

**REVISED STAFF REPORT ON AMENDED PETITION FOR ZONE MAP AMENDMENT**

**MAR 2015-15: FLYING DUTCHMAN PROPERTIES, LLC (AMD.)**

**DESCRIPTION**

**Zone Change:** From a Single Family Residential (R-1C) Zone  
To a Planned Neighborhood Residential (R-3) Zone

**Acreage:** 0.654 net (0.754 gross) acre

**Location:** 509, 513 and 517 Pyke Road

**EXISTING ZONING & LAND USE**

<b><u>Properties</u></b>	<b><u>Zoning</u></b>	<b><u>Existing Land Use</u></b>
Subject Properties	R-1C	Single Family Residence & Vacant
To North	P-1	Professional Offices
To East	P-1 & R-1C	Professional Offices, Single Family Residential
To South	P-1 & R-1C	Professional Offices, Single Family Residential
To West	R-1C	Single Family Residential

**URBAN SERVICES REPORT**

**Roads** – South Broadway/Harrodsburg Road (US 68) is a five-lane major arterial roadway in this vicinity, and approximately 32,000 vehicles travel along this roadway daily. Pyke Road is a local street within the Gibson Park neighborhood that intersects South Broadway to the south of the subject properties. Devonshire Avenue is also a local street that intersects Pyke Road at the western corner of the site. Until recently, the Devonshire Avenue right-of-way continued along the northwestern boundary of 517 Pyke Road. It was closed by the Urban County Council in February 2015, and half of the roadway was transferred to the property owner in June 2015. Access to the residential development on the subject property is proposed from Pyke Road and the South Broadway corridor; however, access to/from Red Mile Road is also possible through the Gibson Park neighborhood.

**Curb/Gutter/Sidewalks** – Pyke Road and Devonshire Avenue have curb, gutter and sidewalk facilities, although some may be in disrepair.

**Storm Sewers** – The subject properties are located within the Wolf Run watershed. Storm sewers exist in this portion of the Urban Service Area, and will most likely be adequate to handle the proposed density increase at this location. Additional storm water facilities to address water quality issues may be required by the LFUCG Engineering Stormwater Manuals. There is no FEMA special flood hazard area, nor are there any known stormwater issues on the site currently.

**Sanitary Sewers** – The subject properties are located within the Wolf Run sewershed, which is served by the Town Branch Sewage Treatment Facility, located on Old Frankfort Pike, east of New Circle Road. Sanitary sewer capacity will need to be verified prior to certification of a final development plan for the townhouse development proposed at this location.

**Refuse** – The Urban County Government serves this area with refuse collection on Mondays. However, supplemental service may be required to serve the needs of the proposed residential land use. This can be accomplished by contracting with private refuse haulers, if desired.

**Police** – The subject properties are located within the West Sector and are served by the West Sector Roll Call Center, located on Old Frankfort Pike, approximately 2½ miles to the northwest of the subject properties.

**Fire/Ambulance** – The nearest fire station (#11) is located less than one mile to the southwest on Harrodsburg Road between St. Joseph Hospital and Picadome Elementary School.

Utilities – All utilities, including gas, electric, water, phone, and cable TV are available in the area and could be extended, as necessary, to serve the proposed redevelopment of 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 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 to the Comprehensive Plan mission statement, the Goals and Objectives of the Plan also encourage growing successful neighborhoods (Theme A), and maintaining a balance between planning for urban uses and safeguarding rural land (Theme E).

The petitioner proposes to retain the existing residence on the subject property, and develop a new duplex or townhouses on either side, with associated off-street parking.

### **CASE REVIEW**

The petitioner has amended their application to now requested a zone change from a Single Family Residential (R-1C) zone to a Planned Neighborhood Residential (R-3) zone. In June, they originally requested a zone change from a Single Family Residential (R-1C) zone to a Townhouse Residential (R-1T) zone for three parcels at the northern end of Pyke Road where it meets Devonshire Avenue.

The subject properties are located west of South Broadway and south of Red Mile Road within the Golf View Estates neighborhood (aka Gibson Park subdivision). The site is comprised of three parcels and half of the former right-of-way of Devonshire Avenue. It is currently the site of one single-family residence, which is located in the center of the property. The amendment to the application has been filed recently, because the applicant now wished to retain the existing dwelling, and develop new residential housing units (either two duplexes or townhouses) on either side of the existing dwelling. Retaining the existing house, which is said to be in good condition, significantly narrows the developable area for the new units.

The South Broadway/Harrodsburg Road and the Red Mile Road corridors have been utilized for multi-family residential land use for many years, but changes over the last 10 years have added a significant number of new dwelling units to this area of the Urban County. South Broadway, near its intersection with Pyke Road, is commercial in nature (with a predominance of B-1 and B-3 zoning), while the Red Mile Road corridor nearest to the subject properties is predominantly professional offices (with P-1 zoning) and multi-family residential land uses. The Golf View Estates neighborhood, an established single-family neighborhood, is generally located between Red Mile Road, South Broadway and the Gay Brewer-Picadome Golf Course. Currently, the subject properties are zoned consistently with the existing residential neighborhood (R-1C zoning).

The applicant proposes the rezoning in order to develop an 8-unit townhouse project (attached single-family residences), with 16 bedrooms. This reflects a density of 12.23 dwelling units per net acre for the subject properties. The corollary development plan depicts the units fronting onto Pyke Road, with associated off-street parking located to the rear of the development.

The 2013 Comprehensive Plan has several goals and objectives that are relevant to the request for rezoning and the proposed redevelopment from both Theme A "Growing Successful Neighborhoods" and Theme E "Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land." The Plan recommends expanding housing choices, with emphasis on mixed use and higher density development in certain situations to address a variety of community needs (Theme A, Goals #1b. and #1d.). It also recommends supporting infill and redevelopment as a strategic component of growth, with focus on context sensitive design (Theme A, Goal #2a.), and providing well-designed neighborhoods through mixed use and mixed-type housing (Theme A, Goal #3a.). The Plan also encourages the utilization of underutilized land (Theme E, Goal #1a.) and building in a compact, contiguous, and/or sustainable manner (Theme E, Goal #1b).

The petitioner opines that the amended zone change application is even more “context sensitive” to the existing neighborhood, since the existing house at 507 Pyke Road will be retained, and not demolished. They also contend that their zone map amendment request remains in compliance with the 2013 Comprehensive Plan; in particular, the goals and objective statements cited above. They also note that their application is aligned with the vision articulated in the Comprehensive Plan for “single/small lot infill” projects, and they are utilizing two vacant lots (considered “found” lots) which are currently underutilized.

The staff agrees and finds that, although the proposed infill project does represent a modest increase in residential density for the neighborhood, it is situated such that it is located adjacent to professional office land use. Thus, the new units will create a more complete land use buffer between the neighborhood’s single family residences and more intense (commercial) uses located along Red Mile Road.

Conditional zoning restrictions have been offered by the petitioner, for this amended application, to limit the allowable uses of an R-3 zoned subject property, in order to better protect the existing neighborhood and to prevent the most intensive uses that might be out of character with the existing residences.

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

1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2013 Comprehensive Plan, as follows:
  - 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 a townhouse style development of 8 dwelling units, which creates a variety of housing types in the immediate area that complement the existing 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). The petitioner proposes to increase the density of the subject properties, as compared to the surrounding area, to 12.23 dwelling units per net acre.
  - c. The Goals and Objectives recommend identifying areas of opportunity for infill development that respects the area’s context and design features (Theme A, Goal #2a). The applicant plans to maintain a similar front yard setback, and provide off-street parking in the rear of the development, which will better match the existing character of the neighborhood.
  - d. The Goals and Objectives also encourage the use of underutilized land (Theme E, Goal #1a.) and building in a compact, contiguous, and/or sustainable manner (Theme E, Goal #1b.) The proposed development is well aligned with the vision articulated in the Comprehensive Plan for “single/small lot infill” projects, and is using two vacant lots that are considered underutilized in this urban context.
2. This recommendation is made subject to approval and certification of ZDP 2015-63: Gibson Park Subdivision, Block B, 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 uses shall be prohibited for the subject property:
  - a. Multi-family dwellings.
  - b. Dormitories.
  - c. Boarding or lodging houses.
  - d. Assisted living facilities.
  - e. Community residences.

These limitations are appropriate and necessary to better protect the existing neighborhood and to prevent the most intensive uses that might be out of character with the existing residents of the area.