

**2. LEXINGTON HABITAT FOR HUMANITY ZONING MAP AMENDMENT & PERRY STREET TOWNHOMES ZONING DEVELOPMENT PLAN**

- a. **PLN-MAR-19-00017: LEXINGTON HABITAT FOR HUMANITY (12/23/20)\***- a petition for a zone map amendment from a Single Family Residential (R-1D) zone to a Planned Neighborhood Residential (R-3) zone, for 0.229 net (0.3046 gross) acres, for properties located at 213, 215, 217, 219, 221, 223, 225, and 229 Perry Street. Two dimensional variances have also been requested.

**COMPREHENSIVE PLAN AND PROPOSED USE**

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

The petitioner has requested a zone change from a Single Family Residential (R-1D) zone to the Planned Neighborhood Residential (R-3) zone in order to construct a townhouse development for 0.229 net (0.3046 gross) acres of property, located at 213, 215, 217, 219, 221, 223, 225, and 229 Perry Street. The proposed development includes five (5) attached single-family homes. The proposed development represents a density of 21.83 dwelling units per acre. Two variances are also requested to reduce the rear yard setback and the minimum dimension of the private open space.

**The Zoning Committee Recommended: Approval** to the full Commission.

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

1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
  - a. The proposed rezoning accommodates the demand for housing in Lexington responsibly, prioritizing a mixture of housing types (Theme A, Goal #1), while also supporting infill and redevelopment with modern, safe, and dense housing (Theme A, Goal #2).
  - b. The proposed rezoning provides a well-designed neighborhood (Theme A, Goal #3) by adding pedestrian facilities and decreasing the potential for on-street conflicts between pedestrians and vehicular traffic.
  - c. The proposed rezoning strengthens the opportunities for housing affordability within the Lexington-Fayette Urban County (Theme A, Goal #1, Objective d).
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
  - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site creates a residential development that supports pedestrian mobility.
  - b. The proposed rezoning includes safe facilities for the potential users of the site by prioritizing the inclusion of safe pedestrian facilities. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
  - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, limits the impacts on the surrounding environment, and adds tree canopy coverage in the form of street trees and landscape buffers.
3. This recommendation is made subject to approval and certification of **PLN-MJDP-19-00076: Perry Street Townhomes**, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

b. **REQUESTED VARIANCE**

1. To reduce the required rear yard from ten (10) feet to seven (7) feet.
2. To reduce the minimum dimension for open space from eight (8) feet to six (6) feet.

**The Zoning Committee recommended: Approval** for the following reason.

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

1. Granting the requested variance should not adversely affect the public health, safety, or welfare; nor should it affect the character of the general vicinity. The property is located within the defined Infill & Redevelopment Area, which emphasizes the need to allow for dimensional variances to allow for new development.
2. The need for the variance arises from the special circumstances of the proposed development, including the small width and depth of the subject properties and the substandard nature of Perry Street.
3. The strict application of the rear yard setbacks and minimum open space requirements would create an unnecessary hardship on the proposed development as it reduces the ability to develop the land while also increasing the potential for on-street conflicts.

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

4. The request is not a result of a willful violation of the Zoning Ordinance. The applicant has taken care to go through the necessary process for this project and has requested the variance prior to commencing construction.

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

- a. Provided the Planning Commission approves the requested zone change to the R-3 zone, otherwise the requested variance shall be null and void.
  - b. The development shall be constructed in accordance with the approved Final Development Plan, or as that plan is amended to address design requirements of the Divisions of Engineering, Traffic Engineering, or Building Inspection.
  - c. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
  - d. Action of the Planning Commission shall be noted on the Development Plan for the subject property.
- c. PLN-MJDP-19-00076: PERRY STREET TOWNHOMES (2/23/20)\* - located at 213, 215, 217, 219, 221, 223, 225 AND 229 PERRY ST., LEXINGTON, KY.  
Project Contact: Endris Engineering

Note: The purpose of this plan is to rezone the property.

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

1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
7. Addition of standard notes as required by Article 21 of the Zoning Ordinance.
8. Document compliance with required openspace by providing an exhibit or table on the plan.
9. Provided the Planning Commission grants the requested rear yard setback variance.
10. Provided the Planning Commission grants the required open space variance to Article 8-10(o)(3) for minimum dimension of eight (8) feet.
11. Denote right-of-way improvements and possible waiver shall be resolved at time of Preliminary Subdivision Plan/Final Development Plan.
12. Discuss compliance with Placebuilder criteria:
  - a. B-SU11-1: Green infrastructure should be implemented in new development.

Staff Zoning Presentation – Mr. Baillie presented the staff report and recommendations for the zone change application. He said that applicant is proposing to construct a townhouse development with five (5) attached single-family dwelling units. He said that the applicant is also seeking to subdivide the properties to allow for fee simple ownership of the dwelling units. The developer's mission is to provide affordable housing for families in the Lexington area at a rate of 80% Area Median Income (AMI) or less. He displayed photos and an aerial photo of the subject property, and said that it is surrounded primarily by Light Industrial (I-1) and Single-Family Residential (R-1D) zoning. He said that over the past few years there have been several zone changes that have sought to increase the housing in the area, and those are mostly townhouses. He said that the subject properties had several small single-family houses on them, and they were demolished in the early 2000's. He said that the photographs depict how the site is constricted, with a narrow, substandard street without any sidewalks. He said that the applicant is seeking to incorporate dimensional variances along with this zone change.

Mr. Baillie said the applicant is seeking the Enhanced Neighborhood Place-Type, which will increase density within neighborhoods, as well as provide a variety of types of housing. He said that the staff concurs with the applicant's assessment of this Place-Type and agrees that an attached single-family residential development can be appropriate for the subject property within a Planned Neighborhood Residential (R-3) zone. He also said that the applicant is seeking to provide a low-density residential development on these properties, which the 2018 Comprehensive Plan defines as primarily attached and detached single-family homes. He said that the low-density residential is also supported by policies regarding infill residential on vacant lots, meeting the housing demand across various different income levels, and supporting the missing middle housing types throughout Lexington. He said that the staff agrees that this request is in agreement with the 2018 Comprehensive Plan's Goals and Objectives and recommends approval of this zone change.

Commission Questions – Mr. Bell asked for the dimensions of the street width. Mr. Baillie said that will be discussed in the development plan presentation. He said that there was concern regarding on-street parking. He said that the applicant has shifted their development back, which would give them a twenty (20) foot driveway. He said that would allow for the residents to park a car in the garage and on the driveway, which allows for two (2) parking spaces per lot, and is one (1) greater than the Zoning Ordinance

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requirements. He added that the Division of Traffic Engineering and Division of Fire & Emergency have limited any on-street parking to one side of the street.

Ms. Mundy asked if there will be sidewalks. Mr. Baillie said that there will be sidewalks.

Development Plan Presentation - Mr. Martin presented the preliminary development plan associated with this zone change. He said that the applicant is proposing five (5) townhouses, which will be two (2) stories, with a one car garage, that will each be over 1,900 square feet. He pointed to the outline of the building, the garages and the sidewalks leading into the living areas. He said that the R-3 zone requires the developer to refer to the R-1T standards for townhouse developments, which requires the rear yard to be twenty (20) percent of the lot depth. He stated that the applicant has requested two variances. One of the variances is for the rear yard because of the depth. The second variance is for the minimum amount of open space, which they actually meet, but the R-1T zone requires a minimum dimension of the private open space, which they can't meet with this configuration. He added that the applicant has agreed to construct sidewalks. He said that the applicant will need to submit a final development plan that will be combined with a preliminary subdivision plan, which will allow them to follow with the filing of a record plat to sell these properties fee simple. He said that along with those plans, the applicant will need to submit a waiver because this is a substandard street.

Variance Presentation Mr. Martin also presented the staff report and recommendations for the variances associated with this zone change application. He said that the first variance is to reduce the required rear yard from ten (10) feet to seven (7) feet, so the applicant can have the appropriate depth of the driveway for vehicles to be able to park there without blocking the sidewalk. He said that the second variance request is to reduce the minimum dimension for open space from eight (8) feet to six (6) feet. He said that the staff and the Subdivision Committee have recommended approval of this development plan and the variance requests.

Applicant Presentation - Mr. Hutson Royster, Lexington Habitat for Humanity, and Kevin Phillips, Endris Engineering, were present to represent the petitioner. Mr. Phillips distributed copies of the development plan and of the floor plan for this proposed site to the Planning Commission. He said that this project helps them to better serve more families in this area. He said that if they chose single-family detached houses, they wouldn't be able to have garages, because of the setback requirements, and with the townhomes they will be allowed to have higher quality housing. He said that they had a neighborhood meeting and their main concern was the parking, which is why they had changed the building location, which resulted in the need for the variances. He said that they will be adding green infrastructure on the final development plan. He added that the staff did a great job of summarizing their plan and indicated they were available for any questions.

Citizen in opposition - Mr. Roland Taylor, 224 Perry Street, said that details regarding the driveways, parking, and size of the structure changed after their initial meeting with the applicant. He is concerned with the depth of the subject properties and the narrow roadway. He believes that this is not the best design for this site because of the proximity to the already crowded Manchester Street area and with the parking along the street, particularly when an event is being held in the Distillery District. He added that fire hazards are a major concern in this area because the houses are so close together. He asked the Planning Commission to not approve this request and asked the applicant to look for other sites.

Mr. Paul Holland, 4573 Saron Drive, said that he was also concerned about traffic impacts; and that in a family housing area, there should be an area for children to play.

Applicant Rebuttal - Mr. Phillips said that the development plan depicts where vehicles will be allowed to park. He said that the street width is not being reduced with the creation of the five (5) foot sidewalks. He said that the street is currently twenty-one (21) feet wide. He utilized an aerial photo to show that with a nine (9) foot truck parked on one side of the road, there will be fourteen (14) feet of roadway for service vehicles to travel appropriately. He said in regards to the open space, they are not increasing density. Currently, there are seven (7) addresses, which could have detached single-family homes constructed on them; however, the setbacks associated with them are very limited and would not have any driveway. He said that this proposal allows Lexington Habitat for Humanity to offer a better quality home with a driveway and a garage.

Mr. Royster said in regards to a play area for children, there will be two new parks in the area, which will allow for room to play.

Commission Questions - Mr. Nicol asked the applicant to confirm that these lots are vacant. Mr. Phillips said that are currently vacant. Mr. Nicol then commended the applicant for taking vacant property and providing affordable housing. He added that in our community it is exactly what needs to be done with vacant and underutilized land.

Mr. Bell said that the parking in this area is significant and asked if this will create more parking monitoring in this area. Mr. Martin said that parking, right-of-way, street width, and public safety are seriously considered and discussed. Mr. Bell then asked if parking is a problem because of the lack of structures. Mr. Martin said that people will park wherever they can and that this area was designed before the automobile was our primary means of transportation. He stated that structured parking has been planned, but not built in the area.

Mr. Owens asked for clarification of the sidewalk width. Mr. Phillips said that it will be a five (5) foot sidewalk, which meets the current standards of the Land Subdivision Regulations. He added that the sidewalks will be built in the right-of-way and the applicant will not change the existing width of the street. Mr. Owens also said in regards to Mr. Taylor's comment regarding Manchester Street, he said that the congestion in that area is always a concern. He added that Councilmember, McCurn is diligently working on that.

Mr. Taylor said that he spoke with Mr. McCurn and Ms. Deitz, he was told that there is currently no funding for a community park in the area. He asked what the width is of these vacant lots and what drew Habitat for Humanity's attention to this site. Mr. Phillips said that there are five (5) proposed lots that vary in size. Mr. Baillie said that the dimensions are on the development plan. He said that the lot length is approximately fifty (50) feet and the width is approximately forty-two (42) feet. Ms. Wade said that Mr. Taylor is asking for the existing lots, which would be recorded on the ZOMAR plat. Mr. Martin said that the existing lots were not platted, they were deeded and that the end result will be five (5) new lots. Mr. Phillips said that they are consolidating the lots, which will change their widths.

Commission Comments – Ms. Mundy said that Lexington is limited on land for affordable housing and commended the applicant in their efforts to revive this site.

Zoning Action – A motion was made by Mr. Forester, seconded by Ms. Mundy, and carried 8-0 (Brewer, Penn, and Pohl absent) to approve PLN-MAR-19-00017: LEXINGTON HABITAT FOR HUMANITY, for the reasons provided by the staff.

Requested Variance Action - A motion was made by Mr. Forester, seconded by Ms. Mundy, and carried 8-0 (Brewer, Penn, and Pohl absent) to approve the VARIANCE REQUESTS, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Forester, seconded by Ms. Mundy, and carried 8-0 (Brewer, Penn, and Pohl absent) to approve PLN-MJDP-19-00076: PERRY STREET TOWNHOMES, as presented by the staff, with the following changes:

12. Denote ~~Discuss~~ compliance with Placebuilder criteria:
  - a. B-SU11-1: Green infrastructure should be implemented in new development.