

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-18-00020: URBAN COUNTY PLANNING COMMISSION

DESCRIPTION

Zone Change: From: Single Family Residential (R-1C)
To: Single Family Residential (R-1C) with
Neighborhood Character Design Overlay (ND-1) zone

Acreeage: 4.21± net and gross acres

Location: 101-175 & 201-222 Romany Road (22 lots)

Proposed Design Standards:

1. **REAR YARD SETBACKS:**

- A. Measured 70' from the Front Building Plane (excludes porches) or 10' from the Rear Property Line, whichever is greater. Applies to all properties except those on Andover Drive, Garden Road, and Tates Creek Road.
- B. Measured 80' from the Front Building Plane (excludes porches) or 10' from the Rear Property Line, whichever is greater. This applies to all properties on Andover Drive, Garden Road, and Tates Creek Road.

2. **BUILDING HEIGHTS:** Maximum of 30' to highest ridge and maximum eave height (aka gutter line) at 2" floor ceiling line including dormers. (Excludes new additions which may exceed 30' in order to match existing ridge lines, eave height measured at top of fascia board)

3. **ROOF PITCH:** Minimum 7:12 slope for Gabled Primary Roofs (Excludes dormers, single story flat roofs, roofs built to match existing roof pitches, and for allowable projections per Article 15-5 of the Zoning Ordinance)

4. **WALL OPENINGS:** Minimum of 10% of the wall plane on each elevation of new construction is to be windows, doors and/or vented openings; however, no openings shall be required if Building Code requires Fire Ratings. (Excludes any new construction with a wall plane area of less than 150 square feet, chimneys, and side walls of dormers)

5. **PARKING FOR SINGLE-FAMILY ATTACHED AND MULTI-FAMILY DWELLINGS:** No parking in front of the front building plane of the principal structure on the lot. Garage doors shall not face the front building line. (Excludes detached garages)

6. **ACCESSORY STRUCTURES:** Maximum footprint of 800 square feet for all accessory structures per lot. Maximum 22' height to roof ridge, maximum 12' height to eave (aka gutter line). No exterior stairs shall be permitted. Maximum 50 percent of roof square footage allowed to be shed dormer. (Eave height measured at top of fascia board and does not apply to dormers, and no minimum roof pitch required on accessory structures)

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	R-1C	Residential
To North	ND-1	Residential
To East	ND-1	Residential
To South	ND-1	Residential
To West	ND-1	Residential / School

URBAN SERVICES REPORT

Roads – Romany Road is a collector street meant to carry low-to-moderate levels of traffic that serves to move traffic from local streets to arterial roads. Additionally, collector roads are designed to provide access to residential properties.

Curb/Gutter/Sidewalks – The street system in this neighborhood is suburban in character, with curbs, gutters and sidewalks throughout the area.

Storm Sewers – The neighborhood area is split between the Town Branch and the West Hickman watersheds. Storm sewers are constructed throughout the neighborhood. Historically, the Duke Road area has seen severe drainage problems, but many improvements have been constructed in that area to alleviate those problems.

Sanitary Sewers – Sanitary sewers exist in the Chevy Chase neighborhood area. This area is served by gravity sanitary sewer lines to both of Lexington-Fayette County's wastewater treatment facilities. A majority of the neighborhood area is served by the Town Branch Wastewater Treatment facility; however, the southern and eastern edges of the neighborhood are served by the West Hickman Wastewater Treatment facility in northern Jessamine County. Some sanitary sewer problems have been reported in this area, specifically during the record September 2006 storm event.

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

Police – The nearest police station is the Central Sector roll call center, located about 3 miles to the northeast of Chevy Chase, off of Winchester Road, near the Eastland Shopping Center

Fire/Ambulance – Fire Stations #5 and #9 both serve the Chevy Chase neighborhood area. Fire Station #5 is located about 1¼ miles to the northwest of Chevy Chase, at the corner of Woodland Avenue and East Maxwell Street. Fire Station #9 is located about 2 miles to the southeast of Chevy Chase along Richmond Road, just south of the Fontaine Road and Richmond Road signalized intersection.

Utilities – Electric, gas, cable television, water, and phone service, as well as street lights all exist in the neighborhood at this time.

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. In addition, the Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

The Planning Commission has initiated a zone change request to add a Neighborhood Design Character Overlay (ND-1) zone to a total of 22 properties along Romany Road in the Chevy Chase neighborhood. The ND-1 Zone is proposed to regulate rear yard setbacks, building height, roof pitch, off-street parking, garage door restrictions, and accessory structures, regardless of the underlying zoning.

CASE REVIEW

The Planning Commission originally initiated the zone change to a Neighborhood Design Character Overlay (ND-1) zone for the Chevy Chase neighborhood in June 2008 at the request of the Chevy Chase Neighborhood Association and its Neighborhood Design Committee. The total area encompassed by the Chevy Chase ND-1 overlay zone constitutes over 130 acres of property and more than 600 individual properties. The current overlay area is bounded by Tates Creek Road to the west, the rear of residential properties on the south side of Fontaine Road to the north, Chinoe Road to the east, and Cooper Drive to the south. Additionally, the commercial properties along Duke and Romany Roads (including the U.S. Post Office), church-owned properties along Colony Boulevard, and Morton Middle School and Cassidy Elementary School were excluded from the ND-1 overlay area, due to their non-residential land use status.

The current zone change will complete the intended Chevy Chase ND-1 Overlay zone that was initiated in 2008. During the initial application, 22 properties were not sent mailings providing them with the information regarding public participation and impacts of the proposed overlay. These properties are located along the 100 and 200 blocks of Romany Road and constitute about four acres of property. The subject properties are located near the center of the Overlay zone, and contribute to the overall neighborhood character. The two subject blocks are located between Hart Road on the north and Providence Lane on the south. This portion of Romany Road is intersected by Louisiana

Avenue and Cochran Road. The 200 block of Romany Road is directly opposite the Cathedral of the Christ the King Catholic Church and school.

Chevy Chase was originally developed in the 1920s and 1930s as a mixed-use neighborhood with single and multi-family homes, commercial and institutional structures. Some residential development continued into the 1940s. The majority of the neighborhood is zoned R-1C, although R-1D, R-1T, R-2, and R-3 zoning also exists mostly near the Romany Road/Duke Road commercial area. Outside of the subject area, churches, schools, businesses and institutional uses help to create a neighborhood with a unique and distinctive character within Lexington-Fayette County. The neighborhood's application describes the area:

“The streets in Chevy Chase tend to have a visual continuity with the manner in which the neighborhood was developed; almost a park-like appearance. There is a rhythm and a beauty to the manner in which the homes relate to one another and their design cues in setbacks, building heights, eaves and scale that link adjoining properties into unified block faces and in creating a distinct character. This visual continuity is a critical factor that helps to create the unique identity of Chevy Chase.”

The Chevy Chase neighborhood has experienced some new residential development in the form of “tear-downs and pop-ups,” and new additions that are, in many instances, a stark contrast to the existing neighborhood character. In order to protect the neighborhood from inappropriate or incompatible development, the ND-1 overlay zone was requested to maintain the existing rear yard setbacks, further limit building height, establish a minimum roof pitch, limit off-street parking in front yards and garage door orientation, and limit the size of accessory structures.

The purpose of the ND-1 overlay zone is to establish a design framework to conserve key features or visual and natural characteristics of an interested neighborhood. Although the ND-1 overlay has been applied to other neighborhoods, Chevy Chase was the first neighborhood effort to regulate specific structural and design features such as building sizes, roof shapes, and parking area design. The ND-1 zone is designed to be administered in a way similar to properties that have conditional zoning restrictions.

Article 29-3 of the LFUCG Zoning Ordinance provides seven criteria, at least one of which must be met by a neighborhood in order to qualify for the ND-1 overlay zone. As noted in the Chevy Chase petition to the Planning Commission in 2008, the neighborhood would like to maintain the overall character of the neighborhood, and they have established a need to protect the visual characteristics that give their neighborhood its distinct identity based upon recent changes to the neighborhood.

Initially, the neighborhood identified two conservation and design goals through the study process. They are: (1) promote new construction in harmony with the scale and physical character of original buildings; and (2) encourage the use of existing buildings through adaptive rehabilitation in a manner appropriate to the scale and physical character of original buildings. The six design standards were developed based upon these goals.

The first requested standard, designates a minimum rear yard setback measured 70' from the Front Building Plane (excluding porches) or 10' from the Rear Property Line, whichever is greater. The application of this standard helps maintain green space and building scale in the neighborhood. This standard applies to all properties except those on Andover Drive, Garden Road, and Tates Creek Road. For those properties located on Andover Drive, Garden Road, and Tates Creek Road there would be a minimum rear yard setback measured 80' from the Front Building Plane (excluding porches) or 10' from the Rear Property Line, whichever is greater. The rear yard setback would only apply to the principal structure on the lot. Second, building heights are requested to be a maximum of 30 feet to the tallest ridge and a maximum eave height (generally thought of as the gutter line) of the 2nd story ceiling height. This regulation is aimed at keeping homes in scale with the neighborhood and will, in combination with the third proposed standard, prevent three-story homes or even two-story homes with dormers. The third proposed standard would require a minimum 7:12 slope for a gabled primary roof structure; that is, one located on the principal structure on the lot. The neighborhood has defined some exceptions to this regulation to allow some variation and additions that are typical of the neighborhood already. The fourth standard proposes that a minimum of 10% of any wall plane of new construction be openings, specifically windows or doors. This is similar to an existing Infill & Redevelopment Area regulation and will help to ensure visual continuity of the neighborhood. For regulatory purposes, this standard should only apply once the wall plane area is at least 150 square feet in size. The fifth standard applies only to single-family attached (townhouses), and multi-family residential development. The standard would require that all parking be located behind the building(s), so that it is not as intrusive to the existing streetscape. Additionally, the standard would

require that overhead garage doors not face the front building line, except for detached garages. Although the existing underlying zone for these 22 lots would not permit multi-family residential development, but including this standard allows for consistency for the entire neighborhood. The sixth proposed standard limits the size of detached garages and other accessory structures to 700 square feet (total footprint or lot coverage) per lot, a maximum height of 22 feet, with a maximum eave height (aka gutter line) of 12 feet. The neighborhood noted that the roof pitch regulation in Standard #3 is not intended to be applied to accessory structures. The neighborhood requested these restrictions in order to maintain the "sense of place" and the "architectural integrity" currently found in Chevy Chase.

During the initial zone change, staff reviewed the application's compliance with the 2007 Comprehensive Plan. The plan recommended that neighborhood protection overlay zoning provisions be implemented for establishing stability and protection in existing and, especially, older neighborhoods (Goal 15, Objective I), and more generally suggested "preserving, protecting, and maintaining existing residential neighborhoods in a manner that ensures stability and the highest quality of life for all residents," which is one of eight overriding themes of the Plan. Therefore, it followed that the implementation of a Neighborhood Design Character (ND-1) overlay zone in the Chevy Chase neighborhood was in agreement with the Comprehensive Plan's Goals & Objectives by providing specific standards that maintained the existing character of the neighborhood, regardless of the underlying zoning.

The current application to rezone the remaining properties within the Chevy Chase neighborhood conforms with both the 2007 and 2013 Comprehensive Plans, as well as the adopted Goals and Objectives of the 2018 Comprehensive Plan. The rezoning of these properties respects the context and design features of the areas surrounding the area and develops design standards and guidelines to ensure compatibility with existing urban form (Theme A, Goal #2.b). Furthermore, the use of the ND-1 zone will enable the Chevy Chase neighborhood to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expand options for mixed-use and mixed-type housing throughout Lexington-Fayette County (Theme A, Goal #3.a).

The proposed ND-1 design standards will continue to maintain the existing character of the Chevy Chase neighborhood, ensuring that any new development or additions to existing homes will be compatible with the surrounding development. The neighborhood studied the early and present character of the neighborhood, and found that incompatible development was occurring and threatening the identity and unique fabric of the neighborhood. Should this portion of the neighborhood not be protected through the use of either conditional zoning restrictions or the proposed Neighborhood Design Character Overlay (ND-1) zone, it might be altered to the extent that the quality of life of residents would be impacted.

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

1. The Neighborhood Design Character (ND-1) overlay zone is substantially in agreement with the 2013 Comprehensive Plan and the Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
 - a. The proposed overlay zone respects the context and design features of areas surround development projects and develop design standards and guidelines to ensure compatibility with existing urban form (Theme A, Goal #2.b).
 - b. The implementation of a Neighborhood Design Character (ND-1) overlay will enable the Chevy Chase neighborhood to continue to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expand options for mixed-use and mixed-type housing throughout Lexington-Fayette County (Theme A, Goal #3.a).
 - c. The Chevy Chase neighborhood completed a design character study, defined the existing character of the neighborhood, developed preservation goals, and proposed appropriate neighborhood design standards, thus meeting the requirements of the ND-1 zone. This 2008 study covered the 100 and 200 blocks of Romany Road

HBB/TLW
10/1/18

Planning Services/Staff Reports/MAR/2018/PLN-MAR-19-00020 Urban County Planning Commission