

9. **RICKETTS PROPERTIES, LLC, ZONE MAP AMENDMENT & CRESTVIEW SUBDIVISION, UNIT 1-B, LOT 16, ZONING DEVELOPMENT PLAN**

- a. 2016-14: RICKETTS PROPERTIES, LLC (6/5/16)* – petition for a zone map amendment from an Agricultural Urban (A-U) zone to a High Density Apartment (R-4) zone, for 0.37 net (0.72 gross) acre, for property located at 300 Lindenhurst Drive.

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. The Plan also encourages infill, redevelopment and adaptive reuse that respects the area's context and design features (Theme A, Goal #2a), supports compact and contiguous development within the Urban Service Area (Theme E, Goal #16) and encourages development of vacant and underutilized parcels (Theme E, Goal #3).

The petitioner proposes a High Density Apartment (R-4) zone for the subject property in order to construct three 3-story apartment buildings with 72 dwelling units (120 bedrooms), yielding an overall residential density of 29.27 dwelling units per net acre.

The Zoning Committee Recommended: Approval, for the reasons provided by staff.

The Staff Recommends: Approval, for the following reasons:

1. The requested High Density Apartment (R-4) zone is in agreement with the 2013 Comprehensive Plan, as follows:
 - a. The Plan's Goals and Objectives recommend growing successful neighborhoods through expanded housing choices that address the market needs for all residents (Theme A, Goal #1, Obj. b.). The petitioner proposes an apartment development with 48 two-bedroom and 24 one-bedroom dwelling units, which should create a variety of new dwelling unit types in the immediate area that is expected to 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 this parcel, as compared to the surrounding area, to 29.27 dwelling units per net acre.
 - c. The Goals and Objectives recommend identifying areas of opportunity for infill development that respect the area's context and design features (Theme A, Goal #2, Obj. a). The construction of additional apartments is consistent with the R-4 developments in the area and respects the existing character of the immediate area.
 - d. The proposed High Density Apartment (R-4) zone is compatible with the remainder of the property, as well as the adjacent land to the northwest of the subject property. Allowing the parcel to be in one zoning category will also permit a more consistent pattern of land use at this location.
 2. This recommendation is made subject to approval and certification of ZDP 2016-47: Crestview Subdivision, Unit 1-B, Lot 16 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. ZDP 2016-47: CRESTVIEW SUBDIVISION, UNIT 1-B, LOT 16 (6/5/16)* - located at 300 Lindenhurst Drive.
(Vision Engineering)

Note: The purpose of this amendment is to depict three apartment buildings and their associated parking.

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

1. Provided the Urban County Council rezones the property R-4; 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. Addition of stormwater management note.
6. Provide appropriate note involving right-of-way (20' turn radius) dedication at corner of Yorkshire Boulevard and Palumbo Drive.
7. Discuss on-site detention or off-site detention location.
8. Discuss parking in 20' setback and potential variance prior to street extension along southern property line.

Zoning Presentation: Ms. Wade oriented the Planning Commission to the site and presented the staff report. The subject property is located at Palumbo Drive and Lindenhurst Drive, with Yorkshire Boulevard right-of-way located to the east. Ms. Wade displayed a map indicating the existing zoning near property. Lakeside Golf Course is located to the south, as is the White property. Ashland Oil and Steeplechase Apartments are situated to the southwest and north, respectively. A majority of the subject site is currently zoned R-4; across Lindenhurst Drive is R-4 zoning; and across Palumbo Drive is P-

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

1 zoning. The corner of Richmond Road and Man-O-War Boulevard is also P-1 zoning, and Palumbo Drive to the east is high density residential.

The petitioner is proposing to rezone the front portion of the property, which is currently vacant, from an A-U to to an R-4 zone. They would like to construct three apartment buildings for a total of 72 dwelling units. The petitioner contends that it is in agreement with the Comprehensive Plan and that the proposed zone is appropriate and the current A-U zone is inappropriate. This property is very small (3/4 of an acre), and A-U parcels are generally a holding zone for future urban development. There are urban services in this vicinity and agricultural use is very unlikely in this area or on the small site. The staff does believe that the requested zone change is in agreement with the Comprehensive Plan and compatible with adjoining areas. The staff and the Zoning Committee both recommended approval of the proposed rezoning to an R-4 zone.

Development Plan Presentation: Mr. Hunter presented the development plan. The Subdivision Committee recommended the associated zoning development plan for approval. The staff had also met with the petitioner to discuss the location of the detention, if it was to be on site or offsite, because it is not noted on the map. The staff also discussed with the applicant the provision of parking within the 20-foot setback line. The petitioner will need to request a variance for parking to be allowed in the front yard since it is not permissible for this type of zone. Mr. Hunter asked the Planning Commission to note the revised conditions on the pink handout.

Petitioner Presentation: Matt Carter, Vision Engineering, stated that the applicant was in agreement with the recommended conditions.

Citizen Opposition: Beverly White-Cox, whose family owns 3515 Richmond Road, the adjacent property, was present. In the 95 years their business has been on Richmond Road they haven't objected to any projects; but they are opposing the density, not the apartments, which are proposed to be three stories in height in a neighborhood of one-story buildings. They believe that it will be too dense and too tall for the neighborhood. They are not opposed to two-story buildings, but they are opposed to three-story building because it will be too much parking and could be a "nightmare" for their property if they ever develop. Ms. White-Cox opined that this project does not meet the goal of development to complement the existing neighborhood or respect the character of the existing area.

Ms. White-Cox is also concerned about the retention basin, because they don't want flooding in their back field. Ms. White-Cox also stated that when developing adjacent to a farm, the requirements are to install a 6' diamond mesh fence along the property boundary; she wants to see this in the conditions of approval.

Joann Heckman, representing Steeplechase Apartments, expressed the same concerns as Ms. White-Cox, but her primary concern is the possible increased parking on Lindenhurst Drive. She also expressed concern that the proposed development would have no amenities; therefore, residents will be more likely to try to use the Steeplechase facilities.

Petitioner Rebuttal: Matt Carter stated that their request is in conformance with the Zoning Ordinance. If the variance becomes necessary, for parking along the right-of-way of Yorkshire Boulevard, the petitioner will likely eliminate some units so it will not be needed. The detention will be provided according to regulations. Most likely the detention will be under the parking lot, due to the limited amount of land available.

Commission Questions: Mr. Penn asked if this is a final development plan; Mr. Carter replied that it is not. Mr. Penn asked if the fencing will be addressed on the final development plan. Ms. Wade responded that the fencing requirement next to an agricultural use is a Subdivision Regulation. Since the petitioner isn't subdividing the land, it is not required; however, the Planning Commission can require fencing along the agricultural shared property line with the White Property. The staff, however, wants to ensure that the fence is not within the right-of-way

Mr. Owens asked Mr. Carter what his feelings are on density and the three vs. two-story buildings. Mr. Carter replied that he would like to stay with three-story buildings. He stated that they need to maximize the use of the land; this is the opportunity to make it as dense as possible.

Ms. Wade asked Mr. Carter to consider if the development does need to lose units because of the parking being within the setback, if they could consider that reduction near the White property. Mr. Carter replied that he does not know which buildings would be impacted.

Ms. White-Cox had a question about the parking lot and the setback. Ms. Wade showed her the location of the proposed parking, and its proximity right-of-way for the continuation of Yorkshire Boulevard; the petitioner needs to meet the setback for the building and their parking. Some parking spaces encroach in their setback so they need to either request a variance, remove the parking, or relocate it. If they need to remove parking, they will have to reduce the number of units.

Mr. Owens commented that the approval of the zone would allow for a three-story building, but it would also allow for a two-story building, and could be changed at the final development plan stage.

Chairman's Comments – Chairman Owens stated that hearing was now "closed," and he opened the floor for discussion or a motion

Zoning Action: A motion was made by Mr. Wilson, seconded by Ms. Richardson, and carried 8-3 (Berkley, Drake, and Smith absent, to approve MAR 2016-14: RICKETTS PROPERTIES, LLC, for the reasons provided by staff.

Development Plan Action: A motion was made by Mr. Wilson, seconded by Ms. Mundy, and carried 8-0 (Berkley, Drake, and Smith absent) to approve ZDP 2016-47, adding a new condition to require fencing along the boundary with the agricultural property.

