while not a part of the neighborhood node, a multi-family residential use is considered a complementary land use that can support neighborhood-oriented development because of the higher residential density. Additionally, although single-family residential development is possible at this location, the surrounding zoning and proposed land use suggests that a more intense use of the property is more appropriate, especially given that it is currently bounded by R-4 on three sides. For these reasons, the staff finds that the proposed zone change is appropriate for the subject property and in keeping with the character of the immediate area.

Lastly, similar to the adjoining R-4 expansion that occurred in 2008, the staff would suggest a conditional zoning restriction to limit outdoor lighting near the remaining single family residences along Campbell Lane.

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

1. Even though the requested High Density Apartment (R-4) zone is not in agreement with the 2013 Comprehensive Plan, it is appropriate and the existing Single Family Residential (R-1D) zone is inappropriate, for the following reasons:
 - a. Although single-family residential development is possible at this location, the surrounding zoning and proposed land use suggest that a more intense use of the property is more appropriate, especially since the subject property is bounded on three sides by R-4 zoning.
 - b. The proposed rezoning of the subject property will be compatible with and sensitive to the character of the immediate area, especially since the parcel across Campbell Lane was rezoned to R-4 in December 2015. Also, the proposed closure of Campbell Lane and construction of a residential building straddling the right-of-way will effectively complete the Brighton 3050 complex because additional expansion along Campbell Lane will be difficult.
 - c. The proposed R-4 expansion will create a more typical zoning boundary (extending straight from a shared property boundary with the Kennedy Landing development across Campbell Lane), rather than having a “notch” around an existing single-family home. This will improve the transition between zones and will allow for a solid and consistent landscape screen and buffer area between uses.
 - d. The proposed multi-family residential land use is considered a compatible and complementary land use that can support the established neighborhood-oriented development (Brighton Place Shoppes) because of its higher density.
2. This recommendation is made subject to the approval and certification of ZDP 2016-5: Cadentown Subdivision, Lots 3 and 4, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restriction is recommended via conditional zoning for the subject property:
 - a. Any lighting installed on the subject property shall be directed downward and shall be directed away from any single-family residential zone.

This restriction is appropriate in order to protect the adjacent low density residential properties to the southwest of the subject property from the possible light pollution associated with the proposed apartment building and its off-street parking area.

TLW/BJR/WLS

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2. RML CONSTRUCTION, LLP, ZONING MAP AMENDMENT & CADENTOWN SUBDIVISION, LOTS 3 & 4 (AMD.) ZONING DEVELOPMENT PLAN

- a. MAR 2016-3: RML CONSTRUCTION, LLP (2/21/16*) - petition for a zone map amendment from a Single Family Residential (R-1D) zone to a High Density Apartment (R-4) zone, for 0.31 net (0.38 gross) acre, for property located at 836 Campbell Lane.

COMPREHENSIVE PLAN AND PROPOSED USE

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

The Comprehensive Plan encourages expanding housing choices (Theme A, Goal #1), locating higher density development near greenways and public parks, and creating neighborhood nodes of commercial development to support residential neighborhoods.

The petitioner proposes a High Density Apartment (R-4) zone for the subject property to allow for expansion of the "Brighton 3050" (formerly "The Summit") apartment complex. The petitioner proposes to incorporate the subject property and the rear portion of 2833 Liberty Road, which was recently rezoned, into the apartment complex and construct two buildings, with a total of 56 residential dwelling units. Overall, the Brighton 3050 site is planned to have 372 dwelling units, for a density of approximately 19.9 dwelling units per net acre.

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

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

1. Even though the requested High Density Apartment (R-4) zone is not in agreement with the 2013 Comprehensive Plan, it is appropriate and the existing Single Family Residential (R-1D) zone is inappropriate, for the following reasons:
 - a. Although single-family residential development is possible at this location, the surrounding zoning and proposed land use suggest that a more intense use of the property is more appropriate, especially since the subject property is bounded on three sides by R-4 zoning.
 - b. The proposed rezoning of the subject property will be compatible with and sensitive to the character of the immediate area, especially since the parcel across Campbell Lane was rezoned to R-4 in December 2015. Also, the proposed closure of Campbell Lane and construction of a residential building straddling the right-of-way will effectively complete the Brighton 3050 complex because additional expansion along Campbell Lane will be difficult.
 - c. The proposed R-4 expansion will create a more typical zoning boundary (extending straight from a shared property boundary with the Kennedy Landing development across Campbell Lane), rather than having a "notch" around an existing single-family home. This will improve the transition between zones and will allow for a solid and consistent landscape screen and buffer area between uses.
 - d. The proposed multi-family residential land use is considered a compatible and complementary land use that can support the established neighborhood-oriented development (Brighton Place Shoppes) because of its higher density.
2. This recommendation is made subject to the approval and certification of ZDP 2016-5: Cadentown Subdivision, Lots 3 and 4, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restriction is recommended via conditional zoning for the subject property:
 - a. Any lighting installed on the subject property shall be directed downward and shall be directed away from any single-family residential zone.

This restriction is appropriate in order to protect the adjacent low density residential properties to the southwest of the subject property from the possible light pollution associated with the proposed apartment building and its off-street parking area.

- b. ZDP 2016-5: CADENTOWN SUBDIVISION, LOTS 3 & 4 (AMD) (2/21/16)* - located at 836 and 852 Campbell Lane and 2833 Liberty Road (a portion of). **(EA Partners)**

Note: The purpose of this amendment is to rezone additional property and add apartment buildings to the existing residential development.

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

1. Provided the Urban County Council rezones the property R-4; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.

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

3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Denote record plat designation or current deed information on plan.
7. Dimension buildings on plan.
8. Clarify compliance with lot coverage requirements of the proposed R-4 zone.
9. Discuss the timing of merging the subject property with the amended final development plan for the Brighton 3050 area, per the note on the Preliminary Development Plan.
10. Dimension building "Type 1" & "Type 2" details, exclusive of garage spaces.
11. Document compliance with floor area ratio requirements of the proposed zone on plan.
12. Discuss timing of the closure of right-of-way for Campbell Lane.
13. Discuss compliance with perimeter yard setbacks, per Article 9 requirements.
14. Discuss zone-to-zone screening proposed along adjacent B-4 and R-1D properties.

Zoning Presentation: Ms. Wade presented the staff report on this rezoning request, briefly orienting the Commission to the location of the subject property. The property is located at the end of Campbell Lane, which is an existing rural road, off of Liberty Road, inside of Man o' War Boulevard. Campbell Lane is located to the north of the major Liberty Road/Todds Road intersection. Much of the development in this portion of Lexington-Fayette County has occurred in the past 20 years, including the Liberty Road widening project, completed in 2008. That project took a few homes near the Campbell Lane/Liberty Road intersection, and the developers of the Brighton 3050 apartment development purchased several parcels at the end of Campbell Lane since that time.

Ms. Wade said that the larger portion of the Brighton 3050 complex is zoned R-3; the expansion proposed by the petitioner has been in the R-4 zone. Other zoning in the vicinity includes the Kennedy Landing townhouse development, which is also zoned R-3; single family homes along Campbell Lane and in the Cadentown Historic District, across Liberty Road; and a vacant B-4 site for a kennel and veterinary clinic, just to the northwest of the subject property. A commercial zoning node is located at the Man o' War Boulevard/Liberty Road/Todds Road intersection. The subject property has been single-family residential in the past, but is currently vacant. Referring to an aerial photograph, Ms. Wade noted the existing apartment complex on the former Adams Property, to the east of the subject property. The apartment complex is primarily accessible from Helmsdale Place, with an additional access point in the Brighton Place Shoppes to the south.

Ms. Wade stated that, in 2014, the petitioner rezoned two parcels at the corner of Old Todds Road and Liberty Road; in 2015, they rezoned a parcel across Campbell Lane from the subject property. This proposed rezoning will complete the apartment complex development. The petitioner is proposing to construct one building on the subject property, which would cross the right-of-way of Campbell Lane. That would effectively end Campbell Lane, which would then contain eight single-family residences and provide a closure for the apartment development. Ms. Wade displayed several photographs of the subject property, noting the location of the existing single-family homes on Campbell Lane; the parcel that was rezoned in late 2015; and the proximity of one of the existing apartment buildings to the property line.

Ms. Wade said that the petitioner contends that the proposed rezoning is in agreement with the 2013 Comprehensive Plan, because it proposes a variety of housing types; locates multi-family residential development near parks and greenways; and encourages developing neighborhood nodes to serve surrounding residential areas. The staff does not agree with the petitioner's contention that the proposed zone change is in agreement with the Comprehensive Plan; however, they believe that the proposed R-4 zone is appropriate, and the R-1D zone is no longer appropriate, for the reasons as listed in the staff report and on the agenda.

Ms. Wade stated that the staff is recommending one conditional zoning restriction, to require that exterior lighting on the subject property be shielded and directed away from the single-family residential area. The staff believes that, with the rear of a building facing the single-family residences, parking lot lighting should not affect the residents. Ms. Wade said that the staff and the Zoning Committee recommended approval of this request.

Commission Questions: Mr. Drake asked if the closure of Campbell Lane would isolate any other property. Ms. Wade answered that it would not. Referring to the aerial photograph, she noted that the apartment complex will use their two existing access points, while the single-family residences will continue to only use Campbell Lane.

Ms. Mundy asked if a turnaround would be provided on Campbell Lane, since it is very narrow. Ms. Wade responded that, currently, the development plan does not depict a public street termination for Campbell Lane. The issue might need to be addressed with the Final Development Plan for the property.

Development Plan Presentation: Mr. Jarman presented the corollary zoning development plan, explaining that the petitioner is proposing to add two apartment buildings to the existing Brighton 3050 residential development. He noted that the petitioner filed a revised version of the plan a few days prior to this hearing, which considerably expanded the original submittal and integrated it with the existing Brighton 3050 plan, in response to a recommendation by the Subdivision Committee. Referring to the rendered development plan, Mr. Jarman noted the location of the proposed new buildings, as

well as existing features of the development, including the two access points and a large detention basin. He stated that the staff is recommending approval of this plan, subject to the following revised conditions:

1. Provided the Urban County Council rezones the property R-4; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Denote record plat designation or current deed information on plan.
7. ~~Dimension buildings on plan.~~
8. ~~Clarify compliance with lot coverage requirements of the proposed R-4 zone.~~
9. ~~Discuss the timing of merging the subject property with the amended final development plan for the Brighton 3050 area, per the note on the Preliminary Development Plan.~~
10. ~~Dimension building "Type 1" & "Type 2" details, exclusive of garage spaces.~~
11. ~~Document compliance with floor area ratio requirements of the proposed zone on plan.~~
- 7.42. Discuss Denote that the timing of the closure of right-of-way for Campbell Lane will be resolved at the time of the Final Development Plan.
- 8.43. Discuss Denote: Compliance with perimeter yard setbacks, per Article 9 requirements, will be demonstrated at the time of the Final Development Plan.
- 9.44. Discuss Denote that compliance with zone-to-zone screening proposed along adjacent B-4 and R-1D properties will be documented at the time of the Final Development Plan.

Mr. Jarman stated that condition #7 refers to the closure of Campbell Lane, and the need to denote that the timing will need to be resolved at the time of the Final Development Plan for the property. Condition #8 is related to the perimeter yard setbacks for Group Residential Projects, while #9 refers to the need to document the zone-to-zone screening at the Final Development Plan stage.

Commission Questions: Mr. Drake asked if the portion of Campbell Lane proposed for closure is public right-of-way. Mr. Jarman answered that it is public right-of-way from Liberty Road to its terminus.

Mr. Owens asked if condition #7 would be sufficient to address the need for a turnaround on Campbell Lane, per Ms. Mundy's earlier question. Mr. Jarman responded that a solution could be proposed at the time of the Final Development Plan.

Mr. Berkley asked if there is currently a termination or turnaround on Campbell Lane, which Mr. Jarman answered in the negative. Mr. Berkley asked if the construction of a turnaround could affect the location of one of the proposed buildings. Mr. Jarman agreed that the building layout could be affected. Ms. Wade noted that there is evidence on Campbell Lane that cars currently turn around in the grass at the end of the roadway. Mr. Berkley noted that that activity is on private property. He added that he would be concerned about requiring the construction of a turnaround, because it could impact the location of the building. Ms. Wade commented that it could cause the location of the new building to shift. She noted that there are approximately 100 extra parking spaces on the property, so that could possibly accommodate any necessary relocation of the building.

Mr. Owens asked if there was some question about the status of Campbell Lane. Ms. Wade answered that, at this point, the staff believes that it is a public street.

Mr. Drake asked if the petitioner could be required to provide a turnaround for public right-of-way that they do not own. Mr. Sallee answered that, because the Commission will have the opportunity to review a Final Development Plan for this property, they will be able to consider if any such facility should be developed at the end of Campbell Lane. He said that the status of Campbell Lane is still in question; the staff understands that LFUCG has been maintaining it, but it might be a private street. The staff encountered a similar situation on Woodward Lane during a zone change process a couple of years ago. Campbell Lane and Woodward Lane were both old county roadways, developed many years prior to the local government merger, and records are very poor. Mr. Sallee said that, at the time of the Final Development Plan, the staff would want to know definitively the status of the street, and the Commission could consider whether a more typical turnaround should be provided at its terminus. Ms. Jones noted that the provision of a turnaround by the property owner would not be out of the ordinary; it would just need to be ensured that the cost of the improvements be proportional to the scope of the petitioner's development. She added that she believed that it should be considered as a Final Development Plan issue.

Petitioner Representation: Dick Murphy, attorney, was present representing the petitioner. He expressed his appreciation for the work done by Rory Kahly, of EA Partners, in revising this plan to show how this proposed rezoning would relate to the lot coverage for the whole development. He said that there were concerns at the Subdivision Committee meeting that the development plan included only the two proposed new buildings.

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

Mr. Murphy said that this rezoning request is a "follow-up" to the rezoning of the Gentry property in December 2015. During the process of that zone change, the petitioner's company entered into discussions to purchase the subject property. However, the petitioner could not hold up the Gentry zone change in order to allow the sale of the subject property to take place, so this request was filed separately. Mr. Murphy stated that the petitioner contends that the proposed R-4 zone is appropriate, since the property is surrounded by R-3 and R-4 zoning. He noted that the petitioner is in agreement with the staff's recommendations.

With regard to the questions about the status of Campbell Lane, Mr. Murphy said that the deeds on Campbell Lane refer to an 18' easement, rather than a road. The roadway has approximately 14' of pavement, with only one lane, and it is not well maintained. The Division of Traffic Engineering staff believes that Campbell Lane is public right-of-way. The petitioner is committed to continuing their investigation into whether the right-of-way is public; if it is determined to be so, the petitioner will request closure from the Urban County Council. Mr. Murphy said that the petitioner does not see the need for a turnaround on Campbell Lane at this point, but they would discuss the issue at the time of a Final Development Plan for the property. Most drivers, he opined, do not drive to the end of Campbell Lane to turn around, due to the poor quality of the pavement. The petitioner is also providing a new fire gate into the apartment development on a portion of the Gentry property, which should increase the public safety situation for the complex.

Citizen Comment: There were no citizens present to comment on this request.

Zoning Action: A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 9-0 (Brewer and Penn absent) to approve MAR 2016-3, and the conditional zoning restriction, for the reasons provided by staff.

Development Plan Action: A motion was made by Mr. Cravens, seconded by Ms. Richardson, and carried 9-0 (Brewer and Penn absent) to approve ZDP 2016-5, subject to the nine conditions as listed in the revised staff recommendation.