

SUPPLEMENTAL STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-22-00016 REALTY UNLIMITED BLUE GRASS, LLC (AMD)



STAFF REVIEW

In 2022, the applicant opted to postpone their zone change request for the property located at 940 Higbee Mill Road. In September of 2024, the applicant re-activated the request, revised the acreage for the rezoning, submitted a revised development plan, and provided an updated letter of justification.

The applicant's shift in gross acreage from the initial request, from 0.836 gross acres to 0.756 gross acres, reflects the removal of portions of remnant Higbee Mill Road right-of-way that belongs to the adjoining property owners.

This change in acreage also necessitated a change in the applicant's proposed access design, which previously utilized portions of the remnant right-of-way for access to the site. The updated design no longer encroaches into these areas; however, it appears that the proposed radius of the new cul-de-sac does not meet the minimum requirements for a public road. The applicant's revised development plan still details seven (7) townhome units accessed from this cul-de-sac; however, the frontages of the units are located at a more uniform depth than the previous design, which staggered each unit vertically. It does not appear that the proposed townhome configuration meets the required side yard setbacks for the R-1T zone. While the applicant has the ability to request variances from required setbacks within the process of applying for a zone change, the applicant has opted not to request relief from those provisions at this time.

The applicant's revised letter of justification provides an overview of the history of the project, describes their proposal, speaks to the design of the townhome units, and opines that the request will intensify the site and provide a denser residential product.

DEVELOPMENT CRITERIA

The initial staff report recommended Postponement, and identified a number of Development Criteria for the request that warranted further discussion. The applicant initially filed their application under the 2018 Comprehensive Plan before postponing, and so the plan is being evaluated using the Development Criteria that were applicable at the time. Staff would like to note that these criteria were largely unchanged with the adoption of the 2045 Comprehensive Plan.

A-DS5-3: Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.

The initial design for the access and parking areas featured front yards that were entirely paved with impervious surface and vehicular use area, and did not provide for any pedestrian connections to the neighborhood. While some green space has since been added, the applicant's revised design is still characterized by parking within the front yard area, and the applicant appears to exceed the maximum amount of impervious surface allowed by ordinance in the front yard area (60%). The applicant should provide information regarding the feasibility of locating parking to the rear of the units, which would allow for buildings oriented towards the streetscape, and reduce the need for impervious surface in the front yard area.

B-SU11-1: Green infrastructure should be implemented in new development. (E-GR3).

The applicant has not provided any information regarding green infrastructure on the site.



C-PS10-3: Over-parking of new developments should be avoided. (B-SU5)

In the time since the application was submitted in 2022, minimum parking requirements have been eliminated; however the applicant should examine alternate configurations for the parking areas so that the residential use is the primary focal point of the site.

D-PL71: Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.

The applicant has still not provided any information regarding their public outreach efforts.

A-DS5-2: Roadways should provide a vertical edge, such as trees and buildings; B-RE1-1: Developments should incorporate street trees to create a walkable streetscape.

The applicant's plan at this time does not utilize buildings or landscaping to provide a vertical edge along the roadway. The applicant's revised plan appears to show green space on each lot where trees near the roadway could be provided; however, there is no such notation provided on the plan.

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



1. The applicant should review potential locations for street trees along the frontage of the subject property (Theme B, Restoration Policy #1).
2. The zone change application for the subject property, as proposed, does not completely address the development criteria for a zone change within the Enhanced Neighborhood Place-Type, and the Low Density Residential Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. A-DS5-3: Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
 - b. B-SU11-1: Green infrastructure should be implemented in new development. (E-GR3)
 - c. D-PL7-1: Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
 - d. A-DS5-2: Roadways should provide a vertical edge, such as trees and buildings.
 - e. B-RE1-1: Developments should incorporate street trees to create a walkable streetscape.
3. The proposal does not meet the required side yard setbacks for the R-1T zone, and appears to exceed the maximum amount of paving within the front yard areas, which may indicate that the proposed zone or the proposed density is not appropriate for the project.