

AN ORDINANCE CHANGING THE ZONE FROM A SINGLE FAMILY RESIDENTIAL(R-1D) ZONE TO A HIGH DENSITY APARTMENT (R-4) ZONE, FOR 0.92 NET (1.06 GROSS) ACRES, FOR PROPERTIES LOCATED AT 135, 137 & 139 AMERICAN AVENUE AND 112, 114, 116 & 118 BURLEY AVENUE. (ANDERSON LURADANE, LLC; COUNCIL DISTRICT 3).

WHEREAS, at a Public Hearing held on December 14, 2017, a petition for a zoning ordinance map amendment for property located at 135, 137 & 139 American Avenue and 112, 114, 116 & 118 Burley Avenue from a Single Family Residential (R-1D) zone to a High Density Apartment (R-4) zone for 0.92 net (1.06 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending 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:

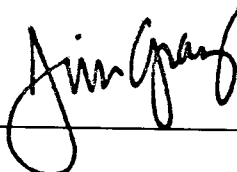
Section 1 - That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for property located at 135, 137 & 139 American Avenue and 112, 114, 116 & 118 Burley Avenue from a Single Family Residential (R-1D) zone to a High Density Apartment (R-4) zone for 0.92 net (1.06 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: February 8, 2018

MAYOR



ATTEST:


CLERK OF URBAN COUNTY COUNCIL

Published: February 15, 2018-1t

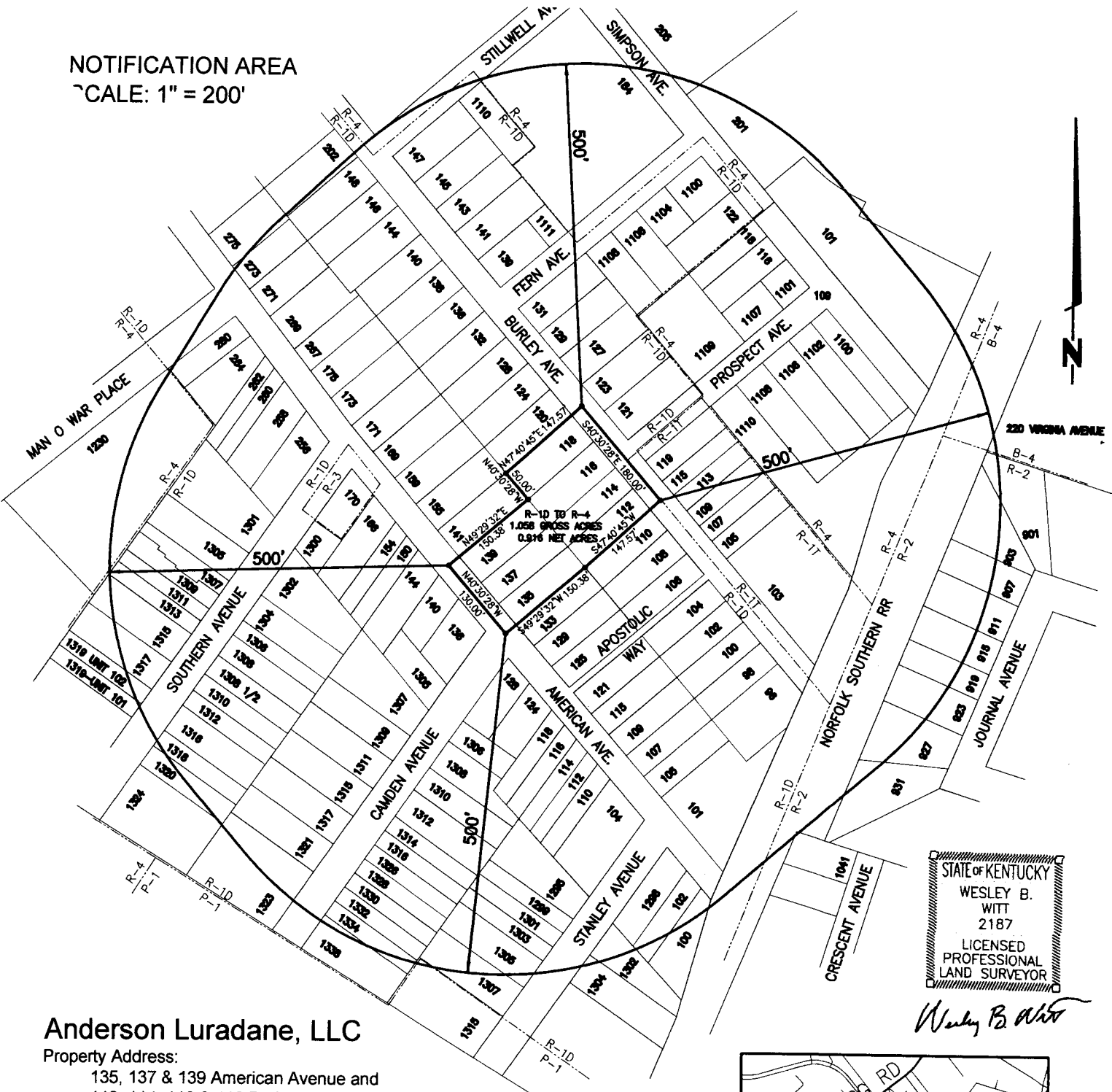
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Legal Description of the
Anderson Luradane, LLC Properties
Zone Change From R-1D to R-4
135, 137, and 139 American Avenue
112, 114, 116, and 118 Burley Avenue
Lexington, Fayette County, Kentucky

ALL THAT TRACT OR PARCEL OF LAND SITUATED BETWEEN BURLEY AVENUE AND AMERICAN AVENUE NEAR THE INTERSECTION OF PROSPECT AVENUE WITH BURLEY AVENUE IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a point in the centerline of Burley Avenue, said point being located approximately 100 feet northwest of the intersection of Burley Avenue with Prospect Avenue; thence with the centerline of Burley Avenue south 40 degrees 30 minutes 28 seconds east 180.00 feet to a point; thence leaving Burley Avenue south 47 degrees 40 minutes 45 seconds west 147.57 feet to a point; thence south 49 degrees 29 minutes 32 seconds west 150.38 feet to a point in the centerline of American Avenue at the approximate intersection with Camden Avenue; thence with the centerline of American Avenue north 40 degrees 30 minutes 28 seconds west 130.00 feet to a point; thence leaving American Avenue north 49 degrees 29 minutes 32 seconds east 150.38 feet to a point; thence north 40 degrees 30 minutes 28 seconds west 50.00 feet to a point; thence north 47 degrees 40 minutes 45 seconds east 147.57 feet to the point of beginning and containing 1.058 gross acres and 0.916 net acres.

NOTIFICATION AREA
SCALE: 1" = 200'



STATE OF KENTUCKY
WESLEY B. WITT
2187
LICENSED
PROFESSIONAL
LAND SURVEYOR

Wesley B. Witt

Anderson Luradane, LLC

Property Address:
135, 137 & 139 American Avenue and
112, 114, 116 & 118 Burley Avenue,
Lexington KY 40503

Owners:
John M & Lura L Dauer
2024 Parasol Drive
Lexington, Kentucky 40513

Luradane LLC
2024 Parasol Drive
Lexington, Kentucky 40513

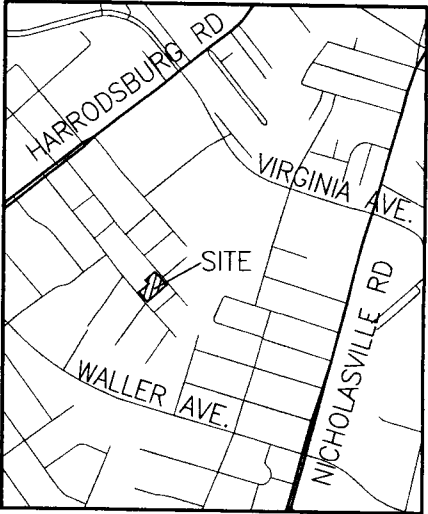
Anderson Campus Rental Properties LLC
1720 Sharkey Way
Lexington, Kentucky 40511

Anna Sue Caudill
114 Burley Avenue
Lexington, Kentucky 40503

Applicant:
Anderson Luradane, LLC
1720 Sharkey Way
Lexington, KY 40511
Prepared by:
Wesley B Witt, Inc. and
Barrett Partners, Inc.

Date Filed: October 2, 2017
Zone Change Request
R-1D Zone to R-4 Zone

0.916 Acres Net & 1.058 Acres Gross



VICINITY MAP N.T.S.

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

IN RE: **PLN-MAR-17-00039: ANDERSON LURADANE, LLC** - petition for a zone map amendment from a Single Family Residential (R-1D) zone to a High Density Apartment (R-4) zone, for 0.92 net (1.06 gross) acres, for properties located at 135, 137 & 139 American Avenue and 112, 114, 116 & 118 Burley Avenue. (Council District 3)

Having considered the above matter on **December 14, 2017**, 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 **APPROVAL** of this matter for the following reasons:

1. The proposed High Density Apartment (R-4) zone is in substantial agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. The Goals and Objectives recommend growing successful neighborhoods through expanded housing choices that address the market needs for all residents (Theme A, Goal #1b.). The petitioner proposes the addition of 24 one-bedroom dwelling units, and maintaining four 3-4 bedroom units, which creates a variety of dwelling unit types in the immediate area that complement the existing neighborhood. Such mixing of housing types also encourages stability in the neighborhood.
 - b. The Goals and Objectives encourage infill development throughout the Urban Service Area as a strategic component of growth for our community (Theme A, Goal #2) and to encourage compact, contiguous and/or mixed-use sustainable development within the Urban Service Area, as guided by market demand, to accommodate future growth (Theme E, Goal #1b). The petitioner proposes to increase the density of the subject property, from 7.6 dwelling units per acre to 30.57 dwelling units per acre. These Goals and Objectives are furthered by the applicant's proposal to create affordable, safe/secure high density residential dwelling units, which will allow students and others to live near the University of Kentucky.
 - c. The Goals and Objectives recommend providing well-designed neighborhoods that are connected for all modes of transportation (Theme A, Goal #3b.), and working to achieve an effective and comprehensive transportation system for the community (Theme D, Goal #1). The petitioner is providing sidewalks and increased right-of-way pavement to provide adequate infrastructure to accommodate all modes of transportation.
 - d. Chapter 3 (Growing Successful Neighborhoods) and Chapter 7 (Maintaining a Balance Between Planning for Urban Uses and Safeguarding Rural Land) of the Comprehensive Plan emphasize the importance of safe, secure, well-designed neighborhoods that are context sensitive, compatible with the surrounding area, and compact, contiguous and/or mixed-use sustainable development. The proposed two-story development will be consistent in scale and mass with the surrounding neighborhood.
2. This recommendation is made subject to approval and certification of **PLN-MJDP-17-00106: SULLIVAN PARK AND DEVEREUX SUBDIVISION**, 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 19th day of January, 2018.


Secretary, Jim Duncan

WILLIAM WILSON
CHAIR

Note: The corollary development plan, PLN-MJDP-17-00106: SULLIVAN PARK AND DEVEREUX SUBDIVISION was approved by the Planning Commission on December 14, 2017 and certified on December 28, 2017.

Note: A dimensional variance was approved to reduce the required front yard along American Avenue from 20 feet to 8 feet.

K.R.S. 100.211(7) requires that the Council take action on this request by March 14, 2018.

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

OBJECTORS

- Walt Gaffield, 2001 Bamboo Drive
- Frances Hisle, 166 and 170 American Avenue
- Amy Clark, 628 Kastle Road
- Ginny Daley, 136 Burley Avenue

OBJECTIONS

- Voiced concerns about this development being poorly designed and out of context with the existing area.
- Voiced concerns about the capacity of streets in this area to handle increased in traffic and concern for pedestrians in the area.
- Voiced concerns about the front yard variance being incompatible with the existing setbacks, and that altering the parking requirements would impact density.
- Voiced concerns about the negative impacts that this project will have on the neighborhood, noting the development is too dense and it would do more harm than good.

VOTES WERE AS FOLLOWS:

AYES: (9) Bell, Berkley, Cravens, Forester, Mundy, Owens, Penn, Plumlee, and Wilson

NAYS: (0)

ABSENT: (2) Brewer and Richardson

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-17-00039** carried.

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

MAP AMENDMENT REQUEST (MAR) APPLICATION

1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)

Applicant:

ANDERSON LURADANE, LLC, 1720 SHARKEY WAY, LEXINGTON, KY 40511

Owner(s):

ANDERSON CAMPUS RENTAL PROPERTIES, LLC, 1720 SHARKEY WAY, LEXINGTON, KY 40511

ANNA SUE CAUDILL, 114 BURLEY AVE, LEXINGTON, KY 40503

JOHN M & LURA L DAUER, 2024 PARASOL DR, LEXINGTON, KY 40513

LURADANE, LLC, 2024 PARASOL DR, LEXINGTON, KY 40513

Attorney:

Richard Murphy, 250 W Main Street, Suite 2510, Lexington, KY 40507

2. ADDRESS OF APPLICANT'S PROPERTY

112, 114, 116 and 118 BURLEY AVE, LEXINGTON KY

135, 137 and 139 AMERICAN AVE LEXINGTON KY

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

| Existing | | Requested | | Acreage | |
|----------|---------------|-----------|------------------------------|---------|-------|
| Zoning | Use | Zoning | Use | Net | Gross |
| R-1D | SINGLE FAMILY | R-4 | SINGLE FAMILY & APARTMENT | 0.916 | 1.058 |

4. EXISTING CONDITIONS

| | |
|---|---|
| a. Are there any existing dwelling units on this property that will be removed if this application is approved? | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |
| b. Have any such dwelling units been present on the subject property in the past 12 months? | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| c. Are these units currently occupied by households earning under 40% of 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 checked="" type="checkbox"/> YES <input type="checkbox"/> NO <u>1 Unit(s)</u> |

5. 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 |



Justification for requested rezoning.

The Applicant is requesting a rezoning from the Single Family Residential (R-1D) zone to the High Density Apartment (R-4) zone for 135-139 American Avenue and 112-118 Burley Avenue. This zone change is a cooperative effort by neighboring property owners, Anderson Campus Rental Properties, LLC and Luradane, LLC and John and Lura Dauer, the owners of 137 and 135 American Avenue, respectively.

By working together, the property owners can present a development which increases density and respects height and massing along American Avenue and Burley Avenue, and minimizes curb cuts and driveways.

This area of American and Burley Avenue has been characterized by demolition of older houses and replacement with student oriented four-bedroom single family houses. The applicant presents a coordinated development which will retain the existing streetscape along Burley Avenue. Parking will be placed in the rear of structures. Along American Avenue, we propose a two-story building containing 16 one-bedroom units. There would be no driveways or access along American Avenue, improving the streetscape which is now characterized by narrow lots with many driveway openings. This proposal will also be consistent with other re-development projects in the area.

New curb, gutter and sidewalk will be built on the street frontages.

This proposal is in agreement with the 2013 Comprehensive Plan. Part of the mission of the 2013 Comprehensive Plan is to insure that development of the community preserves quality of life and promotes successful, accessible neighborhoods. This proposal is in agreement with Theme A, Growing Successful Neighborhoods, and Goal A.1., Expand Housing Choices. It provides one-bedroom apartment units, at a scale which is in keeping with the neighborhood. It agrees with Objective A.1.b., which is to plan for housing that addresses the market needs for all of Lexington-Fayette County's residents, including, but not limited to mixed-use and housing near employment and commercial centers.

This proposal supports Goal A.2., which supports infill and redevelopment throughout the Urban Service Area as a strategic component of growth. This proposal will increase density near the University of Kentucky, consistent with the development of the existing neighborhood. Theme A.2.a. calls for identification for opportunities for infill, redevelopment and adaptive reuse that respect the area's context and design features whenever possible. Three houses along American Avenue are in a bad state of repair and will be replaced. Replacement with a consistent development, rather than three individual houses with three individual parking areas and three driveways, respects the area's context. The proposal will agree with Goal A.3., by providing well-designed neighborhoods and communities. Since this is a redevelopment, it will minimize disruption of natural features (Objective A.3.c.).

By providing housing near the University of Kentucky, it will reduce Lexington's carbon footprint (Goal B.2.).

The proposal upholds the Urban Service Area concept (Goal E.1) and encourages compact, contiguous development within the Urban Service Area, as guided by market demand, to accommodate future growth needs (Theme E.1.b.). It will assist in maintaining the current boundaries of the Urban Service Area (Goal E.3.).

This development will provide housing choice within a neighborhood as called for on Page 40 of the Comprehensive Plan: "By providing housing choices within a neighborhood, residents of a community have greater options of where to live, particularly when the components of housing choice include access to jobs and schools, affordability, and housing type...Diverse neighborhoods feature townhomes, apartments and condominiums and duplex housing adjacent and mixed with single-family homes."

We are also in agreement with the Goals and Objectives of the 2018 Comprehensive Plan as recently adopted by the Planning Commission.

In addition, we are requesting dimensional variances as follows: reducing the required front yard along American Avenue from 20 feet to 8 feet, decreasing the required rear yard on 118 Burley Avenue from 10 feet to 5 feet, reducing the required rear yard on 112 Burley from 10 feet to 5 feet, and elimination of the zone to zone property perimeter screening requirement. Although we request elimination of the zone to zone screening requirement, we will still use a six-foot solid privacy fence.

We are proposing to preserve the streetscape of Burley Avenue and greatly improve the streetscape of American Avenue by eliminating curb cuts and driveways along American Avenue. To accommodate this innovation, we are constructing a parking area behind the buildings. The lots in this area are narrow, 40-50 feet currently, and our proposed setbacks are consistent with the area. Granting these variances will allow us to pursue this unified development.

Thus, we are requesting these variances for the following reasons:

1. Granting these variances will not adversely affect the public health, safety or welfare, and will not alter the character of the general vicinity, and will not cause a hazard or nuisance to the public, because the applicant will be improving the streetscape of American Avenue and preserving the streetscape of Burley Avenue, by placing parking in the rear, rather than the front or side of each property. All existing driveway and curb cut openings will be eliminated along American Avenue. Placement of the building closer to the street on American Avenue will present a more urban appearance.

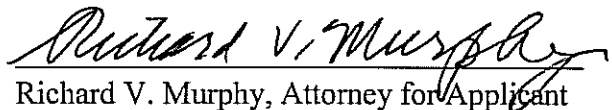
2. Granting these variances will not allow an unreasonable circumvention of the requirements of the Zoning Ordinance because driveways will be eliminated and group parking will be provided behind the structures, improving the appearance of the neighborhood.

3. The special circumstances which apply to this property and which do not generally apply to land in the general vicinity or in the same zone are that this is a cooperative redevelopment among adjoining land owners. Instead of replacement of existing houses with narrow, two-story buildings, each having its own driveway and access point, the redevelopment will respect the character of the area through the size and height of the proposed buildings (two stories).

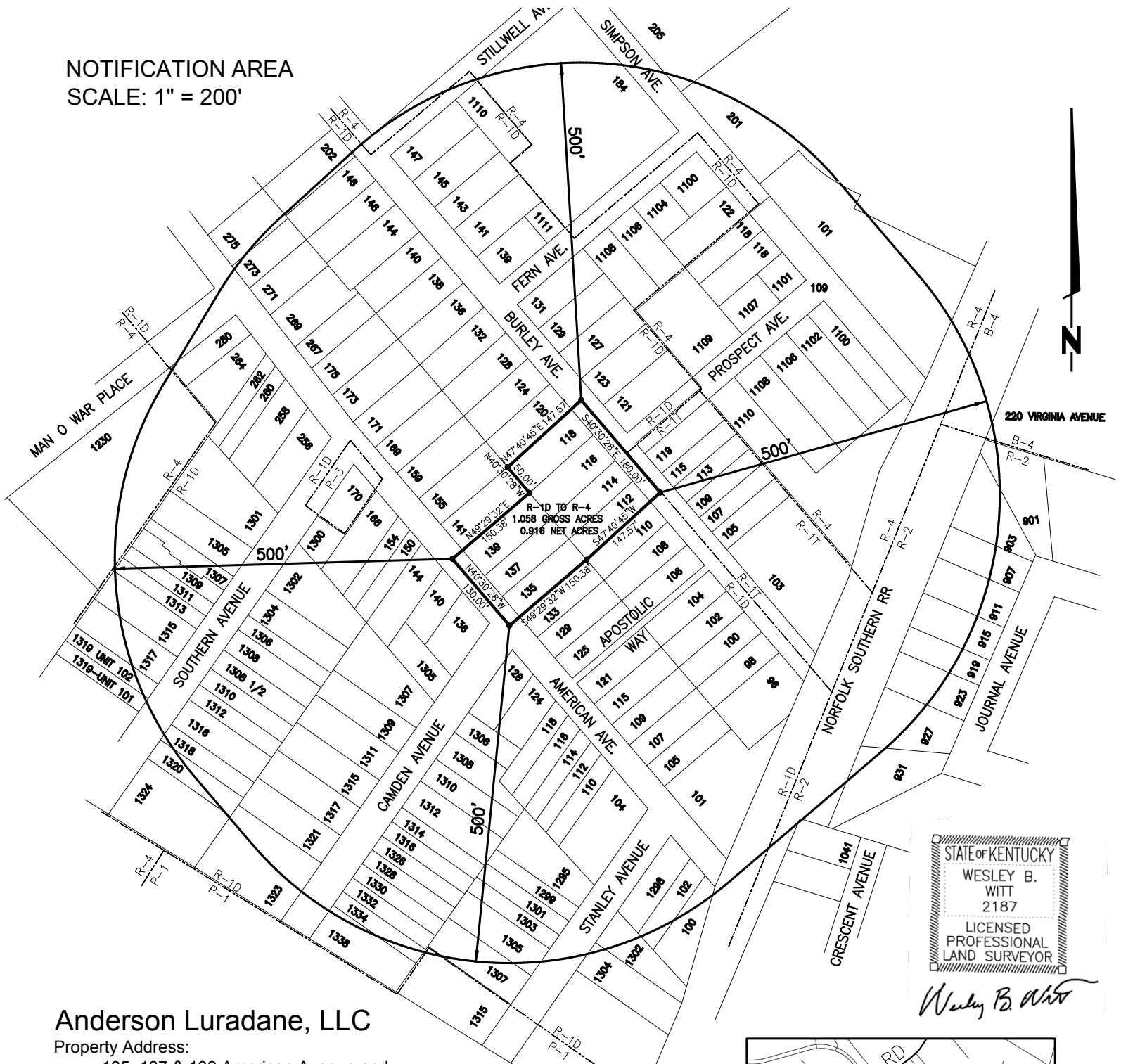
4. Strict application of the regulations of the Zoning Ordinance would deprive the applicant of a reasonable use of its land or create an unnecessary hardship because it would eliminate the incentive to place parking behind each building and improve the character of the area, and would encourage the individual lot owner to develop lots separately.

5. The circumstances surrounding the requested variances are not the result of actions this applicant has taken subsequent to the regulation from which relief is sought. No construction has started.

Thank you for your consideration of this zone change and variance request.


Richard V. Murphy, Attorney for Applicant

NOTIFICATION AREA
SCALE: 1" = 200'



Anderson Luradane, LLC

Property Address:

135, 137 & 139 American Avenue and
112, 114, 116 & 118 Burley Avenue,
Lexington KY 40503

Owners:

John M & Lura L Dauer
2024 Parasol Drive
Lexington, Kentucky 40513

Luradane LLC
2024 Parasol Drive
Lexington, Kentucky 40513

Anderson Campus Rental Properties LLC
1720 Sharkey Way
Lexington, Kentucky 40511

Anna Sue Caudill
114 Burley Avenue
Lexington, Kentucky 40503

Applicant:

Anderson Luradane, LLC
1720 Sharkey Way
Lexington, KY 40511

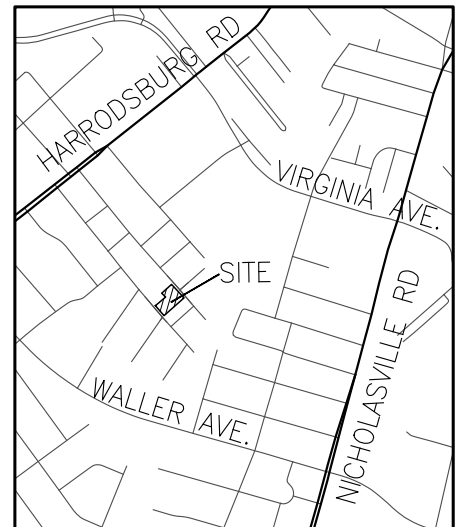
Prepared by:

Wesley B Witt, Inc. and
Barrett Partners, Inc.

Date Filed: October 2, 2017

Zone Change Request
R-1D Zone to R-4 Zone

0.916 Acres Net & 1.058 Acres Gross



VICINITY MAP N.T.S.

Supplement to Justification for requested rezoning

The applicant has amended its development plan to reduce the footprint of the buildings, eliminate three of the four variances requested and improve the development.

Features of our requested R-4 development are as follows;

- The streetscape on Burley Avenue is preserved, and limited to two stories. The streetscape on Burley Avenue utilizes the alternate design standards established for a Group Residential Project within the Infill and Redevelopment Area.
- The footprint of the development has been reduced.
- Along American Avenue, the design is pedestrian and street-oriented in a more urban-type development, closer to the street.
- All driveways on American Avenue have been eliminated.
- Parking will be interior, rather than following the current pattern on American Avenue which can include unlimited, overflowing parking.
- The streets will be widened to a larger cross-section.
- The new units consist of one-bedroom units, with existing three and four-bedroom units. This will provide greater housing choice, and greater diversity among residents. One-bedroom units appeal to upperclassmen, graduate students, and persons working in the university area.
- The vast majority of properties in this area are non-owner occupied. This development breaks the pattern of continuous four-bedroom, four-bathroom, single-family detached rental homes which do not provide infrastructure improvements, and do not appeal to a diverse base of residents.
- This proposal is the result of cooperation between potentially competing property owners which will result in better designed residential units with greater infrastructure, eliminating front yard parking. If lots were redeveloped on an individual basis, it would result in additional student-oriented four-bedroom, four-bath single-family detached residential structures.

This proposal is in agreement with the 2013 Comprehensive Plan for the following reasons:

- Part of the mission of the 2013 Comprehensive Plan is to ensure that development of the community preserves quality of life and promotes successful, accessible neighborhoods.

- This proposal is in agreement with Theme A, Growing Successful Neighborhoods, and Goal A.1., Expand Housing Choices. It provides one-bedroom apartment units, at a scale which is in keeping with the neighborhood.
- It agrees with Objective A.1.b., which is to plan for housing that addresses the market needs for all of Lexington-Fayette County's residents, including, but not limited to mixed-use and housing near employment and commercial centers.
- This proposal supports Goal A.2., which supports infill and redevelopment throughout the Urban Service Area as a strategic component of growth. This proposal will increase density near the University of Kentucky, consistent with the development of the existing neighborhood.
- Theme A.2.a. calls for identification for opportunities for infill, redevelopment and adaptive reuse that respect the area's context and design features whenever possible. Three houses along American Avenue require significant investment and could be replaced. Replacement with a consistent development, rather than three individual houses with three individual parking areas and three driveways, respects the area's context.
- The proposal agrees with Goal A.3., by providing well-designed neighborhoods and communities. Since this is a redevelopment, it will minimize disruption of natural features (Objective A.3.c.).
- By providing housing near the University of Kentucky, it will reduce Lexington's carbon footprint (Goal B.2.).
- The proposal upholds the Urban Service Area concept (Goal E.1) and encourages compact, contiguous development within the Urban Service Area, as guided by market demand, to accommodate future growth needs (Theme E.1.b.).
- It will assist in maintaining the current boundaries of the Urban Service Area (Goal E.3.).
- This development will provide housing choice within a neighborhood as called for on Page 40 of the Comprehensive Plan: "By providing housing choices within a neighborhood, residents of a community have greater options of where to live, particularly when the components of housing choice include access to jobs and schools, affordability, and housing type...Diverse neighborhoods feature townhomes, apartments and condominiums and duplex housing adjacent and mixed with single-family homes."

In addition, this proposal is in agreement with the Goals and Objectives of the 2018 Comprehensive Plan:

- Goal A.1.: Expand housing choices
- Objective A.1.b.: Accommodate the demand for housing in Lexington responsibly, prioritizing higher-density and mixture of housing types.
- Goal A.2: Support infill and redevelopment throughout the Urban Service Area as a strategic component of growth.
- Objective A.2.a: Identify areas of opportunity for infill, redevelopment, adaptive reuse and mixed-use development.
- Objective A.3.c: Minimize disruption of natural features when building new communities.
- Goal B.2.: Reduce Lexington-Fayette County's carbon footprint.
- Goal E.1.: Uphold the Urban Service Area concept
- Objective E.1.d: Maximize development on vacant land within the Urban Service Area and promote redevelopment of underutilized land in a manner that enhances existing urban form and/or historic features.
- Goal E.3.: Maintain the current boundaries of the Urban Service Area and rural activity centers; and create no new rural activity centers.

We withdraw all of our variance requests except for the request for a reduction in the required front yard along American Avenue from twenty feet to eight feet. Granting this variance will allow the applicant to improve the streetscape of American Avenue by improving the street infrastructure, and eliminating curb cuts and driveways. It will allow us to put parking in the rear and build a two-story, pedestrian-scale building along American Avenue. It will result in a more unified and cohesive development than would individual redevelopment of single-family homes on each of the three lots on American Avenue.

Thus, we are requesting this variance for the following reasons:

1. Granting this variance will not adversely affect the public health, safety or welfare, and will not alter the character of the general vicinity, and will not cause a hazard or nuisance to the public, because the applicant will be improving the streetscape of American Avenue and improving the infrastructure. Parking will be placed in the rear, rather than the front or side of each property. All existing driveway and curb cut openings will be eliminated along American Avenue. Placement of the building closer to the street on American Avenue will present a more urban appearance than would redevelopment of the lots individually.

2. Granting this variance will not allow an unreasonable circumvention of the requirements of the Zoning Ordinance because infrastructure will be improved, driveways will be

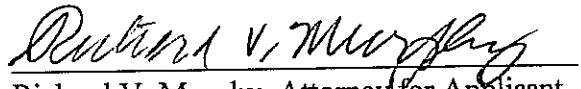
eliminated and group parking will be provided behind the structures, improving the appearance of the neighborhood.

3. The special circumstances which apply to this property and which do not generally apply to land in the general vicinity or in the same zone are that this is a cooperative redevelopment among adjoining land owners. Instead of replacement of existing houses with narrow, two-story buildings, each having its own driveway and access point, the redevelopment will respect the character of the area through the size and height of the proposed buildings (two stories). It will allow more diverse types of housing.

4. Strict application of the regulations of the Zoning Ordinance would deprive the applicant of a reasonable use of its land or create an unnecessary hardship because it would eliminate the incentive to place parking behind each building and improve the character of the area, and would encourage the individual lot owner to develop lots separately. The Comprehensive Plan calls for identifying underutilized properties which can be redeveloped.

5. The circumstances surrounding the requested variances are not the result of actions this applicant has taken subsequent to the regulation from which relief is sought. No construction has started. It results from efforts of developers to work together to improve the area.

Thank you for your consideration of this zone change and variance request.


Richard V. Murphy, Attorney for Applicant

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-17-00039: ANDERSON LURADANE, LLC

DESCRIPTION

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

Acreage: 0.916 net (1.058 gross) acres

Location: 112, 114, 116 & 118 Burley Avenue; and 135, 137 & 139 American Avenue

EXISTING ZONING & LAND USE

| <u>Properties</u> | <u>Zoning</u> | <u>Existing Land Use</u> |
|--------------------------|----------------------|--|
| Subject Properties | R-1D | Single-Family Residential |
| To North | R-1D | Single-Family Residential |
| To East | R-1D & R-1T | Single-Family Residential & Townhouses |
| To South | R-1D | Single-Family Residential |
| To West | R-1D | Single-Family Residential |

URBAN SERVICES REPORT

Roads – Burley and American Avenues are both local streets in a neighborhood that is situated south and west of the arterial roadways of South Broadway (US 68) and Virginia Avenue. Both roadways intersect South Broadway to the northwest of the subject properties, and terminate near the Norfolk-Southern railroad tracks to the southeast of the site. Burley and American Avenues are sub-standard local streets, built many decades ago before street standards were in effect, and improvements will be necessary along the subject properties' frontage. Access for this residential development is currently proposed from Burley Avenue only.

Curb/Gutter/Sidewalks – No urban improvements have been made along the subject properties' frontage along Burley or American Avenues. Other local streets in the vicinity are also lacking improvements due to the age of the subdivision, except where redevelopments have occurred. Curbing, gutters and sidewalks are typically required for existing public streets when redevelopment or new residential infill development occurs. These improvements would also be appropriate at this location.

Storm Sewers – The subject properties are located within the Wolf Run watershed. Currently, a regional detention basin exists on the University Village property (downstream of the subject property). A significant area on the east side of the railroad, including a portion of the University of Kentucky campus, drains into the basin. No storm sewers exist within the right-of-way of either street; therefore, stormwater management may be required to occur on this site. Any improvements would be required to adequately contain stormwater impacts created by the proposed redevelopment. Although the subject properties have no known recent flooding problems, flooding has been documented by the Division of Water Quality along South Broadway, between Burley and Simpson Avenues.

Sanitary Sewers – The subject properties are located in the Wolf Run sewershed and are served by the Town Branch Wastewater Treatment Facility, located on Lisle Industrial Avenue, inside of New Circle Road. Sanitary sewer lines in the area may need to be moved, replaced or repaired to ensure adequate sanitary sewer capacity for the proposed residential use of the subject property. Overall, the sanitary sewer bank currently has over one million gallons per day of available capacity.

Refuse – The Urban County Government serves this residential area with refuse collection on Mondays.

Police – The subject properties are located within the Division of Police's West Sector; however, the closest police station is the main police headquarters, located approximately one and one-half miles to the northeast, on East Main Street.

Fire/Ambulance – Fire Station #11 is located approximately two-thirds of a mile to the southwest on Harrodsburg Road, near its intersection with Clays Mill Road.

Utilities – All utilities, including gas, electric, water, phone, and cable TV currently serve the area and could be either reconfigured or improved to serve the proposed residential development on the subject properties.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The Plan's 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.

Related to the proposed rezoning, the 2013 Comprehensive Plan Goals and Objectives recommend expanding housing choices (Theme A., Goal #1); supporting infill and redevelopment as a strategic component of growth, including compact and contiguous growth (Theme A., Goal #2 and Theme E., Goal #1b); providing for well-designed neighborhoods and communities (Theme A., Goal #3); reducing Lexington's carbon footprint (Theme B, Goal #2); and improving a desirable community by working to achieve an effective and comprehensive transportation system (Theme D., Goal #1). *Chapter 7: Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land* of the 2013 Plan also address specific recommendations for Infill and Redevelopment within Lexington-Fayette County.

The applicant proposes redeveloping the subject properties with a combination of single-family residences and multi-family dwelling units, as well as associated off-street parking. The corollary development plan depicts 26 dwelling units, with 31 bedrooms, which represents a density of 28.38 dwelling units per net acre. Numerous dimensional variances are requested in conjunction with the requested zone change for the subject properties.

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 0.916 acres of property located between Burley and American Avenues.

The site is comprised of seven properties, four of the parcels have frontage along Burley Avenue (directly across from its intersection with Prospect Avenue), and three parcels have frontage along American Avenue (near its intersection with Camden Avenue). All seven properties are contiguous and generally share rear property boundaries. Burley Avenue and American Avenue run parallel to each other in a southeast direction from South Broadway, and terminate at the Norfolk-Southern Railroad. Prospect and Camden Avenues, among others, are cross streets within the subdivision that connect Burley and American Avenues and allow for access through the neighborhood. The site is located within the Sullivan Park and Devereux Subdivisions which were originally built in the 1920s. Due to the proximity to the University of Kentucky, the neighborhood has experienced redevelopment pressure, both in terms of replacement of single-family residences and densification around the edges (closer to South Broadway and Virginia Avenue). The site is bound on three sides by R-1D zoning, and on the fourth side by R-1T zoning. Both are single-family residential zoning categories, but one allows attached dwelling units, and the other only allows detached units.

The petitioner proposes R-4 zoning for the subject properties in order to redevelop the site with a mixture of single-family residences (maintain two units) and multi-family dwelling units (24 dwelling units), with off-street parking to the rear of the units. A total of 26 dwelling units are proposed, which would result a residential density of 28.38 dwelling units per net acre. The corollary development plan depicts one multi-family structure with 16 dwelling units oriented toward American Avenue, and four structures oriented

toward Burley Avenue (two single-family homes with substantial additions to convert them to multi-family structures, and two single-family homes to remain unchanged).

The applicant contends that the requested rezoning from R-1D to R-4 is in agreement with the 2013 Comprehensive Plan. Past Comprehensive Plans have generally recommended that this neighborhood remain residential at a density of 5-10 dwelling units per acre; however, since 2012 several rezoning have occurred that have allow for density increases beyond that recommended by previous plans.

The 2013 Comprehensive Plan Goals and Objectives recommend expanding housing choices (Theme A., Goal #1); supporting infill and redevelopment as a strategic component of growth, including compact and contiguous growth (Theme A., Goal #2 and Theme E., Goal #1b); providing for well-designed neighborhoods and communities (Theme A., Goal #3); reduce Lexington carbon footprint (Theme B, Goal #2); and improving a desirable community by working to achieve an effective and comprehensive transportation system (Theme D., Goal #1). *Chapter 7: Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land* of the 2013 Plan also address specific recommendations for Infill and Redevelopment within Lexington-Fayette County, and discusses the concept of the Urban Service Area to encourage compact, contiguous and/or mixed-use sustainable development (Theme E).

In reviewing the proposed rezoning and development in relation to the 2013 Comprehensive Plan, the staff had several concerns about the proposal and if the development could meet the requirements of the Zoning Ordinance. While encouraging infill and redevelopment is one of the principles of the 2013 Comprehensive Plan, for several reasons, the Plan also emphasizes the importance of providing context sensitive development that respect's the immediate area's design features. In essence, it is important to ensure that a proposal to densify at any given location is in keeping with the scale, massing, land use patterns and infrastructure of the neighborhood. The available infrastructure within this 1920's neighborhood and the addition of multi-family dwelling units (and R-4 zoning) in a leapfrog manner, toward the rear of the neighborhood. The streets within the neighborhood are narrow, no sidewalks are available, storm sewers are not available, and on-street parking crowds the streets.

The petitioner opines in their justification that more density near the University of Kentucky campus is appropriate, because it will reduce Lexington's carbon footprint by allowing students to live close enough to campus to ride a bicycle, walk or utilize transit; and that additional density will also be more "consistent with the development of the existing neighborhood." In a more general sense, additional density has been added to the edges of the neighborhood with an apartment development building on Simpson Avenue, two multifamily/townhouse developments on Burley Avenue near South Broadway, and a townhouse development on Burley Avenue at the railroad tracks. However, R-4 zoning has not crossed to the south side of Burley Avenue, nor does it exist on American Avenue; therefore, the proposed density may not be in the right location, or perhaps not at this time, as the development does not truly appear to be consistent with the existing neighborhood, especially its immediate surroundings.

On the other hand, the corollary development plan depicts that most of the dwelling units are oriented to the public street, with on-site parking to the rear, substantially hidden from the street-view, which is a positive design aesthetic. In addition, the structures appear to be limited to 2-stories in height, although the R-4 zone allows buildings in excess of 35 feet.

Chapter 7 of the 2013 Plan also addresses specific recommendations for Infill and Redevelopment within Lexington-Fayette County, including consideration of multi-modal transportation and open space (pg. 101), and respecting the context and character of a neighborhood (pg. 102). The transportation needs of the neighborhood must be adequately addressed with street improvements and sidewalks in order to achieve an effective and comprehensive transportation system, as recommended by Theme D., Goal #1 of the Plan. Given the higher than average number of pedestrians and students residing in the neighborhood, this is vitally important.

The staff has in the past made a recommendation that Burley Avenue be a physical boundary for land use separation of single family residential (to the southwest and toward American Avenue) and multi-family residential (to the northeast toward Virginia Avenue). Holding to this divide could preserve the lower density character of the area in the future, especially in light of the limited infrastructure.

In light of the possible compliance issues with the corollary development plan (Articles 8, 9, 15, and 18) possible additional variances needed, and the compatibility of the proposed zone at this location, the staff would like to meet with the petitioner to ensure the most compatible development for this neighborhood.

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

1. Currently, the proposed corollary development plan is a hybrid between a group residential development and individual R-4 zoned lots. This creates a myriad of regulatory compliance issues that must be addressed for both types of plans. The staff would like to explore other options with the petitioner to create a plan that supports the 2013 Comprehensive Plan's policy statements, goals and objectives.
2. The compatibility of the High Density Apartment (R-4) zone for the subject property should be further discussed with the petitioner, especially in light of the limited infrastructure within the neighborhood, the need to achieve an effective and comprehensive transportation system, the land use patterns of the neighborhood and the desire to provide context sensitive development that respect's the immediate area's design features.

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SUPPLEMENTAL STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-17-00039: ANDERSON LURADANE, LLC

CASE REVIEW

Since the Zoning Committee met in early November, the applicant has met with the staff twice to provide additional information and discuss revisions to the corollary development plan in order to meet the requirements of the R-4 zone and the Group Residential Project provisions established by the Zoning Ordinance (Articles 8 and 9), and to discuss agreement with the Comprehensive Plan.

As previously stated, the neighborhood has experienced redevelopment pressure, both in terms of replacement of single-family residences and densification around the edges (closer to South Broadway and Virginia Avenue). The neighborhood has changed over the past 20 years. The current homeownership rate is less than 20%, 8.5% of the single-family lots in the neighborhood are vacant, and over 25% of the single-family dwelling units that do exist are replacement units (teardown and redevelopment). These statistics provide a glimpse into a neighborhood that is in transition.

The petitioner now proposes a mixture of single-family residences (maintaining two units) and multi-family dwelling units (26 dwelling units), with off-street parking to the rear of the units. A total of 28 dwelling units (40 bedrooms) are proposed, which will result in a residential density of 30.57 dwelling units per net acre. The corollary development plan depicts one multi-family structure with 16 dwelling units oriented toward American Avenue, and four structures oriented toward Burley Avenue (two single-family homes with substantial additions to convert them to multi-family structures, and two single-family homes to remain unchanged). The mix of units has remained consistent since the application was first filed. However, the petitioner has reduced the size of the proposed additions to the single-family residences, and will alter one unit to make it a two-story structure.

The petitioner has updated the zone change justification in order to document the issues that have been addressed through the course of the review process, and to further emphasize their contention that the request is in agreement with the 2013 Comprehensive Plan, as well as the newly adopted 2018 Comprehensive Plan Goals and Objectives. While the application may be supported by the recently adopted goals and objectives, the Law Department has always advised the Planning Commission to consider an application utilizing the ordinances, regulations and plans at the time of its filing. For this reason, the staff will not make a definitive statement regarding the 2018 Goals and Objectives, since the zone change was filed in early October, prior to their adoption.

The 2013 Comprehensive Plan Goals and Objectives recommend expanding housing choices (Theme A., Goal #1); supporting infill and redevelopment as a strategic component of growth, including compact and contiguous growth (Theme A., Goal #2 and Theme E., Goal #1b); providing for well-designed neighborhoods and communities (Theme A., Goal #3); reducing Lexington's carbon footprint (Theme B, Goal #2); and improving a desirable community by working to achieve an effective and comprehensive transportation system (Theme D., Goal #1). Chapter 7 (*Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land*) of the 2013 Plan also addresses specific recommendations for Infill and Redevelopment within Lexington-Fayette County, and discusses the concept of the Urban Service Area and how it should be utilized to encourage compact, contiguous and/or mixed-use sustainable development (Theme E).

In reviewing the proposed rezoning and development in relation to the 2013 Comprehensive Plan, the staff originally had several concerns about the proposal and if the development could meet the

requirements of the Zoning Ordinance. The corollary development plan has since been modified in a manner to adequately address the concerns and inconsistencies.

Of major concern to the staff in reviewing the proposed zone change to R-4 is the location of higher density within the core of the neighborhood, and the lack of existing infrastructure to support the intensification. As far back as the 1990s, when the *South Broadway Corridor Plan* was adopted, the community has noted the neighborhood's deteriorating housing stock, lack of transportation connectivity, and lack of infrastructure (stormwater management and sidewalks). Upon further discussion with the petitioner, they have agreed to provide additional improvements (three more feet of roadway pavement) beyond those first offered. Sidewalks will be constructed and stormwater will be handled so that it can be taken off site to a basin near the termination of Simpson Avenue, northeast of the subject property. These improvements, although not a complete network, will be within the existing right-of-way, which makes further improvements along adjoining properties more likely and/or convenient either for other property owners or for the government. In general, redevelopment on a larger scale (more than one dwelling unit on one lot) has included streetscape improvements, whereas these same improvements are not required (and typically not built) for single-family residence demolition and replacement.

Although the 2013 Comprehensive Plan encourages infill and redevelopment, the replacement units in this neighborhood are typically four-bedroom/four-bathroom homes, generally built to attract University of Kentucky students that wish to live near campus. While these homes are new and meet the stated desire of the *South Broadway Corridor Plan* to improve the housing stock, they have modified the character of the neighborhood in a negative manner. Such replacement dwelling units have varied architectural styles, including cantilever or offset second stories, that do not complement the historic fabric of the neighborhood, do not respect the area's design features, and are not context-sensitive. Allowing these less than desirable changes on an ad hoc basis, and without Planning Commission oversight, caused the staff to reconsider some of the original concerns about the proposed rezoning and redevelopment.

The Comprehensive Plan emphasizes the importance of infill and redevelopment to be in keeping with the scale, massing, land use patterns and infrastructure of the neighborhood. The petitioner is proposing two-story residential structures, oriented to the street, with parking to the rear of the lots. In this case, the scale and massing are generally consistent with other dwelling units in the area; however, the proposed land use pattern would be a variation from the historic character of the neighborhood. The petitioner contends that the Comprehensive Plan encourages expanded housing choices (Theme A, Goal #1), and the Plan does further state that "diverse neighborhoods feature townhomes, apartments and condominiums, and duplex housing adjacent and mixed with single-family homes" (page 40). The one-bedroom dwelling units proposed on the subject property will increase the available types of dwelling units in the neighborhood and should appeal to upperclassmen, graduate students and persons working in the university area.

The petitioner opines in their justification that more density near the University of Kentucky campus is appropriate, because it will reduce Lexington's carbon footprint by allowing students to live close enough to campus to ride a bicycle, walk or utilize transit. The staff has supported the concept of locating denser housing near the campus in the past.

Chapter 7 of the 2013 Plan also addresses specific recommendations for infill and redevelopment within Lexington-Fayette County, including consideration of multi-modal transportation and open space (pg. 101), and respecting the context and character of a neighborhood (pg. 102). The transportation needs of the neighborhood are now being adequately addressed with street improvements and sidewalks in order to achieve an effective and comprehensive transportation system, as recommended by Theme D., Goal #1 of the Plan. Given the higher than average number of pedestrians and students residing in the neighborhood, this is vitally important, and will set the precedent for any future redevelopment and/or government improvements.

The staff has in the past made a recommendation that Burley Avenue be a physical boundary for land use separation of single family residential (to the southwest and toward American Avenue) and multi-family residential (to the northeast toward Virginia Avenue). Holding to this divide could preserve the lower density of the area in the future, but it has not thus far preserved the character or quality of life for the neighborhood. At this time, the staff believes that the neighborhood is rapidly transitioning in a negative manner, and the proposed mixing of multi-family dwelling units with single-family homes will make critical infrastructure improvements; will create a compact, urban development; will increase the mix of housing types in the area; will allow people to live near a major employment center (UK); and will improve the character of the neighborhood. For these reasons, the staff is now recommending approval of the requested R-4 zone.

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

1. The proposed High Density Apartment (R-4) zone is in substantial agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. The Goals and Objectives recommend growing successful neighborhoods through expanded housing choices that address the market needs for all residents (Theme A, Goal #1b.). The petitioner proposes the addition of 24 one-bedroom dwelling units, and maintaining four 3-4 bedroom units, which creates a variety of dwelling unit types in the immediate area that complement the existing neighborhood. Such mixing of housing types also encourages stability in the neighborhood.
 - b. The Goals and Objectives encourage infill development throughout the Urban Service Area as a strategic component of growth for our community (Theme A, Goal #2) and to encourage compact, contiguous and/or mixed-use sustainable development within the Urban Service Area, as guided by market demand, to accommodate future growth (Theme E, Goal #1b). The petitioner proposes to increase the density of the subject property, from 7.6 dwelling units per acre to 30.57 dwelling units per acre. These Goals and Objectives are furthered by the applicant's proposal to create affordable, safe/secure high density residential dwelling units, which will allow students and others to live near the University of Kentucky.
 - c. The Goals and Objectives recommend providing well-designed neighborhoods that are connected for all modes of transportation (Theme A, Goal #3b.), and working to achieve an effective and comprehensive transportation system for the community (Theme D, Goal #1). The petitioner is providing sidewalks and increased right-of-way pavement to provide adequate infrastructure to accommodate all modes of transportation.
 - d. Chapter 3 (Growing Successful Neighborhoods) and Chapter 7 (Maintaining a Balance Between Planning for Urban Uses and Safeguarding Rural Land) of the Comprehensive Plan emphasize the importance of safe, secure, well-designed neighborhoods that are context sensitive, compatible with the surrounding area, and compact, contiguous and/or mixed-use sustainable development. The proposed two-story development will be consistent in scale and mass with the surrounding neighborhood.
2. This recommendation is made subject to approval and certification of PLN-MJDP-17-00106: Sullivan Park and Devereux Subdivision, 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. **ANDERSON LURADANE, LLC ZONING MAP AMENDMENT & SULLIVAN PARK & DEVEREUX SUBDIVISION ZONING DEVELOPMENT PLAN**

Note: The Planning Commission postponed this item at their November 30, 2017, meeting.

- a. **PLN-MAR-17-00039: ANDERSON LURADANE, LLC (12/31/17)***- petition for a zone map amendment from a Single Family Residential (R-1D) zone to a High Density Apartment (R-4) zone, for 0.92 net (1.06 gross) acres, for properties located at 135, 137 & 139 American Avenue and 112, 114, 116 & 118 Burley Avenue. Dimensional variances are also requested.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The Plan's 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.

Related to the proposed rezoning, the 2013 Comprehensive Plan Goals and Objectives recommend expanding housing choices (Theme A., Goal #1); supporting infill and redevelopment as a strategic component of growth, including compact and contiguous growth (Theme A., Goal #2 and Theme E., Goal #1b); providing for well-designed neighborhoods and communities (Theme A., Goal #3); reducing Lexington's carbon footprint (Theme B, Goal #2); and improving a desirable community by working to achieve an effective and comprehensive transportation system (Theme D., Goal #1). *Chapter 7: Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land* of the 2013 Plan also address specific recommendations for Infill and Redevelopment within Lexington-Fayette County.

The applicant proposes redeveloping the subject properties with a combination of single-family residences and multi-family dwelling units, as well as associated off-street parking. The corollary development plan depicts 26 dwelling units, with 31 bedrooms, which represents a density of 28.38 dwelling units per net acre. Numerous dimensional variances are requested in conjunction with the requested zone change for the subject properties.

The Zoning Committee Recommended: Postponement.

The Staff Recommends: Postponement, for the following reasons:

1. Currently, the proposed corollary development plan is a hybrid between a group residential development and individual R-4 zoned lots. This creates a myriad of regulatory compliance issues that must be addressed for both types of plans. The staff would like to explore other options with the petitioner to create a plan that supports the 2013 Comprehensive Plan's policy statements, goals and objectives.
2. The compatibility of the High Density Apartment (R-4) zone for the subject property should be further discussed with the petitioner, especially in light of the limited infrastructure within the neighborhood, the need to achieve an effective and comprehensive transportation system, the land use patterns of the neighborhood and the desire to provide context sensitive development that respects the immediate area's design features.

b. **REQUESTED VARIANCES**

1. Reduce the required front yard along American Avenue from 20 feet to 8 feet
2. Reduce the required rear yard from 10 feet to 5 feet at 112 and 118 Burley Avenue
3. Eliminate the zone-to-zone screening requirement.

The Zoning Committee recommended: Postponement, per the staff recommendations.

The Staff Recommends: Postponement, for the following reasons:

- a. Generally, when a variance is requested, one of the findings required to grant the variance must be based on special circumstances applicable to the property/properties that would serve as a justification for the variance. "Special circumstances" are typically understood to be physiographic in nature that would prevent a structure or structures from being constructed at the required setback. That situation does not appear to exist with this request; and, until further, more detailed reasoning is provided for needing the variances, the staff is unable to support the applicant's request.
 - b. In reviewing the proposed variances for this zone change request, it was discovered that a fourth variance is needed that was not requested. A postponement will allow the applicant to apply for a side yard variance for 112 and 118 Burley Avenue, as described in the body of this report, and to provide the necessary notification to surrounding property owners.
- c. **PLN-MJDP-17-00106 SULLIVAN PARK & DEVEREUX SUBDIVISION (12/31/17)*** - located at 135, 137 & 139 American Avenue and 112, 114, 116 & 118 Burley Avenue.
Project Contact: Barrett Partners

Note: The Planning Commission postponed this item at their November 30, 2017, meeting.

The Subdivision Committee Recommended: Postponement. There are still questions regarding compliance with Article 8-13 of the Zoning Ordinance as well as concerns with the stormwater management.

* - Denotes date by which Commission must either approve or disapprove request.

Should this plan be approved, the following requirements should be considered:

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. Denote height of building in feet on plan.
6. Denote compliance with Article 15-7 shall be determined at time of final development plan.
7. Denote pedestrian access to American Avenue.
8. Demonstrate compliance with open space required.
9. Provided the Planning Commission grants the requested variance to Article 18.
10. Discuss compliance with R-4 zone requirements.
11. Discuss note #12.
12. Discuss water quality/stormwater improvements per the Engineering Manuals.
13. Discuss improvements to Burley and American Avenues.

Staff Presentation – Ms. Wade oriented the Commission to the location of the subject property, the surrounding zoning, and presented a PowerPoint presentation and gave a brief description of the applicant's zone change request.

Ms. Wade indicated that the staff had originally recommended postponement of this request for the reasons provided on the agenda. However, since the Zoning Committee meeting, the staff had met with the applicant twice and they provided additional information as well as discussed revisions to the corollary development plan in order to meet the requirements of the R-4 zone and the Group Residential Project provisions established by the Zoning Ordinance, and to discuss agreement with the Comprehensive Plan.

Ms. Wade noted that the staff had distributed a Supplemental Report, and is now recommending approval, for the following reasons:

1. The proposed High Density Apartment (R-4) zone is in substantial agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. The Goals and Objectives recommend growing successful neighborhoods through expanded housing choices that address the market needs for all residents (Theme A, Goal #1b.). The petitioner proposes the addition of 24 one-bedroom dwelling units, and maintaining four 3-4 bedroom units, which creates a variety of dwelling unit types in the immediate area that complement the existing neighborhood. Such mixing of housing types also encourages stability in the neighborhood.
 - b. The Goals and Objectives encourage infill development throughout the Urban Service Area as a strategic component of growth for our community (Theme A, Goal #2) and to encourage compact, contiguous and/or mixed-use sustainable development within the Urban Service Area, as guided by market demand, to accommodate future growth (Theme E, Goal #1b). The petitioner proposes to increase the density of the subject property, from 7.6 dwelling units per acre to 30.57 dwelling units per acre. These Goals and Objectives are furthered by the applicant's proposal to create affordable, safe/secure high density residential dwelling units, which will allow students and others to live near the University of Kentucky.
 - c. The Goals and Objectives recommend providing well-designed neighborhoods that are connected for all modes of transportation (Theme A, Goal #3b.), and working to achieve an effective and comprehensive transportation system for the community (Theme D, Goal #1). The petitioner is providing sidewalks and increased right-of-way pavement to provide adequate infrastructure to accommodate all modes of transportation.
 - d. Chapter 3 (Growing Successful Neighborhoods) and Chapter 7 (Maintaining a Balance Between Planning for Urban Uses and Safeguarding Rural Land) of the Comprehensive Plan emphasize the importance of safe, secure, well-designed neighborhoods that are context sensitive, compatible with the surrounding area, and compact, contiguous and/or mixed-use sustainable development. The proposed two-story development will be consistent in scale and mass with the surrounding neighborhood.
2. This recommendation is made subject to approval and certification of PLN-MJDP-17-00106: SULLIVAN PARK AND DEVEREUX SUBDIVISION, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

Commission Questions – Ms. Mundy said that as lots are redeveloped as single family homes they were not required to install curb and gutter. Ms. Wade replied affirmatively. Ms. Mundy then asked since this is a larger development will the applicant be required to install curb and gutter. Ms. Wade replied affirmatively. Ms. Mundy said that this development will create an odd curb and gutter situation next to the properties that do not have the curb and gutter. She asked who would be responsible for installing curb and gutter on the other properties. Ms. Wade said that should another large development come into the area then that developer would be responsible to ensure that the improvements match the cross-section. She added that single family homes are generally not required to install curb and gutter so for those lots, it would be the responsibility of the government.

Mr. Martin presented the revised staff's report on the preliminary development plan, and noted that the staff had distributed the following revised recommendation of approval to the Commission.

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

* - Denotes date by which Commission must either approve or disapprove request.

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. Denote height of building in feet on plan.
6. ~~Denote compliance with Article 15-7 shall be determined at time of final development plan.~~
7. Denote pedestrian access to American Avenue.
8. Demonstrate compliance with open space required.
9. Provided the Planning Commission grants the requested variance to Article 48-13(h).
10. ~~Discuss compliance with R-4 zone requirements.~~
11. ~~Discuss note #12.~~
10. 42. Discuss Denote water quality/stormwater improvements per the Engineering Manuals shall be determined at the time of final development plan.
11. 43. Discuss Denote Improvements to Burley and American Avenues shall be determined at the time of final development plan.

Mr. Martin presented several schematics and briefly explained that when reviewing the entire area there are different lot sizes that range from 25 foot in width to one-and two-acre lots.

Commission Questions – Ms. Plumlee asked why would this request need Board of Adjustment's approval. Mr. Martin explained that the applicant would need to seek the Board of Adjustment approval if they cannot meet 20 percent of the lot depth in the rear yard. He noted that this is a variable dimension, so the applicant can request a reduction from the Board of Adjustment; otherwise, the applicant will need to make this plan comply before it is certified.

Mr. Berkley asked if the setback should be addressed today. Mr. Martin indicated that the setback needs to be resolved prior to certification of the plan. Ms. Wade said that the Planning Commission cannot approve a variance that has not been advertised in the newspaper or where property owners had not received the required notification by mail.

Ms. Rackers presented the staff's revised report on the variance request, and noted that the staff had distributed the following revised recommendation of approval to the Commission.

The Staff Recommends: Approval, for the following reasons:

- a. Granting the requested variance will not adversely affect the public health, safety or welfare, will not alter the character of the general vicinity, and will not cause a hazard or nuisance to the public. In fact, granting the variance will help to promote and maintain public health, safety and welfare by allowing a development that will include infrastructure improvements in an area that has been known and recommended for these types of improvements, as well as improved and mixed housing, since at least the 1990s when the *South Broadway Corridor Plan* was written and adopted as an element of the Comprehensive Plan.
- b. Granting the requested variance will not result in an unreasonable circumvention of the Zoning Ordinance. The building and parking, as proposed, are designed to maximize the site, replacing three older residential structures with a safer, more modern living space for students or others who might wish to take advantage of "live where you work" opportunities, both of which are endorsed by the Comprehensive Plan. Additionally, granting the variance will allow the parking for the entire development to be completely interior to the project and not in front of the building, something also supported by the Comprehensive Plan as well as the infill regulations.
- c. One special circumstance that applies to this site that does not generally apply to land in the general vicinity is its size, which would not allow the redevelopment as proposed without the variance. Another circumstance is that this is an urban infill project located near the University of Kentucky campus that will continue to provide rental housing, which is always in demand. The new building proposed will replace three older structures with a new, safe structure that will contain only sixteen dwelling units.
- d. Strict application of the requirements of the Zoning Ordinance would prevent the most efficient layout of the parking area that is currently proposed, or would require an off-setting decrease in the number of dwelling units for this redevelopment project.
- e. Although the circumstances surrounding the requested variance are associated with the proposed zone change, the variance is requested in an effort to accomplish an efficient design of the off-street parking area, which will be totally interior to the project. Additionally, the apartment building will be at a setback more in line with what is existing on two of the three American Avenue properties that are proposed for redevelopment. Improved Infrastructure will be provided in an area that has been either inadequate or lacking, and will provide greater safety for pedestrians as well as vehicular traffic. In the staff's opinion, this is just as important and may even outweigh the fact that if the property weren't proposed to be re-zoned and developed in this manner, the variance would not be needed.

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

1. Provided the Urban County Council rezones the property R-4; otherwise, any Commission action of approval of this variance is null and void.
2. Should the property be rezoned, it shall be developed in accordance with the approved Development Plan, as amended by a future Development Plan approved by the Commission, or as a Minor Amendment permitted under Article 21-7 of the Zoning Ordinance.

3. A note shall be placed on the Zoning Development Plan indicating the variance that the Planning Commission has approved for this property [under Article 6-4(c) of the Zoning Ordinance].
4. Prior to obtaining an Occupancy Permit, the applicant shall obtain a Zoning Compliance Permit from the Division of Planning.

Petitioner Presentation – Richard Murphy, attorney; Dennis Anderson, applicant; Tony Barrett, Barrett Partners; were present to represent the applicant. Mr. Murphy presented a PowerPoint presentation, and gave a brief description of each slide. He indicated that they were in agreement with the staff recommendations and requested approval.

Citizen Comments in support – Lee Rose and John Dauer, owners of Luradane, LLC, were present to speak in support of this request. They expressed their excitement in collaborating with Anderson Communities. They believe the project will greatly enhance the neighborhood and represents the best use for the property.

Mr. Wilson noted that Ms. Ginny Daley had requested additional time; however, all others who are present to speak regarding this request will be limited to 3 minutes.

Citizen Comments in opposition – Ginny Daley, 136 Burley Avenue, presented a PowerPoint presentation and gave a brief description of each slide. She voiced her concerns about the negative impacts that this project will have on the neighborhood, and indicated that this development is too dense and it would do more harm than good. She requested that the Planning Commission deny the zone change because it does not support the Comprehensive Plan.

Walt Gaffield, 2001 Bamboo Drive, spoke in opposition to the rezoning and indicated that this development was in poor design and out of context, and this is the beginning of university housing for under graduate students. He suggested the Commission consider a conditional use to only allow one-bedroom units. He is concerned that this proposal will set a precedent for this neighborhood and other neighborhoods.

Frances Hisle, 166 and 170 American Avenue, spoke in opposition to the rezoning and indicated the streets in this area could not handle an increase in traffic. She said that the traffic and parking issue in this area has made the neighborhood unsafe for pedestrians.

Amy Clark, 628 Kastle Road, presented a PowerPoint presentation and gave a brief description of each slide. She spoke in opposition to the rezoning and indicated that the front yard variance proposed for this request is incompatible with the existing setbacks; and some properties have enclosed their front porches, which projects toward the street. She indicated that KRS 100.247 states that a variance shall not alter the density requirements of that zone. The requested variance is not specifically altering the density requirements, but it is altering the parking requirements, which bear an immediate relationship to density. She added that parking requirements are a way to control what density is allowed in an area. She indicated that staff had cited Article 15-7(d) in their report, but the Zoning Ordinance states that the intent of the Infill and Redevelopment regulations is to allow new construction that is compatible and grants the relief of unusual hardship. She said that there is nothing unusual to the R-4 zone about needing room for parking and there is nothing unusual to the neighborhood about having very little room. To her, the hardship seems to be that the land is too small for this development.

Petitioner Rebuttal – Mr. Murphy said that traffic impacts to the neighborhood are minimal. If this development has 35 cars then for every 12 hours, there would be 3 cars per hour or 1 car every 40-minutes added to the street, which is not significant.

Mr. Murphy directed the Commission's attention to the overhead, and said that the rent on the existing house is between \$1,400 and \$1,500 per month, which is not affordable housing. He then said that the location of this property is next to the University of Kentucky campus, which creates a heavy demand for student housing. This is the reason why the rental properties are priced as they are.

Mr. Murphy said that the staff agreed this proposal is in compliance with the Comprehensive Plan. They did not recommended disapproval, but they recommended postponement due to the number of variances being requested. He then said that they revised their proposal, which only required one variance then the staff changed their recommendation to approval.

Mr. Murphy said that they understand the neighbors are concerned with not wanting a new single family development next to an older single family development, but they are not proposing to construct the same type of housing as what is already in the area. They will be building a better development with one-bedroom apartments, which are needed in this area. They are enhancing the neighborhood by adding curb and gutter, sidewalks, and other infrastructure. He said that they understand the concerns with changing the neighborhood, but this change will improve the neighborhood.

Mr. Murphy said that there were comments made about what is allowed in this zone, but the issues that are being raised are beyond the scope of the Planning Commission. He said that the Commission has no control over conversions or teardowns of one or two-story houses or the type of material being use. This area is already zoned single family and the property owners have the right to change their property. He said that they believe their proposal is a better development.

Note: Mr. Brewer departed at this time.

Citizen Rebuttal – Ms. Daley expressed her concern with the proposed development being too dense for this area.

Ms. Clark expressed her concerns that this proposed development will increase traffic on Burley Avenue, and the improvement made to the street will not be maintained. She referenced a Board of Adjustment case where individual 25' wide lots were determined to be existing buildable lots, which has contributed to the changing character of the neighborhood.

Staff Rebuttal – The staff had no rebuttal at this time.

Commission Questions – Mr. Wilson directed the staff's attention to the revised staff report for the variance, and asked for clarification if Item b would be appropriate to approving this request. Ms. Jones replied affirmatively.

Mr. Penn indicated that he is reluctantly supporting this proposal, but commented that this neighborhood is changing because there is housing that cannot be renovated, so different housing styles are being constructed. He said that what happened in the past cannot be changed and as developments are proposed, the 2013 Comprehensive Plan will be referenced. He added that because of the infrastructure and the problems in this area, he does not believe this neighborhood will work if each lot develops differently from the next.

Mr. Wilson said that the issue raised about gentrification is a problem and he has already spoke about that issue with the staff. He understands that is a concern that relates to new development coming into an area.

Mr. Cravens indicated his agreement with Mr. Penn, and said that some of the older houses cannot be repaired, so new development would be a good solution.

Zoning Action – A motion was made by Mr. Cravens, seconded by Mr. Forester, and carried 9-0 (Brewer and Richardson absent) to approve **PLN-MAR-17-00039: ANDERSON LURADANE, LLC**, for the reasons provided by the staff.

Variance Action – A motion was made by Mr. Cravens, seconded by Mr. Forester, carried 9-0 (Brewer and Richardson absent) to approve the requested front yard variance along American Avenue, for the reasons provided by the staff, and with the recommended conditions.

Development Plan Action – A motion was made by Mr. Cravens, seconded by Mr. Fosterer, and carried 9-0 (Brewer and Richardson absent) to approve **PLN-MJDP-17-00106 SULLIVAN PARK & DEVEREUX SUBDIVISION**, subject to the revised conditions provided by the staff.

Note: Mr. Bell departed at this time.

