

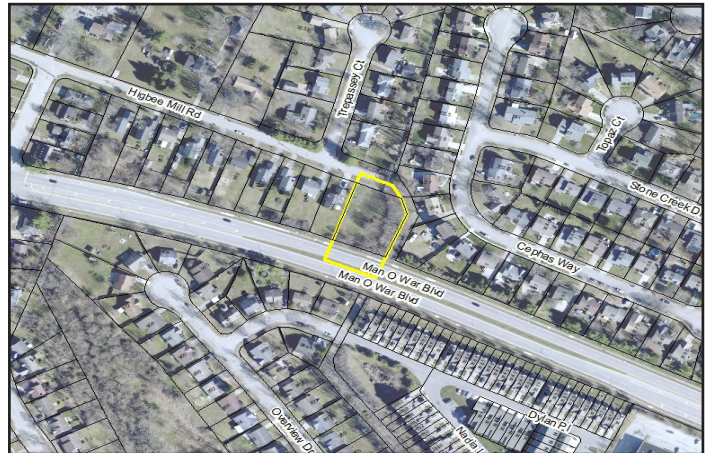
# STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-22-00016: REALTY UNLIMITED BLUE GRASS, LLC

## DESCRIPTION OF ZONE CHANGE

Zone	From a Single Family Residential (R-1C) zone
Change:	To a Townhouse Residential (R-1T) zone
Acreage:	0.520 net (0.836 gross) acres
Location:	940 Higbee Mill Road

## EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	R-1C	Vacant
To North	R-1C	Single Family Residential
To East	R-1D	Single Family Residential
To South	R-3	Single Family Residential
To West	R-1C	Single Family Residential



## URBAN SERVICE REPORT

**Roads** - The subject property is located at the end of Higbee Mill Road. Historically, Higbee Mill Road extended between Bowman Mill Road and just east of Nicholasville Road. The portion of Higbee Mill Road east of the subject property was closed during the construction of Man O War Boulevard in 1986, creating a remnant portion of right-of-way and dead end termination of Higbee Mill Road. Any proposed development at the end of Higbee Mill Road must properly terminate the roadway. The abutting half of the remnant right-of-way has been claimed by the applicant, but has not been claimed by the property owners located to the east of the subject property, has with Cephias Way address.

**Curb/Gutter/Sidewalks** - This portion of Higbee Mill Road was constructed with curb, gutter and sidewalks; however, the improvements do not extend to the eastern most portion of the property. Curb, gutter and sidewalks must be extended along the frontage of the property.

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

**Storm Sewers** - The subject property is located within the South Elkhorn Creek watershed. This area is part of a larger drainage system that flows into the Waveland Museum Tributary of the South Elkhorn Creek. Storm sewers do exist to serve the subject property along the frontage. There are no FEMA Special Flood Hazard Areas or known flooding issues in the immediate area.

**Sanitary Sewers** - The subject property is located in the South Elkhorn sewer shed. The property is served by the West Hickman Wastewater Treatment facility located southeast of the subject property in Jessamine County. Sanitary sewer capacity will need to be verified by the Capacity Assurance Program (CAP) prior to certification of the final development plan.

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

**Police** - The closest police station to the subject property is the East Sector Roll Call Center, located off Centre Parkway in the Gainesway area, approximately 5 miles to the northeast of the property.

**Fire/Ambulance** - Fire Station #27 has been proposed for the area near Man O War Boulevard and Nicholasville Road, and would be the nearest station to the subject properties. Fire Station #15 is located approximately 2½ miles to the northeast of the site in Shillito Park along Reynolds Road.

**Transit** - LexTran service is not available within the immediate area of the subject property.

**Parks** - Higbee Mill Park is located less than one mile walking distance west of the subject property. Shillito Park is also located within proximity of the property, approximate one and a half (1.5) miles to the east of the subject property.

## SUMMARY OF REQUEST

The applicant is seeking to rezone the subject property from a Single Family Residential (R-1C) zone to the Townhouse Residential (R-1T) zone in an effort to construct seven (7) attached single family dwelling units.

## 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 Lifer 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



This zone is intended to provide for attached single-family dwellings and supporting uses. This zone should be at locations and at the density (units/acre) recommended by the Comprehensive Plan and in areas of the community where necessary services and facilities will be adequate to serve the anticipated population.

## PROPOSED USE



The petitioner proposes the rezoning of the subject properties to the Townhouse Residential (R-1T) zone to allow the infill of the subject property with single family residential. The applicant is seeking to construct seven (7) single family attached dwelling units at a density of 13.5 dwelling unit per net acre.

## APPLICANT & COMMUNITY ENGAGEMENT



The applicant has not provided information related to any public engagement for the proposed zone change.

## PROPERTY & ZONING HISTORY



The subject property was initially rezoned from Agricultural District (A-1) to the Agricultural Urban (A-U) zone in 1969 during the comprehensive rezoning of the City and the County. The area experienced little development until the expansion of Man O War Boulevard in 1986. The portion of Higbee Mill Road just east of the subject property was closed during the construction of Man O War Boulevard, creating a remnant portion of right-of-way and improperly terminating Higbee Mill Road. The areas surrounding the property developed to provide a variety of single family dwelling units with a blend of Single Family Residential (R-1B, R-1C, R-1D), Townhouse Residential (R-1T), and Planned Neighborhood Residential (R-3) zoning. Review of the property’s history indicates that there has not been any construction on site and the property has been vacant since its inclusion in the Urban Service Area.

## COMPREHENSIVE PLAN COMPLIANCE



The 2018 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 & POLICIES

The applicant opines that they are in agreement with the adopted Goals, Objectives, and Policies of the 2018 Comprehensive Plan. The applicant indicates that the proposed project will encourage expanding housing choices (Theme A, Goal #1) by including a different form of housing type in an area that is primarily single family detached dwelling units. The applicant opines that the housing will support infill and redevelopment (Theme A, Goal #2), and will accommodate the demand for housing in Lexington responsibly, prioritizing higher-density residential and a mixture of housing types (Theme A, Goal #1.b). Staff agrees that these Goals, and Objectives of the 2018 Comprehensive can be met with the proposed rezoning of the subject property. However, staff is concerned with the potential walkability of the site (Theme A, Design Policy #5) and the need for street trees along the frontage of the subject property (Theme B, Restoration Policy #1). The applicant is currently depicting a development without sidewalk connections to the established facilities, nor are they showing areas that would allow for the placement of street trees.

### 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 property. 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 2018 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 indicates that the project is located within the Enhanced Neighborhood Place-Type and is a Low Density Residential Development Type. 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. Primarily attached and detached single-family homes of varying formats, including accessory dwelling units. This Development Type should avoid homogeneous neighborhoods and should be supplemented by a variety of uses and housing options to create sustainable places. The staff agrees that the subject properties are located within an established neighborhood and the proposed development would provide another housing form within an area that is primarily single family detached in nature. The staff agrees that the Enhanced Neighborhood Place-Type and the Low Density Residential Development Type are appropriate.

When reviewing the appropriate zone for the Enhanced Neighborhood Place-Type and the Low Density Residential Development Type, the Townhouse Residential (R-1T) zone is not a recommended zone. However, the Comprehensive Plan indicates that an applicant can consider other zones that would be more appropriate based on the characteristics of an area. The applicant indicates that this R-1T zone would allow them to build single family residential, but at a density the provides housing choice and a transition between differing categories of single family zoning. Despite this statement, the applicant also indicates that the multi-family residential in the form of a three story structure would be more appropriate. This form of structure would not be allowable in the R-1T zone and has not been applied for with this application.

### DEVELOPMENT CRITERIA

The development criteria for a zone change are the distillation of the adopted Goals and Objectives, as well as the policies put forth in the 2018 Comprehensive Plan. The development criteria 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 Corridor Place-Type and Medium Density Non-Residential / Mixed-Use Development Type.



While the applicant has addressed some of the Development Criteria, there are areas of concern as to how the applicant has applied or not applied the development criteria. The following criteria should be further described by the applicant to demonstrate how they are in agreement with the Comprehensive Plan.

1. Site Design, Building Form and Location

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

*A-DS7-1 Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.*

The proposed project includes some pedestrian access from Higbee Mill Road to the proposed units, but these facilities are disjointed from the established sidewalk facilities. Additionally, the applicant has provided a significant focus on the construction of parking in the front yard. The inclusion of parking in the front yard is not allowed and the paving of greater than fifty (50%) percent of the front yard is also not allowed per the LFUCG Zoning Ordinance. The Comprehensive Plan pushes for a greater influence of residential development on the street, minimizing the impact of vehicular use areas on public right-of-way. The applicant should seek to provide adequate parking, while also meeting the Policies of the Comprehensive Plan and the regulations of the Zoning Ordinance.

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

Development Criteria are focused on implementation with new development and how it will impact the surrounding developments. The applicant should consider ways to include green infrastructure that would lessen the impact of stormwater runoff.

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

The applicant should clarify the need for the quantity of spaces, while also seeking to alleviate the impact of parking on the public right-of-way. The applicant is depicting two parking spaces in the front yard, where only one is required. Additionally, the applicant has preferred the placement of parking in the front yard without adequate connections to pedestrian facilities and without a proper termination of the public right-of-way.

*D-PL7-1 Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.*

The applicant has not described the outreach conducted with adjacent members of the public or with interested stakeholders.

2. Transportation and Pedestrian

*A-DS5-2 Roadways should provide a vertical edge, such as trees and buildings.*

The applicant has depicted a single family development with parking in the front yard of the property. The pedestrian facilities should be further reviewed and the placement of street trees should be incorporated either in the public right-of-way or within the front yard of the property.

3. Greenspace and Environmental Health

*B-RE1-1 Developments should incorporate street trees to create a walkable streetscape.*

The applicant is proposing to shift the location of pedestrian facilities back into the property, near the front entrance of each unit. The applicant should review where street trees will be placed on site and how this can create a walkable streetscape, transitioning from the established neighborhood into the proposed development.

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



1. The applicant should review potential connections to the established pedestrian facilities (Theme A, Design Policy #5) and the need 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. A-DS7-1: Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
  - c. B-SU11-1: Green infrastructure should be implemented in new development. (E-GR3)
  - d. C-PS10-3: Over-parking of new developments should be avoided. (B-SU5)
  - e. D-PL7-1 Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
  - f. A-DS5-2: Roadways should provide a vertical edge, such as trees and buildings.
  - g. B-RE1-1: Developments should incorporate street trees to create a walkable streetscape.