

SUPPLEMENTAL STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-24-00017: ROSE HOLDINGS-LEXINGTON, LLC



STAFF REVIEW

In the period following the November Subdivision and Zoning Committee meetings, the applicant met with staff to discuss the concerns described within the initial staff report and the comments received during the committee meetings. Since that time, the applicant has submitted updated application materials, including a revised development plan and a revised supplemental letter of justification.

The revisions to the proposed development plan includes the continuation of the mapped 2014 FEMA floodplain with a calculated floodplain. The applicants' initial proposal was to create twenty-five (25) lots for a detached single-family residential development. The applicant has revised their proposal to thirty (30) lots with one (1) lot to be designated as stormwater management/open space (Lot 21). On the development plan this area has been designated as "stormwater detention basin" with the "wetland water quality area with riparian planting". Within this area, the applicant has also indicated an existing spring called "Whilite Spring" is present. The previous iteration of the plan featured two roadway crossings of the floodplain, which have been reduced to a single crossing under this request. The revised development indicates that Lots 5, 6, 22, 23, 24, 25, 26, and 27 are impacted by the current extent of the floodplain, and will be designated as non-buildable lots until all applicable federal, state, and local permits are obtained to alter the floodplain. This would leave twenty-two (22) lots as buildable without altering the floodplain.

Additionally, the applicant held another public meeting on 5/19/2025 to discuss the revisions to the proposal. The applicant expressed in their supplemental justification that property owners located within 2,000 feet were invited to attend. The applicant stated the same concerns from residents regarding stormwater management, the current volume of traffic and the proposed density's potential adverse impact on Parkers Mill Road.

COMPREHENSIVE PLAN GOALS AND OBJECTIVES

In the initial staff report, staff requested that the applicant demonstrate how they were in agreement with the following Goals and Objectives of the Comprehensive Plan:

Theme B, Protection Policy #2: Conserve and protect environmentally sensitive areas, including sensitive natural habitats, greenways, wetlands and water bodies; Theme B, Protection Policy #9: Respect the geographic context of natural land, encourage development to protect steep slopes, and locate building structures to reduce unnecessary earth disruption.

After the preliminary proposal, staff detailed concerns regarding the unmapped floodplain areas that appeared to continue past the mapped 2014 FEMA floodplain. Staff requested that a flood study be conducted to identify the full extent of the floodplain on the subject property. After a meeting with the Divisions of Engineering, Planning, and Water Quality, the applicant went through several revisions and conducted a floodplain study to determine the extent of the unmapped floodplain. Those areas have been noted on the plan, and the revised plan results in better protection of an environmentally sensitive emergent wetland by removing a roadway through the area and incorporating a riparian planting, which will improve the water quality of the stream and floodplain area. The applicant stated that the entire tree canopy of the development will be 30%, per the Ordinance, with additional trees in other locations as the property is developed.

Theme D, Goal #3.b: Incentivize the renovation, restoration, development and maintenance of historic residential and commercial structures; Theme D, Goal #3.c: Develop incentives to retain, restore, preserve and continue use of historic resources such as historic sites, rural settlements and urban and rural neighborhoods; Theme D, Growth Policy #5: Identify and preserve Lexington's historic assets, while minimizing unsubstantiated calls for preservation that can hinder the city's future growth.



Under the initial proposal, staff voiced concerns regarding the relationship between the proposal and the historic single-family residential structure that was located on the property that was certified with the local Bluegrass Historical Trust. Staff indicated in the pre-application meeting as well as the staff report that greater information was necessary regarding its condition, habitability, and opportunities for reuse for the structure. Shortly after the staff report was released, the applicant disclosed at the November Subdivision and Zoning Committee meetings that they had demolished the historic home. The applicant opined that the house was in a poor condition and was structurally substandard. The applicant stated that the house had undergone additions over the years that substantially diminished its historical significance. They opine that after an intensive investigation on the cost to repair that it was too expensive to justifiably repair it.

Theme D Goal #1.a: Implement the Complete Streets Policy, prioritizing a pedestrian-first design that also accommodates the needs of bicycles, transit, and other vehicles; Theme D, Connectivity Policy #2: Create multi-modal streets that satisfy all user needs and provide equitable multi-modal access for those who do not drive due to age, disability, expense, or choice.

In the initial plan, the proposal included interior sidewalks to serve the development but did not depict any facilities along the Parker Mill Road frontage. Staff highlighted that dedicated pedestrian facilities were necessary to promote connectivity to nearby parks, amenities, and neighborhoods. The revised development plan details a five (5) foot sidewalk that will connect the proposed properties within the development to the proposed future right-of-way for Parkers Mill Road. The roadway improvements proposed along Parkers Mill Road will also provide pedestrian facilities that will now connect with this development.

COMPREHENSIVE PLAN POLICIES

In addition, staff requested that the applicant respond to several Comprehensive Plan Policies.

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Protection policy #7: Protect the urban forest and significant tree canopies.

The applicant indicated that they had hosted a site visit with the Urban Forester earlier in 2024 to discuss potential development of the site. Later that same year, the Urban County Council adopted a Zoning Ordinance Text Amendment to Article 26 of the Zoning Ordinance relating to tree preservation that significantly changed the threshold for a tree being considered significant. At the initial stages of the application, the applicant submitted a tree inventory map detailing 84 trees present on the property, all but three of which met the size requirement to be considered significant based on the current ordinance. Just prior to the November Zoning Committee, the applicant conducted significant site work, including



the demolition of the existing home, site grading, and the removal of the majority of the trees on the site.

The applicant incorrectly notes in their letter of justification that only two significant trees were impacted with the site-work; however, the revised plan shows just ten significant trees still remaining on the site at this time. The applicant has stated that they propose to provide additional plantings to meet the minimum tree canopy coverage of 30% of the site; however, staff recommends that additional tree plantings be provided to offset the number of significant trees removed without approval.

DEVELOPMENT CRITERIA

The revised plan also addresses several of the Development Criteria previously identified by staff as requiring further clarification.

1. Land Use

E-ST8-2: Development should provide community oriented places and services.

In the initial staff report, Planning Staff requested more details surrounding the utilization of the floodplain and greenspace as community-oriented amenities. The revised letter of justification notes that the floodplain area will serve as a natural amenity for the development; however, connectivity to this feature is limited to only the adjoining lots. Staff recommends that the developer detail a sidewalk connection from the internal sidewalk network so the feature is accessible for the other homes in the development.

2. Transportation Connectivity and Walkability

A-DS4-1: A plan for a multi-modal network to adjacent neighborhoods, greenspaces, developments, and complementary uses should be provided.

In response to staff comments, the applicant has shown in the revised development plan sidewalk connections to be made to the proposed future right-of-way along Parkers Mill Road to connect to anticipated pedestrian improvements expected within the Parkers Mill Road expansion. Staff is also recommending that the development provide intentional access to its centralized greenspace.

3. 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-RE5-2: Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them.

Based on the proposed changes, the applicants proposal significantly reduces impact on environmentally sensitive areas within and adjacent to the proposed development site. Buffering of the floodplain will be provided with a fifty (50) foot vegetative buffer (B-PR3-1). No buildable lots will be in the FEMA floodplain (B-RE5-1) and it is designated for protection (B-RE5-2).

4. Site Design

A-DS9-1: Development should provide active and engaging amenities within neighborhood focused open spaces.

Planning Staff requested clarification as to how their proposed open space will be utilized. The revised supplemental justification and development plan, designates these areas for protection with the opportunity for community-oriented open spaces. As stated earlier, staff recommends that the greenspace/ environmentally sensitive area be accessible from the internal pedestrian network.



C-LI8-1: Development should enhance a well-connected and activated public realm.

Planning Staff requested that the internal sidewalk network extend along the Parkers Mill Road frontage. The revised development plan details the extension of this network to the future Right-of-Way of Parkers Mill Road, which will include pedestrian facilities.

5. Building form

E-GR4-1: Developments should incorporate reuse of viable existing structures. E-GR5-1: Structures with demonstrated historic significance should be preserved or adapted.

The revised supplemental justification states that it was not feasible to preserve the house on the property and that the home has already been demolished.

CONDITIONAL ZONING

Within the applicant's revised supplemental justification was the inclusion requesting conditional zoning restrictions that would limit the development to no more than thirty (31) single-family homes. The applicant opined that these conditional zoning restrictions are necessary to ensure compatibility with the surrounding neighborhood.

Staff does not agree that these restrictions would be necessary or appropriate. Limiting the use of the property strictly to single-family detached residential uses is not in agreement with the current Comprehensive Plan. Additionally, there are other avenues for the applicant to restrict density outside of the zoning process if they choose to do so.

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



1. The proposed Planned Neighborhood Residential (R-3) zone is in agreement with the Imagine Lexington 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The request will help meet an increase in the demand for housing. (Theme A, Goal #1.b; Theme A, Goal # 2.a).
 - b. The request will minimize the disruption of the environmentally sensitive areas by preserving the existing spring and floodplain areas (Theme A, Goal #3.a and #3.c).
 - c. The request will respect the surrounding single-family context while improving the density present on the site (Theme A, Goal #2.b).
2. The proposal is in agreement with the Policies of the 2045 Comprehensive Plan, for the following reasons:
 - a. The request conserves and protective environmentally sensitive greenways and wetlands (Theme B, Protection Policy #2).
 - b. The proposal will increase residential density while being sensitive to the surrounding single-family context (Theme A, Design Policy #4).
3. The justification and corollary development plan are in agreement with the Development Criteria of the 2045 Comprehensive Plan.
 - a. The proposed rezoning meets criteria for Land Use, as the request increases density by increasing the number of dwelling units present on the property (A-DN2-1), and the applicant conducted several stakeholder meetings with the surrounding neighborhoods to discuss the proposal (D-PL7-1).
 - b. The proposed rezoning meets criteria for Transportation, Connectivity, and Walkability, as the proposed development provides sidewalk facilities that are not currently present (DCO2-1), and proposes to connect to the future pedestrian improvements along Parkers Mill Road (A-DS4-1).
 - c. The request meets the majority of the criteria for Environmental Sustainability and Resiliency, as the

- request will minimize its impact and protects environmentally sensitive areas (B-PR-2-1) through the addition of a vegetative buffer around the floodplain (B-RE5-2), minimizing grading (B-PR9-1), and meeting the minimum tree canopy coverage (D-SP10-1).
- d. The proposal meets applicable criteria for Site Design, as the development will provide open space incorporated into the development (A-DS9-2).
 - e. The plan meets the majority of the criteria for Building Form, as the proposed development is in keeping with the scale, massing, and design as other existing residential development in the vicinity (A-DN2-2; A-DS4-2).
4. This recommendation is made subject to approval and certification of PLN-MJDP-24-00081:LANE ALLEN PARK (LOTS 2 AND 3) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.