

## **SUPPLEMENTAL STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT**

### **PLN-MAR-16-00016: BALL HOMES, INC.**

#### **CASE REVIEW**

Since the Subdivision and Zoning Committees met in November, several items of import should be conveyed from the staff to the Planning Commission.

First, the staff has met with company representatives of both the Fayette County Public Schools and Kentucky American Water about the proposed zone change and development plan proposed by the applicant. The following points should inform and enlighten the discussion at hand at the requisite public hearing:

- Kentucky American Water will maintain control of the water's edge for Reservoir #4.
- Kentucky American Water's primary concern is the potential for dumping by unauthorized entities near the water's edge. Therefore, they prefer the rear yard orientation of lots proposed by the applicant and would be opposed to single-loaded streets along the water because they provide higher levels of public access to the water (too risky).
- Kentucky American Water representatives stated that as long as single-family residences bordered the water's edge, no 6-foot tall chain link fence would be installed, and they expect that the homeowners will provide some level of security for the reservoir.
- Fayette County Public Schools originally sought this site for a school in the 1980s and again approached the water company about constructing a school at this location within the past two years.
- Fayette County Public Schools needs a minimum of 400 feet of street frontage, a 20 net acre lot, and three access points (one each for auto, bus and service vehicles).
- A middle school expects to employ about 125 persons, with an expected enrollment of about 900 students.
- Fayette County Public School representatives do not mind an open campus and they only fence a school campus to maintain their property from encroachment accessory structures, gardens, or play structures along the rear yards of single-family and/or multi-family homes.
- Traffic will increase around school start and dismissal times, which is common with any school site. The Division of Traffic Engineering will work with the developer and FCPS to select an appropriate street cross-section along the school's lot frontage and address issues, so that problems do not arise after the fact.

Second, the Division of Environmental Services, and more specifically, the Urban Forester and Environmental Planner, have completed site visits with the applicant's tree specialist, Dr. Tom Kimmerer, to identify and assess the condition of the different tree species in the riparian buffer area. At the conclusion of this visit, the Urban Forester stated to the Division of Planning staff that a 50 to 100-foot riparian buffer currently exists along the water's edge. More specifically, speaking of the buffer, he further stated that:

"The trees and shrubs consist of an understory primarily of bush honeysuckle and an overstory of green ash, silver maple, black cherry, American elm, American sycamore and a few scattered eastern red cedar. The predominant tree species, (i.e. green ash) are being attacked by the exotic emerald ash borer and are in the process of dying. Nonnative invasive tree species including 'callery' pear and Siberian elm are starting to naturalize in this area of the reservoir... the riparian buffer area of The Peninsula will need to be thinned once the property is developed in order to remove any hazardous trees and nonnative invasive species. Native tree and shrub plantings to mitigate the loss of green ash and bush honeysuckle are further recommended."

The subject property does not extend to the water's edge; rather, Kentucky American Water's reservoir parcel continues to include an average of approximately 50-feet of land (ranging from just a few feet to 100 feet). This land does appear to allow for some fluctuation in the water level, but also has both invasive species as well as some trees that should be retained, according to Dr. Kimmerer and the Urban Forester. In addition, the FEMA 100-year floodplain extends onto the subject property in a number of locations, again varying in distance from just a few feet to 300 feet. A majority of the property boundary is impacted by the floodplain, and even those lots that appear to be located outside of the regulatory floodplain are still encumbered by a 25-foot floodplain setback, where structures are not allowed, but fences, play structures/trampolines, etc. would generally be permitted. The staff also met with Dr. Kimmerer, the Urban Forester, and the Environmental Planner this week to assess the need for a buffer along the water's edge.

Ultimately, following all of this review and discussion, the staff believes that the environmentally sensitive nature of the water's edge deserves protection beyond the typical "tree protection plan" associated with a final development plan. As stated previously, a buffer area should be considered to help protect the shoreline, reduce the risk of stormwater impacts to the reservoir, and help maintain a healthy ecosystem around one of Lexington's drinking water reservoirs. For this reason, a conditional zoning restriction for this buffer is recommended by the staff.

Third, the applicant has revised their development plan to include an extension of the Squires Trail (referred to in the Greenway Master Plan and Bicycle and Pedestrian Master Plan as the Easthills Trail) along the collector street extension of Squires Road. This is not proposed to be located adjacent to the lake front, as depicted in the Greenway Master Plan, but the applicant does offer a significant portion of a vital connection between the Squires Trail and Jacobson Park. Given the fact that Kentucky American Water does not want a single-loaded street along the reservoir for security reasons, and that the applicant also wishes to maximize the benefit of the water for their development, the staff does not recommend that a shared-use trail be placed along the water's edge and behind future single-family homes.

A revised development plan received this week by the staff also provides a revised street layout, removing one cul-de-sac and increasing the amount of street frontage for the school by about 650 feet. Throughout the review of this application, the staff believes that it is important to provide the best design around the neighborhood focal point, the school. Provided that the 20 acre site should be developed for a school, the staff would prefer that it be completely surrounded by streets in order to create an open campus, provide open space to the neighborhood, encourage children to walk to school, and eliminate the need for the school to fence their property. This concept is found in the 2013 Comprehensive Plan, which states that connectivity to schools is vital and developments should not "turn their backs" to a neighborhood focal point, such as a neighborhood center, school, park or trail system. This is a similar design as found at Lafayette High School, Morton Middle School, Cassidy Elementary School, and William Wells Brown Elementary (one of the district's newest elementary schools).

However, in its recommendation, the staff must consider balancing all of the concepts and interests exposed in the Comprehensive Plan. The staff is of the opinion that the housing mixture and density proposed are of most importance in meeting the goals and objectives of the Comprehensive Plan. Therefore, the staff makes a recommendation of approval to the Planning Commission on the zone change for this development.

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

1. The proposed Planned Neighborhood Residential (R-3) zone and High Density Apartment (R-4) zone is in substantial agreement with the 2013 Comprehensive Plan for the following reasons:
  - a. The Comprehensive Plan recommends *Growing Successful Neighborhoods* (Theme A, and Chapter 3), which encourages expanding housing choices that addresses the market needs for all of Lexington-Fayette County's residents (Goal #1b.); encourages infill, redevelopment and adaptive reuse that respects the area's context and design features (Goal #2a); and providing

well-designed neighborhoods, including neighborhoods that are connected for pedestrian and various modes of transportation (Goal #3 and #3b.). The petitioner has proposed a mixture of residential dwelling unit types, including single-family, townhouses and multi-family dwelling units to meet the needs of the community at a density of 7.11 units per net acre. The corollary development plan also depicts the connection of collector streets and a shared-use path (Easthills Trail) between the Squires Trail and Jacobson Park.

- b. The 2013 Plan recommends *Protecting the Environment* (Theme B and Chapter 4) by encouraging sustainable use of natural resources (Goal #2b.) and management of green infrastructure, which includes the protection of environmentally sensitive areas before development occurs. The petitioner has agreed to maintain a 25 foot buffer along the FEMA Special Flood Hazard Area (100-year floodplain) near the water's edge of Reservoir #4. This will protect the shoreline, reduce the risk of stormwater impacts to the reservoir, and help maintain a healthy ecosystem around one of Lexington's drinking water reservoirs.
  - c. The 2013 Plan recommends *Improving a Desirable Community* (Theme D and Chapter 6) by working to achieve an effective and comprehensive transportation system (Goal #1); providing for accessible community facilities and services to meet the health, safety and quality of life needs of residents and visitors (Theme D, Goal #2); and protecting and enhancing natural landscapes that give Lexington its unique identity and image (Theme D, Goal #3). The petitioner has worked to incorporate the planned share-use trail, preserve the aesthetic beauty of the area, and accommodate a Fayette County Public Schools middle school site. The school site will provide open space and serve as a focal point for the neighborhood.
  - d. The 2013 Plan recommends compact and contiguous development within the Urban Service Area (Theme E, Goal #1) and encourages development of vacant and underutilized parcels (Theme E, Goal #3), both of which are being met by the petitioner's proposal within the Urban Service Boundary.
2. This recommendation is made subject to approval and certification of PLN-MJDP-16-00040: The Peninsula, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
  3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following buffering restrictions are recommended for the subject property:
    - a. Along the boundary of the subject property which is shared with Kentucky American Water (Reservoir #4), there shall be a twenty-five (25) foot buffer area established from the 2014 FEMA D-FIRM Special Flood Hazard Area (coincident with the twenty-five (25) foot floodplain setback required by Article 19 of the Zoning Ordinance). Within the buffer area:
      - (1) accessory structures, fences and play structures shall be prohibited;
      - (2) existing trees with a 3" caliper, or greater, shall be preserved, except for dead, diseased, hazardous trees or invasive species. Trees meeting these criteria;
      - (3) may be removed only with the written consent of the Division of Environmental Services, if deemed to be necessary for the overall health of this environmentally sensitive area.

This buffer restriction is appropriate and necessary for the subject property in order to more fully protect the adjacent reservoir and to more fully implement the principles of the 2013 Comprehensive Plan.