

Rec'd by _____

Date: _____

RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

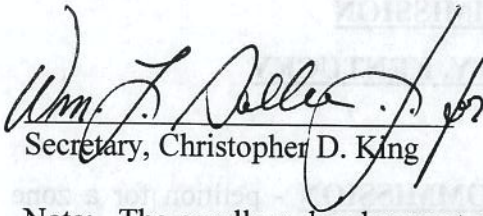
IN RE: MARV 2013-12: URBAN COUNTY PLANNING COMMISSION - petition for a zone map amendment from a Planned Neighborhood Residential (R-3) zone to a Townhouse Residential (R-1T) zone, for 0.31 net (0.42 gross) acre; and from a Light Industrial (I-1) zone to a Planned Neighborhood Residential (R-3) zone, for 1.57 net (1.64 gross) acres, for properties located at 835, 836, 848, 849, and 856 DeRoode Street; and a former railroad parcel with no address. Dimensional variances were also requested. (Council District 3)

Having considered the above matter on **May 23, 2013**, at a Public Hearing, and having voted **8-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL** of this matter for the following reason:

1. The rezoning from a Planned Neighborhood Residential (R-3) zone to a Townhouse Residential (R-1T) zone is in agreement with the 2007 Comprehensive Plan for the following reasons:
 - a. The Plan recommends High Density Residential land use for this portion of the subject property, which is defined as 10-25 dwelling units per net acre; or where net area does not equal gross acreage, 6-20 dwelling units per gross acre.
 - b. The four dwelling units proposed for this 0.42-gross acre location (0.31 net) would yield a density of 9.52 units per gross acre.
2. The requested Planned Neighborhood Residential (R-3) zone is appropriate, and the existing Light Industrial (I-1) zone is no longer appropriate for the subject property, for the following reasons:
 - a. The Kentucky Transportation Cabinet has acquired some of the former Norfolk-Southern railroad right-of-way as a result of negotiations about the construction of a sizeable noise barrier wall adjacent to the railroad yard immediately west of the Southend Park area.
 - b. The creation of the noise barrier has created a far superior land use boundary between Circulation and Residential land uses, rather than the previous property line, which was relied upon at the time of the adoption of the Newtown Pike Extension Corridor Plan and the 2007 Comprehensive Plan.
 - c. The zone change to R-3 is intended to prevent unintended consequences from split-zoned properties and to accommodate the shifting of the alley that separates the new Southend Park housing from the slope leading up to the noise barrier wall.
 - d. There are no dwelling units proposed on this portion of the subject property, so there is no violation of the Plan with this open space land use.
3. This recommendation is made subject to approval and certification of ZDP 2013-45: Southend Park, Section 1, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

Note: Variances to the front, side, and rear yard setbacks; driveway width; and required screening were approved by the Planning Commission for this property, subject to the rezoning being granted.

ATTEST: This 7th day of June, 2013.


Secretary, Christopher D. King CDK

MIKE OWENS
CHAIR

Note: The corollary development plan, ZDP 2013-45: Southend Park, Section 1, was approved by the Planning Commission on May 23, 2013, and certified on June 5, 2013.

K.R.S. 100.211(7) requires that the Council take action on this request by August 21, 2013.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Bill Sallee, Planning Manager**.

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (8) Berkley, Blanton Cravens, Mundy, Owens, Penn, Roche-Phillips, Wilson

NAYS: (0)

ABSENT: (3) Beatty, Brewer, Plumlee

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **MARV 2013-12** carried.

Enclosures: Application
Plat
Staff Report
Applicable excerpts of minutes of above meeting