

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-16-00015: LEX PROPERTIES, LLC

DESCRIPTION

Zone Change: From an Agricultural Urban (A-U) zone
To a Planned Neighborhood Residential (R-3) zone

Acreage: 10.14 net and gross acres

Location: 3455 Saybrook Road

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	A-U	Vacant
To North	R-1C	Single Family Residential
To East	R-1C	Single Family Residential
To South	A-U & R-1C	Vacant & Single Family Residential
To West	R-1C	Single Family Residential

URBAN SERVICES REPORT

Roads – The subject property is located at the termination of Saybrook Road, a local street within the Robinwood and Monticello neighborhoods. Boston Road, Monticello Drive and Cromwell Drive are all collector streets within the vicinity of the subject property, that provide connections to Clays Mill Road (to the west) and Man o’ War Boulevard (to the south). The petitioner proposes the continuation of Saybrook Road and a standard cul-de-sac termination on the subject property. No other stub streets exist along the boundaries of this vacant tract.

Curb/Gutter/Sidewalks – Sidewalks, curbs and gutters exist along Saybrook Road, as well as along other local and collector streets in the immediate vicinity. The developer plans to construct similar improvements on the proposed street, as required by the Land Subdivision Regulations.

Storm Sewers – The subject property is located in the South Elkhorn Creek watershed. The South Elkhorn Creek traverses the property from the northeast corner toward the southwest, and approximately one-third of the property is located within a FEMA designated Special Flood Hazard Area (aka 100-year floodplain). The FEMA Special Flood Hazard Area does isolate a small portion of the subject property that lies outside of the floodplain, along the eastern edge of the property. Storm sewers do cross the subject property; however, they are not utilized by the subject property. The developer will be required to provide stormwater improvements at the time the property is developed.

Sanitary Sewers – The subject property is located in the South Elkhorn sewershed and is served by the West Hickman Wastewater Treatment facility in northern Jessamine County. Both a collector main and a trunk main traverses the subject property. The developer will need to extend the sanitary sewer system to serve individual lots or individual townhomes as a part of the proposed development of the property. There is currently sanitary sewer capacity available in this sewershed, according to the latest Capacity Assurance Program information.

Refuse – The Urban County Government serves this portion of the Urban Service Area with refuse collection to area residences on Mondays.

Police – The nearest police station is located about 3½ miles east of the subject property on Centre Parkway at the East Sector Roll Call Center in Gainesway.

Fire/Ambulance – Fire Station #15 is the nearest station to the subject property. It is located about one mile to the northeast, inside Shillito Park, just south of West Reynolds Road.

Utilities – All utilities including natural gas, electric, water, cable television, telephone, and streetlights should be able to be extended to serve the subject property, as they have been provided to the surrounding residential developments in this area.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that 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 2013 Plan's Goals and Objectives emphasize the importance of growing successful neighborhoods (Theme A) by expanding housing choices (Goal #1), supporting infill and redevelopment (Goal #2) and providing well-designed neighborhoods (Goal #3). It also recommends protecting the environment (Theme B) by supporting the community's green infrastructure program (Goal #3) and by implementing the adopted environmental policy (Goal #2.a.). Lastly, the Plan advocates for compact, contiguous and/or mixed-use sustainable infill development to accommodate future growth needs and sustain the Urban Service Area concept (Theme E, Goal #1.b.)

The petitioner proposes to develop 15 detached single-family dwelling units and 17 attached single-family dwelling units (townhomes) on the site, which would yield a residential density of 3.16 dwelling units per acre.

CASE REVIEW

The petitioner has requested a zone change from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone for 10.14 acres of property, which is located at 3455 Saybrook Road. The applicant filed the same zone change request last year, which was recommended for disapproval by the Planning Commission. The applicant subsequently withdrew the applicant, but was required to wait one year prior to filing another zone change for the same parcel.

The subject property is located at the end of Saybrook Road, and is bordered by the Monticello and Robinwood subdivisions. These neighborhoods are generally located east of Clays Mills Road, south of Keithshire Way but north of Man o' War Boulevard in the southwest portion of the Urban County. The property is completely surrounded by single-family residential zoning (R-1C). A small tract of land immediately south of the subject property (zoned A-U) is vacant and continues to be owned by the LFUCG.

The petitioner proposes to develop 15 detached single-family dwelling units and 17 attached single-family dwelling units (townhomes) on the site, which would yield a residential density of 3.16 dwelling units per acre. This represents a more dense development than was previously proposed and now incorporates townhomes along the South Elkhorn Creek side of a lengthy cul-de-sac street within the property. The property is traversed by the creek, and its associated floodplain, which occupies about one-third of the parcel.

The existing agricultural zoning on the subject property is the result of zoning decisions made in 1969 with the comprehensive rezoning of much of Lexington and Fayette County. In 1964, the subject property was rezoned to a Heavy Industrial (I-2) zone to allow the development of the Monticello Wastewater Treatment Plant, a private sanitary sewer package plant that served the nearby neighborhoods in this portion of the county. In 1984, the LFUCG proceeded with a condemnation action in order to fully remove the private plant and connect the area to the available public sanitary sewer system.

After its use as a sanitary sewer treatment plant, the 10-acre subject property was utilized by the adjoining neighborhoods as a private park for a number of years. An informal arrangement with the property owner and LFUCG allowed this to occur. In 1993, the government abandoned the park use and removed all recreational facilities from the park.

In 1994, a zone change was requested (MAR 94-1: Ball Homes, Inc.) to develop 22 single-family residential lots on the subject site. Ultimately, the request was later withdrawn over a combination of environmental concerns and neighborhood opposition. As stated previously, the applicant filed an identical zone change request to the current request last year, which also drew concerns from neighborhoods regarding possible environmental degradation of the property.

The 2013 Comprehensive Plan's Goals and Objectives emphasize the importance of growing successful neighborhoods (Theme A) by supporting infill and redevelopment (Goal #2) and providing well-designed neighborhoods (Goal #3). It also recommends protecting the environment (Theme B) by supporting the community's green infrastructure program (Goal #3) and by implementing the adopted environmental policy (Goal #2.a.). The Goals and Objectives also recommend improving a desirable community (Theme D) through preservation and enhancement of urban neighborhoods. Lastly, the Plan also advocates that infill development be compact, contiguous and/or mixed-use to accommodate future growth needs and sustain the Urban Service Area concept (Theme E, Goal #1.b.). These themes, goals, and objectives speak directly to the review of new residential developments.

The petitioner contends again that the request is in agreement with the Goals and Objectives of the 2013 Comprehensive Plan, and that the existing agricultural zoning is no longer appropriate and the proposed R-3 zone is appropriate at this location. In fact, the applicant is making the same argument as they did 12 months ago. The Comprehensive Plan recommends infill and redevelopment that is compatible with and context-sensitive to its environment, which in this case, involves, two established single-family neighborhoods. The Plan also states that infill development can have a positive impact on neighborhoods, if it respects the scale, massing and size of surrounding buildings. The Plan further recommends that near open space and greenways, that streets should be "single loaded" – that is, only developed on one side, with the other side providing open access to the green space for all to enjoy.

The staff does not believe these policies of the Plan have been clearly met by the applicant's development proposal. Although the petitioner is proposing residential land use, the staff believes that an R-1D zone would be more appropriate in that it would provide lots that are more in character and similar in size to the adjoining neighborhood. The staff made this recommendation last year, as well, and nothing has changed since that time that would alter this recommendation. The R-1D zone requires a minimum lot size of 6,000 square feet rather than the minimum of 2,500 square feet permitted in the R-3 zone. R-1D compares well to the R-1C zone surrounding the subject property, which requires a minimum 8,000 square-foot lot size. The R-1D zone would allow a more consistent infill development for this parcel of land. While the corollary development plan depicts single-family lots that meet the minimum R-1D size requirement, the proposed lots do not meet the frontage requirements of the R-1D zone, and a subdivision-wide variance to this requirement cannot be granted, without a waiver of the Subdivision Regulations. The applicant is also introducing a new type of housing, townhouses, in the middle of two single family neighborhoods.

Although the petitioner is proposing a low-density residential land use, which is generally compatible with the surrounding neighborhood, the staff believes that the proposed lot sizes are not compatible, nor is locating townhomes in the interior of an established neighborhood, on a cul-de-sac.

The applicant also contends that the A-U zone is no longer appropriate because public facilities and services are now available to serve urban uses on the property, and the property is too small for a viable agricultural use (a floodplain restricts use of part of the property). The applicant further opines that a

restricted R-3 zone is appropriate, because it will allow “like structures to be placed near like structures, while also providing for additional density in a desirable neighborhood.” The applicant also states that the development plan reflects the suitability of the proposed R-3 zoning; however, this statement is not compelling. The development plan only reflects that the property can possibly meet the R-3 zone requirements, not that an R-3 zone is appropriate. The staff cannot agree with the applicant's assertion that R-3 is appropriate in the center of an established neighborhood.

Nothing has changed that would entice the staff to offer a substantially different recommendation from one year ago. In fact, the applicant's proposal, although offering to restrict the R-3 zone, requests additional density and a different type of residential dwelling unit from last year, which is contrary to the staff's previous recommendation.

The Staff Recommends: Disapproval, for the following reasons:

1. The requested R-3 zone is not in agreement with the 2013 Comprehensive Plan for the following reasons:
 - a. The Comprehensive Plan recommends infill and redevelopment that is compatible with and context-sensitive to its environment, and, in this case, with two established single-family neighborhoods.
 - b. The Plan also states that infill development can have a positive impact on neighborhoods, but only if it respects the scale, massing and size of surrounding buildings.
 - c. Although the petitioner is proposing a residential land use, generally compatible with the surrounding neighborhood, some of the smaller proposed lot sizes (allowable in R-3) are not compatible, nor are the townhomes lining one side of a lengthy cul-de-sac.
 - d. The 2013 Plan recommends single-loaded streets when development is adjacent to greenways and open space throughout the community. The applicant intends to locate townhomes along the floodplain and within the greenway around the creek; thus, not meeting this policy recommendation related to improving desirable communities (Theme D).
2. The existing Agricultural Urban (A-U) zone remains appropriate for the subject property because the intent of the A-U zone is to be a holding zone until appropriate urban development is proposed.
3. The proposed Planned Neighborhood Residential (R-3) zone is not appropriate for the subject property, for the following reasons:
 - a. An R-1D zone would be more appropriate in that it would provide lots that are more in character and similar in size to those in the adjoining neighborhood.
 - b. The site is located interior to two established low density residential neighborhoods, and there is no R-3 zoning in either surrounding neighborhood, nor are any townhomes present in the immediate area.