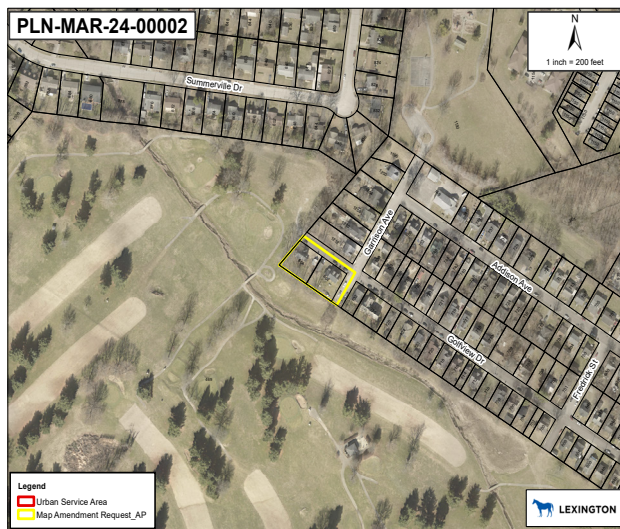


STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-24-00002: ANTHONY HUMPHRESS

DESCRIPTION OF ZONE CHANGE

Zone Change:	From a Single Family Residential (R-1C) zone To a Townhouse Residential (R-1T) zone
Acreage:	0.458 net (0.600 gross) acres
Location:	802 & 804 Golfview Drive



EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Properties	R-1C	Residential
To North	R-1C	Residential
To East	R-1C	Residential
To South	R-1C	Golf course
To West	R-1C	Golf course

URBAN SERVICE REPORT

Roads - The subject properties are located at the intersection of Golfview Drive and Garrison Avenue. Golfview Drive is a two-lane local road that stubs into the Picadome golf course west of the subject properties. Garrison Avenue is a small two lane local road that stubs into Picadome golf course to the west.

Curb/Gutter/Sidewalks - Curb and gutter facilities exist along both Golfview Drive and Garrison Avenue. Sidewalk facilities are present along the majority of Golfview Drive and Garrison Avenue; however, no sidewalks are present along either portion of the subject properties' road frontages.

Storm Sewers - The subject properties are located within the Wolf Run watershed. The surrounding areas have a history of flooding, and flood hazard areas are present in the southwest portion of the properties. Development on this parcel will require compliance with Article 19 of the Zoning Ordinance; and water quality will need to be addressed by the developer in accordance with the adopted Engineering Stormwater Manuals.

Sanitary Sewers - The subject properties are located within the Wolf Run sewershed, and are served by the Town Branch Wastewater Treatment Facility on Lisle Industrial Avenue.

Utilities - All utilities, including natural gas, electric, water, phone, cable television, and internet are available in the area.

Refuse - The Urban County Government serves this area with refuse collection on Thursday.

Police - The subject properties are located within and are served by the West Roll Call Center, located on Old Frankfort Pike, approximately 1.5 miles northwest of the subject properties.

Fire/Ambulance - Fire Station is #11 located approximately 1/2 of a mile south of the subject properties, on Harrodsburg Road.

Transit - Lextran Route #15 has a stop approximately 1/3 of a mile northeast of the subject properties, on Red Mile Road. Route #13 also has a stop on South Broadway, approximately 0.6 miles to the southeast.

Parks - The subject properties directly adjoin Picadome golf course, and are located 400 feet from Addison Park, to the north.

SUMMARY OF REQUEST

The applicant is seeking a zone change from the Single Family Residential (R-1C) zone to the Townhouse Residential (R-1T) zone in order to establish a townhouse development. In addition, the applicant is seeking a variance to reduce the required floodplain setback from 25 feet to 5 feet.

PLACE-TYPE

ENHANCED NEIGHBORHOOD
The Enhanced Neighborhood Place-Type is an existing residential area to be enhanced with additional amenities, housing types, and neighborhood serving retail, services, and employment options. Development should be context sensitive to surrounding areas and should add to the sense of place. Incorporating multi-modal connections is crucial to neighborhood success and viability.

DEVELOPMENT TYPE

LOW DENSITY RESIDENTIAL
Primary Land Use, Building Form, & Design
Primarily attached and detached single-family homes of varying formats, including accessory dwelling units. Homogeneous neighborhoods that do not include a mix of housing types should be avoided. Low density residential is only appropriate as a component of “Enhanced Neighborhoods” and “New Complete Neighborhoods”, and should be supplemented by a variety of uses and housing options to create sustainable places.
Transit Infrastructure & Connectivity
Multi-modal network connections, including connected streets, are required to keep an efficient transportation network that provides viable options for all users.
Quality of Life Components
These developments should include intentional open space designed to fit the needs of area residents, and be in walking distance of nearby neighborhood-serving commercial/employment uses.

PROPOSED ZONING



The intent of this zone is to provide for low density, single family residences, emphasizing the incorporation of attached single family dwellings (townhomes) and supporting uses. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population. Attached single family dwellings should be located along road frontage and should not adversely impact the associated pedestrian system. This zone should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan

PROPOSED USE



The petitioner is proposing the Townhouse Residential (R-1T) zone in order to construct a 10-unit attached townhome development, for a density of 21.83 units per acre. These structures are proposed to be three stories tall, with second and third floor rear decks. The applicant is proposing to create a rear parking area within the existing floodplain, with access from both Golfview Drive and Garrison Avenue.

APPLICANT & COMMUNITY ENGAGEMENT



The applicant has scheduled a meeting with the Golfview Neighborhood Association on February 7th, 2024 to discuss the proposal.

PROPERTY & ZONING HISTORY



The subject properties have been zoned Single Family Residential (R-1C) since before the comprehensive rezoning of the City and County in 1969. Both parcels contain single family residences that were constructed around 1946, as well as accessory garages.

COMPREHENSIVE PLAN COMPLIANCE



The 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.

GOALS, OBJECTIVES

The applicant opines that their proposal is in agreement with the Goals and Objectives of the 2045 Comprehensive Plan. They state that the proposed redevelopment will increase the residential density of the area, and introduce a new housing type in an area predominantly characterized with single-family detached development (Theme A, Goal #1.b; Theme A, Goal #2.b). By providing sidewalks and orienting the structures toward the roadway on Golfview Drive, the applicant opines that they are creating a better connected development that will encourage safe social interactions (Theme A, Goal #3.c). While staff agrees that these goals can be met at this location, there are several other Goals and Objectives of the Comprehensive Plan that the applicant should respond to:

Minimize disruption of natural features when building new communities (Theme A, Goal #3.c); Identify and assess potential climate change impacts, including but not limited to, temperature, precipitation, extreme weather, agriculture, and human health (Theme B, Goal #2.b).

The subject properties currently have portions of a special flood hazard area to the south, where they adjoin the stream on Picadome Golf Course. The special flood hazard areas on the subject properties were never developed; however, under the applicant's proposal, both paved vehicular use areas and dumpster facilities are proposed to be created within the floodplain. Additionally, the applicant is requesting a variance in order to build the structures within the required 25-foot floodplain setback. The applicant opines that the request will positively impact the environment by reducing carbon emissions through its proximity to transit stops; however, there is no discussion on the environmental impacts of adding impervious surface and dumpsters within floodplain. The applicant should address how these changes to the site are in agreement with goals and objectives relating to minimizing impacts to natural areas and managing the effects of climate change.

POLICIES

The applicant has identified several policies of the 2045 Comprehensive Plan that they opine are being met with this request. The applicant states that by locating the townhomes along the street frontage and locating parking to the rear the request will enhance the streetscape and create a more walkable environment (Theme A, Design Policy #5). The applicant further states that the request will provide additional variety in housing choice (Theme A, Design Policy #8), that will increase the density of the area in a context-sensitive manner (Theme A, Density Policy #2). By adding sidewalk facilities to the Golfview road frontage, the applicant also contends that they are improving the pedestrian system within the neighborhood (Theme A, Design Policy #1).



While staff agrees that these policies can be met with this request, there are several Comprehensive Plan Policies that the applicant should address:

Provide development that is sensitive to the surrounding context (Theme A, Design Policy #4); Conserve and protect environmentally sensitive areas, including sensitive natural habitats, greenways, and water bodies (Theme B, Protection Policy #2); Reduce and mitigate negative environmental impacts of impervious surfaces and vehicular use areas (Theme B, Sustainability Policy #4).

Within the applicant's letter of justification, there is no discussion on the environmental impact of the proposed development. The context of the floodplain and adjoining stream are not addressed, except when justifying the distance of the requested variance. The applicant should provide further information on how the proposed development would address the environmental features in the area, and how their development is meeting these sustainability and protection policies.

PLACE TYPE, DEVELOPMENT TYPE, AND ZONE

In an effort to allow for the greatest contextual development of Lexington's Urban Service Area, applicants are asked to identify a Place-Type based on the location of the subject properties. Within each Place-Type there are recommended Development Types based on the form and function of the proposed development. Based on the Place-Type and Development Type there are also several recommended zones that are most appropriate based on the Goals, Objectives, and Policies of the Comprehensive Plan. While these zones are the ideal zoning categories to develop within a specified area, other zones may be considered, provided there is an appropriate justification addressing the unique situation and provided the development is able to adequately meet the associated Development Criteria.

The applicant has indicated that the site is located within the Enhanced Neighborhood Place-Type, and is seeking to utilize the property as Low Density Residential Development Type. The property is located within an existing residential neighborhood, which the applicant is seeking to improve with additional housing units. Within the Enhanced Neighborhood Place-Type, the Low Density Residential Development Type is a recommended Development Type, and is in keeping with the scale of the detached single-family residential development in the area. The applicant's proposed Townhouse Residential (R-1T) zone is not a recommended zone for the chosen Place-Type and Development Type. The applicant should provide information that justifies the choice in zone.

DEVELOPMENT CRITERIA

The development criteria for a zone change are the distillation of the adopted Goals, Objectives, and Policies from the 2045 Comprehensive Plan. The development criteria for development represent the needs and desires of the Lexington-Fayette Urban County community in hopes of developing a better built environment. The applicable criteria are defined based on the proposed Place-Type and Development Type.

1. Land Use

Staff finds that the request meets the requirements for Land Use, as the request increases density by increasing the number of dwelling units present on the property (A-DN2-1), while providing for a more compact single-family attached housing type (A-DN4-1).

2. Transportation, Connectivity, and Walkability

Staff finds that this request meets the requirements for Transportation, Connectivity, and Walkability, as the proposed development provides sidewalk facilities that are not currently present (D-CO2-1), connects to the larger pedestrian network within the Golfview neighborhood (A-DS4-1), and uses the townhomes to reinforce the streetscape (A-DS5-2). Additional sidewalk improvements along Garrison Avenue will also benefit the site and meet the Subdivision Regulations.

3. Environmental Sustainability and Resiliency

The applicant should provide further information regarding the following development criteria for Environmental Sustainability and Resiliency:

B-PR2-1: Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site; B-RE5-1: Dividing floodplains into privately owned parcels with flood insurance should be avoided; B-PR9-1: Minimize grading and topsoil disturbance by utilizing the existing topography to the greatest extent possible and preserving key natural features; B-SU4-1: Development should minimize or mitigate impervious surfaces; B-RE5-3: Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them

The applicant's proposal and associated variance directly conflict with several environmental development criteria. These provisions call for minimizing the impact to environmentally sensitive areas, reducing the amount of grading and impervious surface, and creating additional buffers around these areas. The applicant's proposal includes paving portions of the floodplain, locating the dumpster within the floodplain, and reducing the setback from these areas to allow for development that is closer to the floodplain. Additionally, the proposal depicts future subdivision of the property, leaving floodplain on each parcel. The applicant should provide further information on how the proposal is meeting or addressing these elements.

4. Site Design

The request meets the requirements for Site Design, as the request orients parking to the rear of the structure (A-DS7-1), provides for clearly delineated private open space for each individual unit (A-EQ9-2), and increases connectivity by expanding the sidewalk network (A-EQ9-2).

5. Building Form

The request meets the requirements for Building Form, as the orientation of the structure maximizes connections to the surrounding area (A-DS5-3), and provides variety from the single-family detached residential development that characterizes this portion of Golfview Drive (A-DS8-1).

STAFF RECOMMENDS: **POSTPONEMENT**, FOR THE FOLLOWING REASONS:



1. The Townhouse Residential (R-1T) zone is not a recommended zone for the applicant's choice in Place-Type and Development Type. The applicant should provide a justification for the choice in zone.
2. The applicant should provide further information on how the following Goals, Objectives, and Policies of the 2045 Comprehensive Plan are being met with this request:
 - a. Minimize disruption of natural features when building new communities (Theme A, Goal #3.c)
 - b. Identify and assess potential climate change impacts, including but not limited to, temperature, precipitation, extreme weather, agriculture, and human health (Theme B, Goal #2.b).
 - c. Provide development that is sensitive to the surrounding context (Theme A, Design Policy #4)
 - d. Conserve and protect environmentally sensitive areas, including sensitive natural habitats, greenways, and water bodies (Theme B, Protection Policy #2).
 - e. Reduce and mitigate negative environmental impacts of impervious surfaces and vehicular use areas (Theme B, Sustainability Policy #4).
3. The applicant should provide further information on how the following Development Criteria of the 2045 Comprehensive Plan are being met with this request:
 - a. B-PR2-1: Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.
 - b. B-PR9-1: Minimize grading and topsoil disturbance by utilizing the existing topography to the greatest extent possible and preserving key natural features.
 - c. B-RE5-1: Dividing floodplains into privately owned parcels with flood insurance should be avoided.
 - d. B-SU4-1: Development should minimize or mitigate impervious surfaces.
 - e. B-RE5-3: Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them.

STAFF REPORT ON VARIANCE REQUEST



As part of their application, the petitioner is also seeking a dimensional variance to reduce the required building setback from the floodplain from twenty five (25) feet to five (5) feet.

Before any variance is granted, the Planning Commission must find the following:

- a. The granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Planning Commission shall consider whether:
 1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone.
 2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
 3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
- b. The Planning Commission shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

ZONING ORDINANCE

Article 6-4(c) states that the Planning Commission may hear and act upon requested variances associated with a zone change. In such cases, they may assume all of the powers and responsibilities of the Board of Adjustment, as defined in Article 7-6(b) of the Zoning Ordinance.

Article 19-7(g)4b states: “all lots which contain or adjoin a floodplain shall have a minimum building setback from the floodplain of twenty-five (25) feet depicted on the final record plan and on the final development plan. This building setback shall be measured horizontally from the edge of the floodplain and shall be applicable to all principal and accessory buildings on the lot.”

Article 15-5(a) states that covered porches, stairways, terraces or other similar features, the floor level of which is not over three (3) feet above the established grade and does not extend above the level of the first floor of the building, when open and unenclosed, may project into a required front, side or rear yard no more than eight (8) feet, provided that such covered porches, stairways, terraces, or other similar features conform to the provisions of Subsection (d) of this section.

CASE REVIEW

The applicant’s proposed townhome structures are three stories tall, with cantilevered rear decks provided on the second and third floors. While projections such as decks are typically allowed to partially encroach into required setbacks, the proposed decks do not meet the definition of a projection as they are located higher than three (3) feet off of the ground. As such, despite being cantilevered above the ground, the upper floor rear patios are considered a portion of the principal structure and are required to meet the 25-foot rear setback. Based on the proposed size of the townhouses, the decks will be located as close as 5 feet to the setback in the rear. In order to permit the structures as proposed, the applicant is seeking to reduce the required setback to five (5) feet.

The intent behind setbacks from the floodplain is to provide additional protection for the structures from more significant flood events, as well as provide a buffer for the health of these sensitive environmental areas. As the effects of climate change accumulate, and the severity and frequency of our weather systems increase, the areas considered to be special flood hazard areas will change. Variances from required setbacks from floodplains should be considered carefully, as areas outside of the current floodplain can become floodplain in the future. As such, it is important to ensure that structures will remain safe over their entire lifetime, and not just at the time of construction. As a part of the justification for the request, the applicant opines that the requested variance is appropriate, as the proposed townhomes are further from the floodplain than the single family residences present on the property today. However, the historic development pattern on the property does not change the risk associated with developing closer to the floodplain in the future.



The applicant opines that the required setback from the floodplains on the property limit their ability to develop the site, stating that meeting the setback would require unreasonably reducing the depth of the units. However, the floodplain does not equally limit the entire property. If ground floor private open space were provided instead of decks, units #1-8 could be constructed at the full 33-foot desired depth without requiring a variance. With the incorporation of second and third floor decks, units #1-8 could be built with a lesser variance of 15-feet instead of the requested 5 feet, as units #9 and 10 are significantly closer to the floodplain. The applicant should provide further information regarding the feasibility of altering the configuration or size of the townhomes in order to require a reduced variance, or no variance at all.

STAFF RECOMMENDS: POSTPONEMENT FOR THE FOLLOWING REASON:



1. The applicant should provide further information on the necessity of the requested variance, and the feasibility of adapting the design or size of the development in order to request a lesser variance, or no variance at all.