

1. **ANTHONY HUMPHRESS ZONING MAP AMENDMENT AND KIDWELL & OTIS PROPERTY (GOLF VIEW ESTATES) DEVELOPMENT PLAN**

- a. **PLN-MAR-24-00002: ANTHONY HUMPHRESS** – a petition for a zone map amendment from a Single Family Residential (R-1C) zone to a Townhouse Residential (R-1T) zone, for 0.458 gross and 0.600 net acres for property located at 800 and 802 Golfview Drive. The applicant is also requesting a variance to reduce the setback from the floodplain from 25 to 5 feet.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2045 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.

The petitioner is proposing the Townhouse Residential (R-1T) zone in order to construct a 10-unit attached townhome development, for a density of 21.83 units per acre. These structures are proposed to be three stories tall, with second and third floor rear decks. The applicant is proposing to create a rear parking area within the existing floodplain, with access from both Golfview Drive and Garrison Avenue.

The Zoning Committee Recommended: Postponement.

The Staff Recommended: Postponement, for the following reasons:

1. The Townhouse Residential (R-1T) zone is not a recommended zone for the applicant's choice in Place-Type and Development Type. The applicant should provide a justification for the choice in zone.
 2. The applicant should provide further information on how the following Goals, Objectives, and Policies of the 2045 Comprehensive Plan are being met with this request:
 - a. Minimize disruption of natural features when building new communities (Theme A, Goal #3.c)
 - b. Identify and assess potential climate change impacts, including but not limited to, temperature, precipitation, extreme weather, agriculture, and human health (Theme B, Goal #2.b).
 - c. Provide development that is sensitive to the surrounding context (Theme A, Design Policy #4)
 - d. Conserve and protect environmentally sensitive areas, including sensitive natural habitats, greenways, and water bodies (Theme B, Protection Policy #2).
 - e. Reduce and mitigate negative environmental impacts of impervious surfaces and vehicular use areas (Theme B, Sustainability Policy #4).
 3. The applicant should provide further information on how the following Development Criteria of the 2045 Comprehensive Plan are being met with this request:
 - a. B-PR2-1: Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.
 - b. B-PR9-1: Minimize grading and topsoil disturbance by utilizing the existing topography to the greatest extent possible and preserving key natural features.
 - c. B-RE5-1: Dividing floodplains into privately owned parcels with flood insurance should be avoided.
 - d. B-SU4-1: Development should minimize or mitigate impervious surfaces.
 - e. B-RE5-3: Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them.
- b. **VARIANCE** – The applicant is also requesting a variance to reduce the setback from the floodplain from 25 to 5 feet.

The Zoning Committee Recommended: Postponement.

The Staff Recommended: Postponement of the requested variance for the following reasons:

1. The applicant should provide further information on the necessity of the requested variance, and the feasibility of adapting the design or size of the development in order to request a lesser variance, or no variance at all.
- c. **PLN-MJDP-23-00003: KIDWELL & OTIS PROPERTY (GOLF VIEW ESTATES)** (4/1/24)* - located at 802 & 804 GOLFVIEW DRIVE, LEXINGTON, KY

Project Contact: Barrett Partners, Inc.

Note: The purpose of this plan is to depict a townhome development of 10 units, in support of the requested zone change from a Single-Family Residential (R-1C) zone to a Townhouse Residential (R-1T) zone.

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

1. Provided the Urban County Council approves the zone change to R-1T; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Urban Forester's approval of tree preservation plan.
5. Greenspace planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval if environmentally sensitive areas.
7. Provided the Planning Commission grants the requested variance to the floodplain setback.
8. Discuss non-conforming status of remaining single-family units.
9. Discuss Placebuilder criteria.

Staff Presentation – Mr. Daniel Crum presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and the general area. He stated that the applicant was seeking a zone map amendment from a Single Family Residential (R-1C) zone to a Townhouse Residential (R-1T) zone, for 0.458 gross and 0.600 net acres for property located at 800 and 802 Golfview Drive. Mr. Crum stated that the applicant was seeking to establish a townhome development with an Enhanced Neighborhood Place-Type and a Low Density Residential Development Type. Mr. Crum indicated that while the R-1T zone was not a recommended zone in the Enhanced Neighborhood Place-Type, the applicant was only interested in that residential product. The applicant had updated their justification statement Staff was now in agreement with their selections.

Mr. Crum indicated that the applicant had revised their proposal. Originally, the applicant proposed demolition of the two existing homes and construction of 10 townhome units. The applicant now proposes to main the two single family homes and to add three townhomes between the existing homes. He stated that this new proposal was in response to the numerous floodplain issues associated with the original proposal, and stated that much of the environmental concerns were addressed in this latest iteration.

Mr. Crum concluded by stating Staff was recommending Approval of the application for the reasons mentioned and on the supplemental staff report, and could answer any questions from the Planning Commission.

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

1. The proposed Townhouse Residential (R-1T) zone is in agreement with the Imagine Lexington 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The request will increase the residential density of the area, and introduce a new housing type in an area predominantly characterized with single-family detached development (Theme A, Goal #1.b; Theme A, Goal #2.b).
 - b. The proposal creates a better connected development that will encourage safe social interactions by providing sidewalks and orienting the structures toward the roadway on Golfview Drive (Theme A, Goal #3.c).
 - c. By retaining greenspace and limiting development to the rear of the sites, the request minimizes the disruption of natural features (Theme A, Goal #3.c).
 - d. The request minimizes impervious surface near the floodplain in an attempt to mitigate the impact of extreme weather events (Theme B, Goal #2.b).
2. The proposal is in agreement with the Policies of the 2045 Comprehensive Plan for the following reasons:
 - a. The request replaces the existing garages with dwelling units, enhancing the streetscape and creating a more walkable environment (Theme A, Design Policy #5).
 - b. The request will provide additional variety in housing choice (Theme A, Design Policy #8), that will increase the density of the area in a context-sensitive manner (Theme A, Density Policy #2).
 - c. The proposal improves the pedestrian system within the neighborhood by adding sidewalk facilities to the Golfview road frontage (Theme A, Design Policy #1).
 - d. The request respects the surrounding natural context by eliminating the rear vehicular use areas and dumpster within the floodplain (Theme A, Design Policy #4; Theme B, Protection Policy #2; Theme B, Sustainability Policy #4).

3. The justification and corollary development plan are in agreement with the Development Criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Land Use, as the request increases density by increasing the number of dwelling units present on the property (A-DN2-1), while providing for a more compact single family attached housing type (A-DN4-1).
 - b. The proposed rezoning addresses the Transportation and Pedestrian Connectivity Development Criteria, as the proposed development provides sidewalk facilities that are not currently present (D-CO2-1), connects to the larger pedestrian network within the Golfview neighborhood (A-DS4-1), and uses the townhomes to reinforce the streetscape (A-DS5-2). Additional sidewalk improvements along Garrison Avenue will also benefit the site and meet the Subdivision Regulations.
 - c. The proposed rezoning meets the criteria for Environmental Sustainability and Resiliency, as the development does not impact environmentally sensitive areas (B-PR2-1), provides greenspace buffer around the floodplain (B-RE5-3), and minimizes the amount of impervious surface on-site (B-SU4-1).
 - d. The request meets the requirements for Site Design, as it provides for clearly delineated private open space for each individual unit (A-EQ9-2), and increases connectivity by expanding the sidewalk network (A-EQ9-2).
 - e. The request meets the criteria for Building Form, as the orientation of the structures maximizes connections to the surrounding area (A-DS5-3), and provides variety from the single-family detached residential development that characterizes this portion of Golfview Drive (A-DS8-1).
4. This recommendation is made subject to approval and certification of PLN-MJDP-24-00003: Kidwell & Otis Property (Golf View Estates) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

Development Plan Presentation – Ms. Cheryl Gallt oriented the Planning Commission to the location and characteristics of the subject property. Ms. Gallt reiterated that there will be three additional townhomes built between the two existing homes. Ms. Gallt indicated that there would be the typical signoff conditions, provided that the Planning Commission grants the variance related to the floodplain setback.

Ms. Gallt concluded by stating that this will allow for increased density in the neighborhood, and that Staff is recommending Approval of the development plan and could answer any questions from the Planning Commission.

Staff Variance Presentation – Mr. Daniel Crum stated that with the revised development plan, the applicant also reduced the impact on the floodplain and is now requesting a lesser variance. The applicant is seek a variance to reduce the required floodplain setback from 25 feet to 15 feet. Mr. Crum showcased what the 25 foot setback would look like on the development plan, and then presented where the 15 foot setback would be to accommodate the rear porches on the townhomes.

Mr. Crum directed the Commission to the revised staff report regarding the variance. He explained that the proposed decks on the rear of the townhome units would be on the second and third floor of the townhomes. He concluded his presentation by stating the Staff is recommending Approval and subject to 5 conditions as follows:

1. Approval of the 15-foot floodplain setback variance should not adversely affect the public health, safety, or welfare, nor should it create a hazard or nuisance to the public. The only portions of the new construction that are proposed to encroach into the floodplain setback are the rear cantilevered porches, which will not impact the floodplain.
2. The significant portions of floodplain to the rear of the properties are special circumstances that justify the need for the variance.
3. Meeting the full floodplain setback would significantly limit the applicant's ability to provide additional residential and density at this location.
4. The circumstances of this variance are not a result of actions taken by the applicant subsequent to the adoption of the Zoning Ordinance.

This recommendation of Approval is made subject to the following conditions:

- a. Provided the Planning Commission and Urban County Council approve the requested zone change to the R-1T zone, otherwise the requested variances shall be null and void.
- b. The rear decks shall be cantilevered.
- c. The development shall be constructed in accordance with the approved Final Development Plan, or as amended by the Planning Commission.
- d. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.

- e. Action of the Planning Commission shall be noted on the Development Plan for the subject property.

Applicant Presentation – Dick Murphy, attorney for the applicant, stated that they are in agreement with the Staff's recommendations and they would like to thank the neighborhood association for the dialogue throughout the process. Mr. Murphy stated that they would be demolishing the two garages on the property in order for the townhomes to be built. Finally, Mr. Murphy requested a slight variation to condition b. requiring that the rear decks be cantilevered. He requested that the phrase "or use 6" X 6" posts, if necessary" be added in case the applicant could not accomplish the two-story decks with cantilever, although that was their intent.

Commission Comment – Ms. Meyer stated that she thought that this was a good example of a developer and a neighborhood working together.

Action – A motion was made by Ms. Meyer, seconded by Ms. Worth and carried 8-0 (Owens, Pohl, and J. Davis absent) to approve PLN-MAR-24-00002: ANTHONY HUMPHRESS for reasons provided by Staff.

Action – A motion was made by Ms. Meyer seconded by Ms. Barksdale and carried 8-0 (Owens, Pohl, and J. Davis absent) to approve PLN-MJDP-23-00003: KIDWELL & OTIS PROPERTY (GOLF VIEW ESTATES) STORAGE with the revised 7 conditions, removing conditions #8 and #9.

Action – A motion was made by Ms. Meyer seconded by Ms. Barksdale and carried 8-0 (Owens, Pohl, and J. Davis absent) to approve the variance to reduce the floodplain setback from 25 feet to 15 feet, and to add the language "or use 6" X 6" posts if necessary." to condition b.