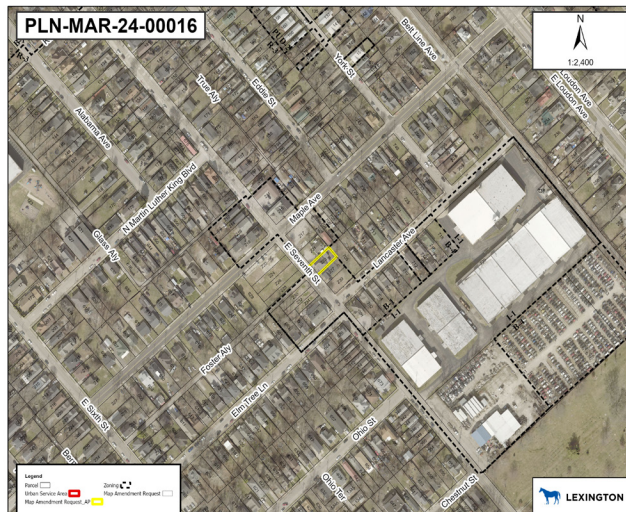


STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-24-00016: L.O.P.1. LTD

DESCRIPTION OF ZONE CHANGE

Zone: From a Neighborhood Business (B-1) zone
 Change: To a Planned Neighborhood Residential (R-3) zone
 Acreage: 0.075 net (0.095 gross) acres
 Location: 223 E Seventh Street



EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	B-1	Vacant
To North	R-3	Vacant
To East	B-1	Residential
To South	R-3	Residential
To West	B-1	Vacant Commercial

URBAN SERVICE REPORT

Roads - The subject property is located on E Seventh Street, a two-lane local roadway. Maple Street and Lancaster Avenue are two-lane local roadways that intersect with E Seventh Street in the nearby vicinity.

Curb/Gutter/Sidewalks - Curb, gutter and sidewalks exist along E Seventh Street.

Storm Sewers - The subject property is located within the Cane Run watershed, and within the Royal Springs Aquifer Recharge Area, which provides drinking water to Georgetown, KY. There are no FEMA Special Flood Hazard Areas on the property or in the immediate vicinity. Storm sewers exist in this portion of the Urban Service Area.

Sanitary Sewers - The subject property is located within the Cane Run sewershed. The property is served by the Town Branch Waste Water Treatment Facility, located on Lisle Industrial Avenue, inside New Circle Road, and west of Leestown Road approximately 3 miles to the northwest of the subject property.

Utilities - All utilities, including natural gas, electric, water, phone, cable television, and Internet are available in the area.

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

Police - The subject property is located within the Central Sector and is served by the Central Sector Roll Call Center, located on Industry Road, approximately 1.3 miles southeast of the subject property. The downtown Police Headquarters is approximately less than a mile northwest of the subject property, on East Main Street

Fire/Ambulance - The closest station is Fire Station #1 and Headquarters, located on E. Third Street, between Elm Tree Lane and N. Martin Luther King Boulevard, located approximately 1/2 mile southwest of the subject property.

Transit - This area is served by Lextran Route #9, with service present on Breckenridge Street and Shropshire Avenue approximately 1/3 of a mile southeast of the subject property.

Parks - The subject property is located approximately 1/4 of a mile northeast of Duncan Park, and approximately 1/4 of a mile southwest of Castlewood Park.

SUMMARY OF REQUEST

The applicant is seeking a zone change from the Neighborhood Business (B-1) zone to the Planned Neighborhood Residential (R-3) zone in order to utilize an existing structure for a single-family residential use. Additionally, the applicant is seeking variances to reduce the required property perimeter screening from 15 feet to zero (0) feet where the property adjoins B-1 zones to the east and west.

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 Life 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



The intent of this zone is to provide for medium density mixed residential development, including multi-family dwellings, group residential housing, compact housing types, attached and detached single family dwellings, and supporting uses. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population. This zone should provide a variety of housing options rather than a single type. The medium density residential uses should be located along local and collector streets, with lower density residential uses located along local streets. Adequate multi-modal connections should be available to all residents, so to allow for long term viability and incremental growth. Low and Medium density residential land uses should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

PROPOSED USE



The petitioner is proposing the Planned Neighborhood Residential (R-3) zone in order to utilize an existing 1,250 square-foot commercial structure for a single-family residential use. The applicant is not proposing any physical changes to the site at this time.

APPLICANT & COMMUNITY ENGAGEMENT



The applicant has not provided any information regarding their public outreach efforts. The applicant should provide further information on their attempts to engage the surrounding community.

PROPERTY & ZONING HISTORY



The subject property has been zoned Neighborhood Business (B-1) since before the 1969 comprehensive rezoning of the city and county. The subject property contains a 1,250 square foot structure that was built in 1951, and appears to originally used as a single-family residence before being converted into a commercial use as a store. The Division of Building Inspection records indicate that at one time portions of the structure were used as an accessory apartment. At this time, the property is vacant.

In the nearby vicinity, the properties at 220-228 E Seventh Street and 628 Maple Street were rezoned from the B-1 zone to the R-3 zone in order to establish townhouse uses (MAR-22-00026: Lexington Habitat For Humanity).

COMPREHENSIVE PLAN COMPLIANCE



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.

GOALS, OBJECTIVES, & POLICIES

The applicant opines that they are in agreement with the adopted Goals and Objectives of the 2045 Comprehensive Plan. The applicant states that by converting the commercial structure back into a single-family residence, they are providing additional housing stock within a lower and middle income area (Theme A, Goal #5.b). The applicant opines that the request promotes safe social interactions within neighborhoods by re-establishing a residential use on a parcel that is well connected to the neighborhood's existing pedestrian network (Theme A, Goal #3.b). Additionally, by retaining the existing structure, the request respects the low density neighborhood context of the surrounding area (Theme A, Goal #2.b). Staff agrees that these Goals of the 2045 Comprehensive Plan can be met with the proposed rezoning.

Additionally, the applicant has identified several policies listed within the 2045 Comprehensive Plan that they opine are being met with this request. The applicant states that the proposal is in keeping of the context of development along this portion of E Seventh Street, which is primarily comprised of residential uses (Theme A, Design Policy #4). The applicant states that the proposed residential unit will help address housing demand for low or middle income renters (Theme A, Equity Policy #3). Additionally, the applicant states that the request supports policies relating to the promotion of adaptive reuse (Theme E, Growth Policy #2). Staff agrees that these Policies of the 2045 Comprehensive can be met with the proposed rezoning.

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 properties. 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 2045 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. The Low Density Residential Development Type primarily consists of attached and detached single-family homes of varying formats, including accessory dwelling units. This Development Type should create context-sensitive neighborhoods and should be supplemented by a variety of uses and housing options to create sustainable places. The staff agrees that the subject property is located within an established neighborhood and the proposed development would provide a context-sensitive addition to the housing stock present in the area. The staff agrees that the Enhanced Neighborhood Place-Type and the Low Density Residential Development Type are appropriate for the subject property.

The Planned Neighborhood Residential (R-3) zone is a recommended zone for the applicant's chosen Place-Type and Development Type, and provides an avenue for increased residential density if the property is redeveloped in the future. Staff agrees that the Planned Neighborhood Residential (R-3) zone can be appropriate at this location.

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 2045 Comprehensive Plan. The development criteria for development 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 Place-Type and Development Type.

1. Land Use

While the request meets the majority of applicable criteria for Land Use, there was one criteria that warranted further discussion:

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

The applicant has not provided any information about attempts to engage with the neighborhood. The applicant should conduct further public outreach.

Otherwise, the Staff finds that the request meets the recommendations for Land Use, as the proposed zone change would allow for the potential for more dense residential redevelopment in the future (A-DN2-1), and is located in an area that features walkable connections to community anchors (C-LI7-1).

2. Transportation and Pedestrian

Staff finds that this request meets the majority of the applicable Development Criteria for Transportation and Pedestrian Connectivity as the proposal maintains existing sidewalk connections to nearby community businesses (A-DS4-1; A-DS10-1), and is a walkable route to nearby transit stops (A-DS1-2).

3. Environmental Sustainability and Resiliency

The proposed rezoning meets the criteria for Environmental Sustainability and Resiliency as the proposal does not impact any environmentally sensitive areas (B-PR2-1), does not propose any grading or soil disturbance (B-PR9-1), and will not overlight the site (B-PR10-1).

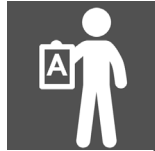
4. Site Design

Staff finds that this request meets the requirements for Site Design as the proposal is not overparked (C-PS10-2), and maintains the existing pedestrian network (C-LI8-1).

5. Building Form

The request meets the criteria for Building Form, as the existing structure is scaled appropriately to the surrounding neighborhood (A-DS4-2) and proposes the reuse of a viable existing structure (E-GR4-1).

STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASONS:



1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed project converts a commercial structure back into a single-family residence, providing additional housing stock within a lower and middle income area (Theme A, Goal #5.b).
 - b. The request promotes safe social interactions within neighborhoods by re-establishing a residential use on a parcel that is well connected to the existing pedestrian network (Theme A, Goal #3.b).
 - c. By retaining the existing structure, the request is in keeping with the low density neighborhood context of the surrounding area (Theme A, Goal #2.b).
2. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2045 Comprehensive Plan's Policies, for the following reasons:
 - a. The proposed rezoning is in keeping of the context of development along E Seventh Street, which is primarily comprised of single-family residential uses (Theme A, Design Policy #4).
 - b. The proposal will help address housing demand for low or middle income households (Theme A, Equity Policy #3).
 - c. The proposal features adaptive reuse of an existing commercial structure (Theme E, Growth Policy #2).
3. The justification and preliminary subdivision plan are in agreement with the policies and development criteria of the 2045 Comprehensive Plan.
 - a. The proposed rezoning meets the recommendations for Land Use, as the proposed zone change would allow for the potential for more dense redevelopment in the future (A-DN2-1), and is located in an area that features walkable connections to community anchors (C-LI7-1).
 - b. The proposed rezoning addresses the Transportation and Pedestrian Connectivity Development Criteria, as the proposal maintains existing sidewalk connections to nearby community businesses (A-DS4-1; A-DS10-1), and is a walkable route to nearby transit stops (A-DS1-2).
 - c. The proposed rezoning meets the criteria for Environmental Sustainability and Resiliency, as it does not impact any environmentally sensitive areas (B-PR2-1), does not propose any grading or soil disturbance (B-PR9-1), and will not overlight the site (B-PR10-1).
 - d. The request meets the requirements for Site Design, as the proposal is not overparked (C-PS10-2), and maintains the existing pedestrian network (C-LI8-1).
 - e. The request meets the criteria for Building Form, as the proposal is scaled appropriately to the surrounding neighborhood (A-DS4-2) and proposes the reuse of a viable existing structure (E-GR4-1).
4. This recommendation is made subject to approval and certification of PLN-MJSUB-24-00007: LANCASTER AND KEISER PROPERTY prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

STAFF REPORT ON VARIANCE REQUEST



As part of their application, the petitioner is also seeking several dimensional variances that are requesting relief from the required property perimeter screening requirements for the portions of the property that abut Neighborhood Business (B-1) zoning. The applicant is seeking to reduce the minimum required property perimeter requirements as regulated in Article 18-3(a)(1) of the LFUCG Zoning Ordinance.

Before any variance is granted, the Planning Commission must find the following:

- a. The granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Planning Commission shall consider whether:
 1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone.
 2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
 3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
- b. The Planning Commission shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

ZONING ORDINANCE

Article 6-4(c) states that the Planning Commission may hear and act upon requested variances associated with a zone change. In such cases, they may assume all of the powers and responsibilities of the Board of Adjustment, as defined in Article 7-6(b) of the Zoning Ordinance.

Article 18-3(a)(1) states that for any office or business zone (except P-2), that adjoins any residential zone, there shall be a minimum buffer area of 15 feet adjacent to all common boundaries (located behind the building line) except street frontage, which will contain one tree per 40 feet of linear boundary, or fraction thereof, from Group A or B only, plus, 1) a double row of six feet high hedge or 2) a six feet high fence, wall or earth mound.

CASE REVIEW

The applicant is seeking a dimensional variance from the property perimeter screening requirements. These requirements are for the portions of the property that abut the Neighborhood Business (B-1) zone to the east and west. The Zoning Ordinance requires buffering of a specific distance and regulated planting materials to provide screening between more intense commercial land uses and surrounding residential land uses.

The area between the proposed R-3 zone and the existing B-1 zones requires a minimum buffer area of 15 feet adjacent to all common boundaries (located behind the building line) except street frontage, to contain one tree per 40 feet of linear boundary, or fraction thereof, from Group A or B only, plus, 1) a double row of six feet high hedge or 2) a six feet high fence, wall or earth mound. The buffer can be reduced to 5 feet with the inclusion of a 6 foot tall solid fence.

The applicant states that they are unable to meet the necessary screening requirement, as there is less than five feet between the existing structure and the property line to the west, and installation of the required buffer to the east would result in the removal of the sole driveway for the property. The applicant opines that demolishing the structure or removing the sole driveway access to the site in order to accommodate the thin strip of required landscaping would create an unnecessary hardship.



Staff from the Division of Environmental Services evaluated the proposed landscape variance, and recommended approval of the request.

Staff finds the request will not negatively impact the health safety or welfare of the general public. The property adjoins a nonconforming residential use to the east that does not appear to ever have been used commercially, and there is sufficient distance to the commercial structure to the west to ensure that the residential and commercial uses are adequately separated. The subject property has a unique circumstance in that it is a narrow lot with an existing structure that predates the current zoning regulations that was developed in such a way that installing the required landscaping is not feasible.

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



1. Approval of the landscape variances should not adversely affect the public health, safety, or welfare, nor should it create a hazard or nuisance to the public. The property adjoins a nonconforming residential use east, and there is sufficient distance to the commercial structure to the west to ensure that the commercial and proposed residential uses are adequately separated.
2. Providing landscaping within the narrow side yards would likely not thrive or grow to maturity to create the buffer prescribed by the ordinance.
3. The narrow lot shape and the location of the site's existing structure represent special circumstances unique to the subject property that justify the need for a variance.
4. Removing the existing structure present on the site to accommodate the required landscaping buffer would unreasonably restrict the applicant's use of the property.
5. 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-3 zone, otherwise the requested variance shall be null and void.
- b. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
- c. Action of the Planning Commission shall be noted on the Subdivision Plan for the subject property.