

ORDINANCE NO. 055- 2024

AN ORDINANCE CHANGING THE ZONE FROM A SINGLE FAMILY RESIDENTIAL (R-1C) ZONE TO A TOWNHOUSE RESIDENTIAL (R-1T) ZONE, FOR 0.458 NET (0.600 GROSS) ACRES, FOR PROPERTY LOCATED AT 800 AND 802 GOLFVIEW DRIVE (ANTHONY HUMPHRESS; COUNCIL DISTRICT 11).

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WHEREAS, at a Public Hearing held on April 25, 2024, a petition for a zoning ordinance map amendment for property located at 800 and 802 Golfview Drive from a Single Family Residential (R-1C) zone to a Townhouse Residential (R-1T) zone, for 0.458 net (0.600 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change by a vote of 8-0; and

WHEREAS, the Urban County Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for property located at 800 and 802 Golfview Drive from a Single Family Residential (R-1C) zone to a Townhouse Residential (R-1T) zone, for 0.458 net (0.600 gross) acres, being more fully described in Exhibit “A” which is attached hereto and incorporated herein by reference.

Section 2 – That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

Section 3 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: June 27, 2024



MAYOR

ATTEST:



CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: July 3, 2024-1t

0575-24:TWJ:4873-7458-5284, v. 1

Rec'd by \_\_\_\_\_

Date: \_\_\_\_\_

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

**IN RE: 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 net (0.600 gross) acres for property located at 800 and 802 Golfview Drive. (Council District 11)

Having considered the above matter on **April 25, 2024**, 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 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.

ATTEST: This 31<sup>st</sup> day of May, 2024.

  
 Secretary, Jim Duncan

LARRY FORESTER  
 CHAIR

K.R.S. 100.211(7) requires that the Council take action on this request by July 24, 2024

Note: The corollary development plan, PLN-MJDP-24-00003: Kidwell & Otis Property (Golf View Estates) was approved by the Planning Commission on April 25, 2024 and certified on May 13<sup>th</sup>, 2024.

Note: A dimensional variance was approved by the Planning Commission on April 25, 2024.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Dick Murphy, attorney.**

**OBJECTORS**

- None.

**OBJECTIONS**

- None.

**VOTES WERE AS FOLLOWS:**

AYES:	(8)	Forester, Nicol, Meyer, Barksdale, Worth, Zach Davis, Wilson, Michler,
NAYS:	(0)	
ABSENT:	(3)	Owens, Pohl, and Johnathon Davis
ABSTAINED:	(0)	
DISQUALIFIED:	(0)	

Motion for **APPROVAL** of **PLN-MAR-24-00002** carried.

Enclosures:     **Application**  
                  **Justification**  
                  **Legal Description**  
                  **Plat**  
                  **Development Snapshot**  
                  **Staff Reports**  
                  **Applicable excerpts of minutes of above meeting**

## MAP AMENDMENT REQUEST (MAR) APPLICATION

**1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)**

<b>Applicant:</b> ANTHONY HUMPHRESS, 541 EUCLID AVENUE, LEXINGTON, KY 40502
<b>Owner(s):</b> EDEN COMPANIES FUND CLASS A, LLC, 541 EUCLID AVENUE, LEXINGTON, KY 40502
<b>Attorney:</b> RICHARD MURPHY

**2. ADDRESS OF APPLICANT'S PROPERTY**

800 +802 GOLFVIEW DRIVE, LEXINGTON, KY 40508
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**3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY**

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
R-1C	SINGLE FAMILY RESIDENTIAL	R-1T	TOWNHOMES	0.458	0.600

**4. COMPREHENSIVE PLAN**

a. Utilizing Placebuilder, what Place-Type is proposed for the subject site?	ENHANCED NEIGHBORHOOD
b. Utilizing Placebuilder, what Development Type is proposed for the subject site? If residential, provide the proposed density	LOW DENSITY RESIDENTIAL

**5. EXISTING CONDITIONS**

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
b. Have any such dwelling units been present on the subject property in the past 12 months?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
c. Are these units currently occupied by households earning under 40% of the median income? If yes, how many units? If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing.	<input type="checkbox"/> YES <input type="checkbox"/> NO

**6. URBAN SERVICES STATUS (Indicate whether existing, or how to be provided)**

Roads:	PUBLIC
Storm Sewers:	LFUCG
Sanity Sewers:	LFUCG
Refuse Collection:	LFUCG
Utilities:	<input checked="" type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas <input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable



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RICHARD V. MURPHY  
CHRISTOPHER M. CLENDENEN

January 2, 2024

Mr. Larry Forester, Chairman  
and Members of the Lexington-Fayette Urban County  
Planning Commission  
200 East Main Street  
Lexington, KY 40507

Re: Proposed zone change for 802 and 804 Golfview Drive

Dear Chairman Forester and Members of the Planning Commission:

This letter is written on behalf of Anthony Humphress, who is filing a zone change application and development plan for the property at 802 and 804 Golfview Drive. The property consists of approximately one-half net acre. The property is currently zoned R-1C, Single-Family Residential. We are requesting a zone change to the Townhouse Residential (R-1T) zone in order to allow the construction of ten townhouse units on the property.

## **DESCRIPTION OF THE PROJECT**

The subject property is currently the site of two older, single-family detached houses and garages. It is located on two stub streets: Golfview Drive and Garrison Avenue. Both streets stub into the Gay Brewer, Jr. Golf Course at Picadome.

The project is designed to orient to Golfview Drive, with front doors and walkways all accessing Golfview Drive. Vehicular access and parking will be to the rear of the units.

The units are designed so that they will overlook the golf course and associated open space. In addition, the development is two blocks from Addison Park and a ten-minute walk from a Lex Tran route.



## **GOALS AND OBJECTIVES OF THE 2045 COMPREHENSIVE PLAN**

This proposal is in agreement with the Goals and Objectives of the 2045 Comprehensive Plan. It supplies an attached, single-family housing option in this neighborhood which is predominantly single-family detached.

This development is in agreement with Goal A.1., Expanding Housing Choices, by supplying a townhouse choice in this area. It helps to accommodate the demand for housing in Lexington responsibility, prioritizing higher density and a mixture of housing types (Objective A.1.b.). Similarly, this development supports infill and redevelopment as a strategic component of growth (Goal A.2.). These two lots present an opportunity for infill, redevelopment and will add a housing choice to the neighborhood (Objective A.2.a.). It will be consistent with the context of the surrounding area as it will orient to Golfview Drive with parking behind the units. (Objective A.2.b.). The development provides a well-designed community (Goal 3), which will expand housing options in this area (Objective A.3.a.). By orienting the units to the street and providing front door pedestrian access on Golfview Drive, it provides for positive and safe social interactions in neighborhoods and reinforcing pedestrian connections. A new sidewalk will be provided along Golfview Drive (Objective A.3.b.). Residential units will be placed close to Golfview Drive to minimize disruption of natural features (Objective A.3.c.). Street trees and new sidewalk will be provided (Objective A.3.d.). A Lex Tran route and bus stops are a ten-minute walk away (Objective A.3.e.). Thus, community facilities will be addressed at a neighborhood scale (Goal 4).

This development provides additional housing choice in an established area of the community which has walking access to Addison Park and walking access to Lex Tran. There is easy access to downtown and to the university area. The project complies with Theme B, Goal 2, to mitigate local impacts of climate change. Thus, multi-model options are provided that de-emphasize single-occupancy vehicle dependence (Objective B.2.d.). The development complies with Theme D, improving a desirable community. This development will allow residents to enjoy the scenic vistas of the golf course, walk to Addison Park, walk to Lex Tran routes with access to downtown and the university, supporting Theme D, Goal 2, to focus on people-first development to meet the health, safety and quality of life needs of Fayette County's residents.

Finally, by providing additional single-family, attached residences in a developed area of the community, this project helps uphold the Urban Service Area concept (Goal E.1.). It promotes redevelopment of underutilized land in a manner that enhances existing urban form (Objective E.1.e.).

## **POLICIES**

This proposal is also in agreement with the policies of the 2045 Comprehensive Plan.

The development is sensitive to the surrounding area. It will be a single-family detached development. The project will be pedestrian-activated, and parking will be in the rear (Design Policy 4). It will be pedestrian-friendly with street facing front door entrances, parking in the rear, and new sidewalk on Golfview Drive (Design Policy 5). The rear parking lot will enhance

walkability and bikability in the area (Design Policy 7). Townhouses will provide a housing choice in this single-family detached neighborhood (Design Policy 8). A neighborhood park is located within two blocks and a public golf course is adjacent (Design Policy 9). This new development is re-investment in this neighborhood (Design Policy 10).

This development increases density with neighborhood-friendly design, utilizing pedestrian-oriented units, oriented to Golfview Drive with parking in the rear (Density Policy 2). The proposed development utilizes compact, attached, single-family development. (Design Policy 4). The development will provide additional new housing (Equity Policy 3). This is a compact development, which helps reduce air pollution by providing development close to transit and the university (Sustainability Policy 3). By adding sidewalks to Golfview Drive, we increase access for those who do not drive (Connectivity Policy 2). Street trees will be provided. (Support Policy 10).

## **ENGAGEMENT**

The applicant has scheduled meetings with officers of the Golfview Estates Association regarding the development.

## **PLACE-TYPE, DEVELOPMENT-TYPE AND REQUESTED ZONE**

This proposal fits within the Enhanced Neighborhood Place-Type, and within the Low-Density Residential (LR) Development-Type. We are requesting Townhouse Residential (R-1T) zone, which is a recommended zone for this Place-Type and Development-Type.

## **DEVELOPMENT CRITERIA**

Here is a discussion of the criteria that were not specifically addressed on the development plan, or which need further discussion:

- **A-DN2-1, A-DN4-1 and B-SU3-1.** This development is an infill residential development which increases density and provides new, compact, single-family housing types in this area.
- **C-LI6-1.** Although this development does not provide accessory dwelling units or affordable housing, it does provide an additional housing choice, single-family attached, in this single-family detached area.
- **C-LI7-1.** This development adds an additional use to this neighborhood, with pedestrian-oriented units, new sidewalk and it is within walking distance of Addison Park and transit routes.
- **D-PL7-1.** As mentioned above, the applicant is holding discussions with stakeholders.



- **E-ST8-2 and E-GR3-1.** This development fronts its units on Golfview Drive with pedestrian access. Vehicular access is to the rear. It is within close walking distance of Addison Park, and it is adjacent to the city-operated golf course.
- **E-GR9-1.** The design of the units would allow live-work or live-study arrangements if desired by the residents.
- **A-DS1-1 and A-DS1-2.** These criteria relate to mass transit. As mentioned above, this property is within a ten-minute walk of mass transit routes.
- **A-DS4-1.** This property is immediately adjacent to the city operated golf course, which presents many opportunities for pedestrian multi-model networks to adjacent neighborhoods via greenways. However, that would be controlled by the Urban County Government.
- **A-DS5-1.** The owner will construct additional sidewalk along Golfview Drive to enhance pedestrian connectivity.
- **A-DS10-1 and A-DS11-1.** Greater pedestrian connections are available to Addison Park and to the Red Mile area.
- **A-DS13-1.** This property currently is at the end of two stub streets. Any connection of those streets would be subject to actions of the adjoining property owner, the LFUCG.
- **D-CO1-1, D-CO2-1 and D-CO2-2.** The local government completed a community development project approximately 35 years ago in this neighborhood, which widened streets and provided sidewalks, but did not provide a sidewalk on this property. The sidewalk will be provided along Golfview Drive by the Applicant. Good pedestrian connections will be continued.
- **D-CO4-1.** As mentioned above, this property is located on two stub streets. Any continuation of those streets would be subject to the Urban County Government, which owns the adjacent property.
- **B-PR2-2.** There is currently no greenway network, although it would be possible if the city decided to utilize a portion of the golf course for the network.
- **B-PR10-1.** It is planned that lighting will be “coach-type lights,” mounted on the walls.
- **B-SU4-1.** The parking shown is less than the amount of parking required by the old ordinance.
- **B-SU5-1.** The project will be new construction which will meet current energy codes and provide energy-efficient appliances.

- **B-RE5-1 and B-RE5-2.** There is a flood plain on the rear of this property. Although it will be placed on individual lots, the owner plans to put the flood plain under common management or a homeowner's association.
- **A-DS7-1.** Parking is oriented to the rear of this development.
- **A-DS9-1 and A-DS9-2.** This tract consists of one-half acre. The focal points are the open space of the golf course, which is immediately adjacent, and an active recreation area at Addison Park, which is two blocks away.
- **A-EQ9-2.** Each unit will have a deck, which will be individually delineated. As mentioned above, the flood plan area in the rear will be under common management or a homeowner's association.
- **A-DS8-1.** This development will provide attached housing types within the single-family detached area, as called for in this criteria.

## **VARIANCE REQUEST**

The applicant is also requesting a variance in the setback from the 100-year floodplain from 25 feet to 15 feet.

Our proposed townhomes will be farther back from the floodplain than the existing house. Currently, the existing house on the property is 7.8 feet behind the 100-year floodplain. Our townhomes will be at least 15 feet back from the floodplain. The floodplain goes to an elevation of approximately 921 feet. Our finished floor elevations will be approximately 925 feet, four feet above the elevation of the floodplain. The variance will, of course, be reviewed by the Division of Water Quality and other appropriate agencies.

This is a shallow lot, only 100 feet in depth. Without the variance, it would be impossible to construct a townhouse unit with sufficient depth. Without the variance, we could build a unit with only 23.7 feet in depth. With the variance we can build a reasonable unit with 33 feet in depth.

Thus, we are requesting this variance for the following reasons:

1. Granting this variance will not adversely affect the public health, safety or welfare and will not alter the character of the general vicinity and will not cause a hazard or nuisance to the public because the new townhome units will be setback farther from the floodplain than the existing house on the property. The townhome units will be at an elevation four feet above the existing floodplain. This request also must be approved by other local and state agencies.

2. Granting this variance will not allow an unreasonable circumvention of the requirements of this zoning ordinance because the new townhome units will be located farther back from the floodplain than the existing house on the property. The new townhome units will be at an elevation four feet above the 100-year floodplain level. It will allow the applicant to supply

attached single-family housing in this neighborhood which is predominately detached single-family residential.

3. The special circumstances which apply to this property and which do not generally apply to the land in the general vicinity or in the same zone are that this is a shallow lot with only 100 feet of depth. As mentioned above, the townhomes will be located farther back from the floodplain than is the existing single-family house. Without the variance, a reasonably sized townhome unit could not be constructed.

4. The strict application of the regulations of the Zoning Ordinance would deprive the applicant of a reasonable use of his land or create an unnecessary hardship because the units will still be built at an elevation four feet above the 100-year floodplain. Strict application would prevent the applicant from constructing reasonably sized units on the property. The new units will be located farther back from the floodplain than the existing single-family house on the property.

5. The circumstance surrounding the requested variance are not the result of the actions of this applicant, taken subsequent to the regulations from which relief is sought. The applicant is going through all appropriate processes to request this variance prior to commencement of any construction on the property.

**CONCLUSION**

Our proposal will allow redevelopment of a parcel to provide an attached, single-family housing choice in this established area of the community. It will utilize the focal points of the vistas over the golf course and the active recreation available in the city park, two blocks away. It will provide additional housing in this portion of the community and will be an attractive addition to the neighborhood.

Thank you for your consideration of this zone change request.

Sincerely,



Richard V. Murphy,  
Attorney for Anthony Humphress

RVM/prb

# ENHANCED NEIGHBORHOOD

On Plan

Written

Not Applicable

## ENHANCED NEIGHBORHOOD - LOW DENSITY RESIDENTIAL

### LAND USE

- A-DN2-1** Infill residential should aim to increase density.
- A-DN4-1** Provide new compact single-family housing types.
- B-SU3-1** Development should provide compact and/or mixed use development.
- C-LI6-1** ADUs and/or affordable housing options should be incorporated into existing and new single-family residential development. (A-DN5)
- C-LI7-1** Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.
- C-PS15-2** Improve options for affordable and nutritious food where not currently available
- D-PL7-1** Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
- D-SP1-1** Elementary and middle schools should be located within residential neighborhoods, and high schools primarily along collector streets. (A-EQ7)
- D-SP9-1** Encourage co-housing, shared housing environments, planned communities and accessory dwelling units for flexibility and affordability for senior adults and people with disabilities.
- E-ST8-2** Development should provide community oriented places and services.
- E-GR3-1** Development should meet recreational needs by following the recommendations of the Parks Master Plan
- E-GR9-1** Live/work units should be incorporated into residential developments.
- E-GR9-3** Less intense multi-family residence types should be incorporated into primarily single-family detached areas.

### TRANSPORTATION, CONNECTIVITY, AND WALKABILITY

- A-DS1-1** Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes.
- A-DS1-2** Accessible pedestrian linkages to transit should be provided.
- A-DS4-1** A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided.

## ENHANCED NEIGHBORHOOD - LOW DENSITY RESIDENTIAL

- A-DS5-1** Safe multi-modal facilities should be provided to ensure vehicular separation from bicycles, pedestrians and other modes of transport.
- A-DS5-2** Developments should incorporate vertical elements, such as street trees and buildings, to create a walkable streetscape.
- A-DS10-1** New developments should incorporate clear and dedicated connections to nearby community anchors.
- A-DS11-1** Street layouts should provide clear, visible access to neighborhood-focused open space and greenspaces
- A-DS13-1** Stub streets should be connected.
- C-PS10-1** Flexible parking and shared parking arrangements should be utilized.
- D-CO1-1** Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type.
- D-CO2-1** Development should create and/or expand a connected multimodal transportation network that satisfies all users' needs.
- D-CO2-2** Development should comply with Lexington's Complete Streets Policy.
- D-CO4-1** Dead-end streets and cul-de-sacs should be discouraged.
- D-CO4-2** Provide multiple route options (grid type structure) to alleviate congestion in lieu of additional lanes upon existing roadways.
- D-CO4-3** Street pattern and design should consider site topography and minimize grading where possible.
- D-CO5-1** Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.

### ENVIRONMENTAL SUSTAINABILITY AND RESILIENCY

- B-PR2-1** Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.
- B-PR2-2** Development should include regularly spaced access with an adequate width to the greenway network and conservation areas.
- B-PR3-1** Minimize impact of development adjacent to land conservation properties through buffering.
- B-PR7-1** Developments should be designed to minimize tree removal and to protect and preserve existing significant trees.

ENHANCED NEIGHBORHOOD - LOW DENSITY RESIDENTIAL

- B-PR9-1** Minimize grading and topsoil disturbance by utilizing the existing topography to the greatest extent possible and preserving key natural features.
- B-PR10-1** Development should avoid overlighting and upward directed lighting.
- B-SU4-1** Development should minimize and/or mitigate impervious surfaces.
- B-SU5-1** Developments should incorporate energy efficient systems and renewable energy resources (i.e. wind, solar, etc.).
- B-SU9-1** Green Stormwater Infrastructure (GSI) should be implemented in new development.
- B-SU11-1** Development should incorporate low impact landscaping and native plant species
- B-RE1-1** Developments should improve the tree canopy. 3)
- B-RE2-1** Lexington's green infrastructure network, including parks, trails, greenways, or natural areas should be highly visible and accessible.
- 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.
- B-RE5-3** Developments within the Royal Springs Aquifer should consult with the Royal Springs Water Supply Protection Committee.
- D-SP10-1** Prioritize street trees in the planting strip

SITE DESIGN

- A-DS7-1** Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
- A-DS9-1** Development should provide active and engaging amenities within neighborhood focused open spaces.
- A-DS9-2** Where neighborhood open space or parks are not located within walking distance of a new development, applicants should incorporate these facilities.
- A-EQ9-1** School sites should be appropriately sized.
- A-EQ9-2** Shared open spaces should be easily accessible and clearly delineated from private open spaces.
- C-LI8-1** Development should enhance a well-connected and activated public realm.

ENHANCED NEIGHBORHOOD - LOW DENSITY RESIDENTIAL

- C-PS10-2** Over-parking of new developments should be avoided.
- D-PL4-1** Enhance open space through the provision of programmatic elements and amenities
- D-SP1-2** School design should prioritize a high percentage of open and accessible street frontage.
- D-SP2-1** Visible, usable greenspace and other natural components should be incorporated into school sites.
- D-SP3-1** Adequate right-of-way, lease areas and easements for infrastructure, with emphasis on wireless communication networks should be provided to create reliable service throughout Lexington.
- D-SP3-2** Cellular tower antennae should be located to minimize intrusion and negative aesthetic impacts, and stealth towers and landscaping used to improve the visual impact from the roadway and residential areas.

BUILDING FORM

- A-DS3-1** Multi-family residential developments should comply with the Multi-family Design Standards in Appendix A.
- A-DS5-3** Building orientation should maximize connections with the street and create a pedestrian-friendly atmosphere.
- A-DS8-1** Where single family detached residential units are provided, a variety of other housing types should be regularly interspersed along the street frontage.
- E-GR4-1** Developments should incorporate reuse of viable existing structures.
- E-GR5-1** Structures with demonstrated historic significance should be preserved or adapted.



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RICHARD V. MURPHY  
CHRISTOPHER M. CLENDENEN

January 17, 2024

Mr. Larry Forester, Chairman  
and Members of the Lexington-Fayette Urban County  
Planning Commission  
200 East Main Street  
Lexington, KY 40507

Re: Revised Statement of Justification  
Proposed zone change for 802 and 804 Golfview Drive

Dear Chairman Forester and Members of the Planning Commission:

This is a revised statement of justification for the zone change at 802 and 804 Golfview Drive. The only changes from the letter dated January 2, 2024 relate to the variance request.

This letter is written on behalf of Anthony Humphress, who is filing a zone change application and development plan for the property at 802 and 804 Golfview Drive. The property consists of approximately one-half net acre. The property is currently zoned R-1C, Single-Family Residential. We are requesting a zone change to the Townhouse Residential (R-1T) zone in order to allow the construction of ten townhouse units on the property.

## **DESCRIPTION OF THE PROJECT**

The subject property is currently the site of two older, single-family detached houses and garages. It is located on two stub streets: Golfview Drive and Garrison Avenue. Both streets stub into the Gay Brewer, Jr. Golf Course at Picadome.

The project is designed to orient to Golfview Drive, with front doors and walkways all accessing Golfview Drive. Vehicular access and parking will be to the rear of the units.

The units are designed so that they will overlook the golf course and associated open space. In addition, the development is two blocks from Addison Park and a ten-minute walk from a Lex Tran route.



## **GOALS AND OBJECTIVES OF THE 2045 COMPREHENSIVE PLAN**

This proposal is in agreement with the Goals and Objectives of the 2045 Comprehensive Plan. It supplies an attached, single-family housing option in this neighborhood which is predominantly single-family detached.

This development is in agreement with Goal A.1., Expanding Housing Choices, by supplying a townhouse choice in this area. It helps to accommodate the demand for housing in Lexington responsibility, prioritizing higher density and a mixture of housing types (Objective A.1.b.). Similarly, this development supports infill and redevelopment as a strategic component of growth (Goal A.2.). These two lots present an opportunity for infill, redevelopment and will add a housing choice to the neighborhood (Objective A.2.a.). It will be consistent with the context of the surrounding area as it will orient to Golfview Drive with parking behind the units. (Objective A.2.b.). The development provides a well-designed community (Goal 3), which will expand housing options in this area (Objective A.3.a.). By orienting the units to the street and providing front door pedestrian access on Golfview Drive, it provides for positive and safe social interactions in neighborhoods and reinforcing pedestrian connections. A new sidewalk will be provided along Golfview Drive (Objective A.3.b.). Residential units will be placed close to Golfview Drive to minimize disruption of natural features (Objective A.3.c.). Street trees and new sidewalk will be provided (Objective A.3.d.). A Lex Tran route and bus stops are a ten-minute walk away (Objective A.3.e.). Thus, community facilities will be addressed at a neighborhood scale (Goal 4).

This development provides additional housing choice in an established area of the community which has walking access to Addison Park and walking access to Lex Tran. There is easy access to downtown and to the university area. The project complies with Theme B, Goal 2, to mitigate local impacts of climate change. Thus, multi-modal options are provided that de-emphasize single-occupancy vehicle dependence (Objective B.2.d.). The development complies with Theme D, improving a desirable community. This development will allow residents to enjoy the scenic vistas of the golf course, walk to Addison Park, walk to Lex Tran routes with access to downtown and the university, supporting Theme D, Goal 2, to focus on people-first development to meet the health, safety and quality of life needs of Fayette County's residents.

Finally, by providing additional single-family, attached residences in a developed area of the community, this project helps uphold the Urban Service Area concept (Goal E.1.). It promotes redevelopment of underutilized land in a manner that enhances existing urban form (Objective E.1.e.).

## **POLICIES**

This proposal is also in agreement with the policies of the 2045 Comprehensive Plan.

The development is sensitive to the surrounding area. It will be a single-family detached development. The project will be pedestrian-activated, and parking will be in the rear (Design Policy 4). It will be pedestrian-friendly with street facing front door entrances, parking in the rear, and new sidewalk on Golfview Drive (Design Policy 5). The rear parking lot will enhance

walkability and bikability in the area (Design Policy 7). Townhouses will provide a housing choice in this single-family detached neighborhood (Design Policy 8). A neighborhood park is located within two blocks and a public golf course is adjacent (Design Policy 9). This new development is re-investment in this neighborhood (Design Policy 10).

This development increases density with neighborhood-friendly design, utilizing pedestrian-oriented units, oriented to Golfview Drive with parking in the rear (Density Policy 2). The proposed development utilizes compact, attached, single-family development. (Design Policy 4). The development will provide additional new housing (Equity Policy 3). This is a compact development, which helps reduce air pollution by providing development close to transit and the university (Sustainability Policy 3). By adding sidewalks to Golfview Drive, we increase access for those who do not drive (Connectivity Policy 2). Street trees will be provided. (Support Policy 10).

**ENGAGEMENT**

The applicant has scheduled meetings with officers of the Golfview Estates Association regarding the development.

**PLACE-TYPE, DEVELOPMENT-TYPE AND REQUESTED ZONE**

This proposal fits within the Enhanced Neighborhood Place-Type, and within the Low-Density Residential (LR) Development-Type. We are requesting Townhouse Residential (R-1T) zone, which is a recommended zone for this Place-Type and Development-Type.

**DEVELOPMENT CRITERIA**

Here is a discussion of the criteria that were not specifically addressed on the development plan, or which need further discussion:

- **A-DN2-1, A-DN4-1 and B-SU3-1.** This development is an infill residential development which increases density and provides new, compact, single-family housing types in this area.
- **C-LI6-1.** Although this development does not provide accessory dwelling units or affordable housing, it does provide an additional housing choice, single-family attached, in this single-family detached area.
- **C-LI7-1.** This development adds an additional use to this neighborhood, with pedestrian-oriented units, new sidewalk and it is within walking distance of Addison Park and transit routes.
- **D-PL7-1.** As mentioned above, the applicant is holding discussions with stakeholders.

- **E-ST8-2 and E-GR3-1.** This development fronts its units on Golfview Drive with pedestrian access. Vehicular access is to the rear. It is within close walking distance of Addison Park, and it is adjacent to the city-operated golf course.
- **E-GR9-1.** The design of the units would allow live-work or live-study arrangements if desired by the residents.
- **A-DS1-1 and A-DS1-2.** These criteria relate to mass transit. As mentioned above, this property is within a ten-minute walk of mass transit routes.
- **A-DS4-1.** This property is immediately adjacent to the city operated golf course, which presents many opportunities for pedestrian multi-modal networks to adjacent neighborhoods via greenways. However, that would be controlled by the Urban County Government.
- **A-DS5-1.** The owner will construct additional sidewalk along Golfview Drive to enhance pedestrian connectivity.
- **A-DS10-1 and A-DS11-1.** Greater pedestrian connections are available to Addison Park and to the Red Mile area.
- **A-DS13-1.** This property currently is at the end of two stub streets. Any connection of those streets would be subject to actions of the adjoining property owner, the LFUCG.
- **D-CO1-1, D-CO2-1 and D-CO2-2.** The local government completed a community development project approximately 35 years ago in this neighborhood, which widened streets and provided sidewalks, but did not provide a sidewalk on this property. The sidewalk will be provided along Golfview Drive by the Applicant. Good pedestrian connections will be continued.
- **D-CO4-1.** As mentioned above, this property is located on two stub streets. Any continuation of those streets would be subject to the Urban County Government, which owns the adjacent property.
- **B-PR2-2.** There is currently no greenway network, although it would be possible if the city decided to utilize a portion of the golf course for the network.
- **B-PR10-1.** It is planned that lighting will be “coach-type lights,” mounted on the walls.
- **B-SU4-1.** The parking shown is less than the amount of parking required by the old ordinance.
- **B-SU5-1.** The project will be new construction which will meet current energy codes and provide energy-efficient appliances.

- **B-RE5-1 and B-RE5-2.** There is a flood plain on the rear of this property. Although it will be placed on individual lots, the owner plans to put the flood plain under common management or a homeowner's association.
- **A-DS7-1.** Parking is oriented to the rear of this development.
- **A-DS9-1 and A-DS9-2.** This tract consists of one-half acre. The focal points are the open space of the golf course, which is immediately adjacent, and an active recreation area at Addison Park, which is two blocks away.
- **A-EQ9-2.** Each unit will have a deck, which will be individually delineated. As mentioned above, the flood plan area in the rear will be under common management or a homeowner's association.
- **A-DS8-1.** This development will provide attached housing types within the single-family detached area, as called for in this criteria.

## **VARIANCE REQUEST**

The applicant is also requesting a variance in the setback from the 100-year floodplain from 25 feet to 5 feet.

All the townhomes and their associated decks will be outside the floodplain. The variance request affects the buildings of only Units 9 and 10. At its closest, Unit 10 is set back 15 feet from the floodplain. The proposed townhome buildings will be farther back from the floodplain than is the existing house. Currently, the existing house is 7.8 feet behind the 100-year floodplain. At its closest, Unit 10 will be 15 feet back from the floodplain.

The variance will affect mainly the rear second floor decks. All of our decks will be **outside** the 100-year floodplain. (Please note that decks, gazebos and shelters are actually allowed **inside** the floodplain and also inside the 25-foot setback under the City's Stormwater Manual). As mentioned, all decks are outside the floodplain but will be within the 25 foot setback on some of the units. The decks provide an additional amenity and private, outdoor living space for each of the units. They overlook the green space of the golf course. The proposed decks are farther back from the floodplain than is the existing deck.

The floodplain goes to an elevation of approximately 921 feet. Our finished floor elevations will be approximately 925 feet, four feet above the elevation of the floodplain. The variance will, of course, be reviewed by the Division of Water Quality and other appropriate agencies.

This is a shallow lot, only 100 feet in depth. Without the variance, it would be impossible to construct a townhouse unit with sufficient depth and with a deck to supply additional outdoor living space. Without the variance, we could build a unit with only 23.7 feet in depth. With the variance we can build a reasonable unit with 33 feet in depth.

Thus, we are requesting this variance for the following reasons:

1. Granting this variance will not adversely affect the public health, safety or welfare and will not alter the character of the general vicinity and will not cause a hazard or nuisance to the public because the new townhome units and decks will be set back farther from the floodplain than the existing house and deck on the property. The townhome units will be at an elevation four feet above the existing floodplain. This request also must be approved by other local and state agencies.

2. Granting this variance will not allow an unreasonable circumvention of the requirements of this zoning ordinance because the new townhome units and decks will be located farther back from the floodplain than the existing house and deck on the property. The new townhome units and decks will be at an elevation four feet above the 100-year floodplain level. It will allow the applicant to supply attached single-family housing in this neighborhood which is predominately detached single-family residential.

3. The special circumstances which apply to this property and which do not generally apply to the land in the general vicinity or in the same zone are that this is a shallow lot with only 100 feet of depth. As mentioned above, the townhomes and decks will be located farther back from the floodplain than the existing single-family house and deck. Without the variance, a reasonably sized townhome unit could not be constructed.

4. The strict application of the regulations of the Zoning Ordinance would deprive the applicant of a reasonable use of his land or create an unnecessary hardship because the units will be built at an elevation four feet above the 100-year floodplain. Strict application would prevent the applicant from constructing reasonably sized units with outdoor living space on the property. The new units and decks will be located farther back from the floodplain than the existing single-family house and deck on the property.

5. The circumstance surrounding the requested variance are not the result of the actions of this applicant, taken subsequent to the regulations from which relief is sought. The applicant is going through all appropriate processes to request this variance prior to commencement of any construction on the property.

## **CONCLUSION**

Our proposal will allow redevelopment of a parcel to provide an attached, single-family housing choice in this established area of the community. It will utilize the focal points of the vistas over the golf course and the active recreation available in the city park, two blocks away. It will provide additional housing in this portion of the community and will be an attractive addition to the neighborhood.

Thank you for your consideration of this zone change and variance request.

Sincerely,

A handwritten signature in blue ink that reads "Richard V. Murphy". The signature is written in a cursive style with a large, stylized initial "R".

Richard V. Murphy,  
Attorney for Anthony Humphress

RVM/prb



# ENHANCED NEIGHBORHOOD

On Plan

written

Not Applicable

## ENHANCED NEIGHBORHOOD - LOW DENSITY RESIDENTIAL

### LAND USE

- A-DN2-1** Infill residential should aim to increase density.
- A-DN4-1** Provide new compact single-family housing types.
- B-SU3-1** Development should provide compact and/or mixed use development.
- C-L16-1** ADUs and/or affordable housing options should be incorporated into existing and new single-family residential development. (A-DN5)
- C-L17-1** Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.
- C-PS15-2** Improve options for affordable and nutritious food where not currently available
- D-PL17-1** Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
- D-SPT1-1** Elementary and middle schools should be located within residential neighborhoods, and high schools primarily along collector streets. (A-EQ7)
- D-SP9-1** Encourage co-housing, shared housing environments, planned communities and accessory dwelling units for flexibility and affordability for senior adults and people with disabilities.
- E-ST8-2** Development should provide community oriented places and services.
- E-GR3-1** Development should meet recreational needs by following the recommendations of the Parks Master Plan
- E-GR9-1** Live/work units should be incorporated into residential developments.
- E-GR9-3** Less intense multi-family residence types should be incorporated into primarily single-family detached areas.

### TRANSPORTATION, CONNECTIVITY, AND WALKABILITY

- A-DS1-1** Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes.
- A-DS1-2** Accessible pedestrian linkages to transit should be provided.
- A-DS4-1** A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided.

## ENHANCED NEIGHBORHOOD - LOW DENSITY RESIDENTIAL

- A-DS5-1** Safe multi-modal facilities should be provided to ensure vehicular separation from bicycles, pedestrians and other modes of transport.
- A-DS5-2** Developments should incorporate vertical elements, such as street trees and buildings, to create a walkable streetscape.
- A-DS10-1** New developments should incorporate clear and dedicated connections to nearby community anchors.
- A-DS11-1** Street layouts should provide clear, visible access to neighborhood-focused open space and greenspaces
- A-DS13-1** Stub streets should be connected.
- C-PS10-1** Flexible parking and shared parking arrangements should be utilized.
- D-C01-1** Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type.
- D-C02-1** Development should create and/or expand a connected multimodal transportation network that satisfies all users' needs.
- D-C02-2** Development should comply with Lexington's Complete Streets Policy.
- D-C04-1** Dead-end streets and cul-de-sacs should be discouraged.
- D-C04-2** Provide multiple route options (grid type structure) to alleviate congestion in lieu of additional lanes upon existing roadways.
- D-C04-3** Street pattern and design should consider site topography and minimize grading where possible.
- D-C05-1** Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.

### ENVIRONMENTAL SUSTAINABILITY AND RESILIENCY

- B-PR2-1** Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.
- B-PR2-2** Development should include regularly spaced access with an adequate width to the greenway network and conservation areas.
- B-PR3-1** Minimize impact of development adjacent to land conservation properties through buffering.
- B-PR7-1** Developments should be designed to minimize tree removal and to protect and preserve existing significant trees.

ENHANCED NEIGHBORHOOD - LOW DENSITY RESIDENTIAL

- B-PR9-1** Minimize grading and topsoil disturbance by utilizing the existing topography to the greatest extent possible and preserving key natural features.
- B-PR10-1** Development should avoid overlighting and upward directed lighting.
- B-SU4-1** Development should minimize and/or mitigate impervious surfaces.
- B-SU5-1** Developments should incorporate energy efficient systems and renewable energy resources (i.e. wind, solar, etc.).
- B-SU9-1** Green Stormwater Infrastructure (GSI) should be implemented in new development.
- B-SU11-1** Development should incorporate low impact landscaping and native plant species
- B-RE1-1** Developments should improve the tree canopy. 3)
- B-RE2-1** Lexington's green infrastructure network, including parks, trails, greenways, or natural areas should be highly visible and accessible.
- 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.
- B-RE5-3** Developments within the Royal Springs Aquifer should consult with the Royal Springs Water Supply Protection Committee.
- D-SP10-1** Prioritize street trees in the planting strip

SITE DESIGN

- A-DS7-1** Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
- A-DS9-1** Development should provide active and engaging amenities within neighborhood focused open spaces.
- A-DS9-2** Where neighborhood open space or parks are not located within walking distance of a new development, applicants should incorporate these facilities.
- A-EQ9-1** School sites should be appropriately sized.
- A-EQ9-2** Shared open spaces should be easily accessible and clearly delineated from private open spaces.
- C-LI8-1** Development should enhance a well-connected and activated public realm.

ENHANCED NEIGHBORHOOD - LOW DENSITY RESIDENTIAL

- C-PS10-2** Over-parking of new developments should be avoided.
- D-PLA-1** Enhance open space through the provision of programmatic elements and amenities
- D-SPI-2** School design should prioritize a high percentage of open and accessible street frontage.
- D-SP2-1** Visible, usable greenspace and other natural components should be incorporated into school sites.
- D-SP3-1** Adequate right-of-way, lease areas and easements for infrastructure, with emphasis on wireless communication networks should be provided to create reliable service throughout Lexington.
- D-SP3-2** Cellular tower antennae should be located to minimize intrusion and negative aesthetic impacts, and stealth towers and landscaping used to improve the visual impact from the roadway and residential areas.

BUILDING FORM

- A-DS3-1** Multi-family residential developments should comply with the Multi-family Design Standards in Appendix A.
- A-DS5-3** Building orientation should maximize connections with the street and create a pedestrian-friendly atmosphere.
- A-DS8-1** Where single family detached residential units are provided, a variety of other housing types should be regularly interspersed along the street frontage.
- E-GR4-1** Developments should incorporate reuse of viable existing structures.
- E-GR5-1** Structures with demonstrated historic significance should be preserved or adapted.

Legal Description  
Anthony Humphress  
Zone Change From R-1C to R-1T  
At 802 & 804 Golfview Drive  
Lexington, Fayette County, Kentucky

ALL THAT TRACT OR PARCEL OF LAND SITUATED AT THE SOUTHWEST CORNER OF GOLFVIEW DRIVE AND GARRISON AVENUE IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the intersection of the centerline of Golfview Drive with the centerline of Garrison Avenue having Kentucky state plane coordinates of 1,559,785.4 feet easting and 197,068.9 feet northing;

thence along the centerline of Garrison Avenue south 32 degrees 07 minutes 32 seconds west 120.00 feet to a point;

thence leaving Garrison Avenue north 57 degrees 52 minutes 28 seconds west 229.37 feet to a point;

thence north 42 degrees 55 minutes 07 seconds east 122.15 feet to a point in the centerline of Golfview Drive;

thence along the centerline of Golfview Drive south 57 degrees 52 minutes 28 seconds east 206.50 feet to the point of beginning and containing 0.600 gross acres and 0.458 net acres.



*Wesley B. Witt*



# ANTHONY HUMPHRESS (PLN-MAR-24-00002)

802 & 804 GOLVIEW DRIVE

Rezone the property to establish a townhome development.

## Applicant

ANTHONY HUMPHRESS  
541 EUCLID AVENUE,  
LEXINGTON, KY 40502  
richard@murphyclendenen.com

## Owner

EDEN COMPANIES FUND CLASS A, LLC  
541 EUCLID AVENUE,  
LEXINGTON, KY 40502

## Application Details

### Acreage:

0.458 net (0.600 gross) acres

### Current Zoning:

Single Family Residential (R-1C) Zone

### Proposed Zoning:

Townhouse Residential (R-1T)

### Place-type/Development Type

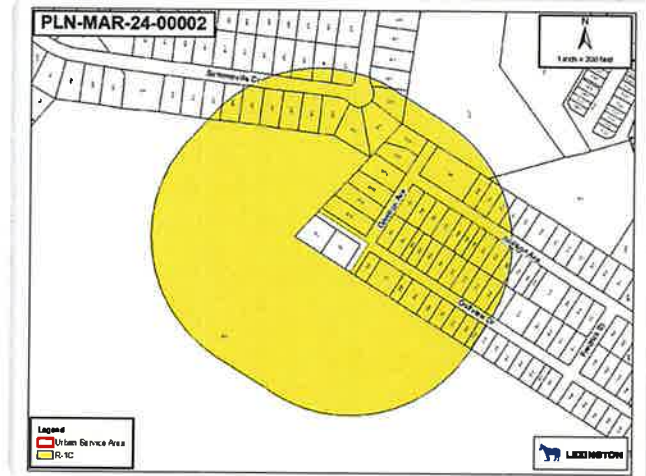
Enhanced Neighborhood

Low Density Residential

*For more information about the Enhanced Neighborhood place type see Imagine Lexington pages 329-337. For more information on the Low Density Residential Development Type see page 270.*

### Description:

The applicant is seeking to rezone the subject properties in order to establish a townhome development. The applicant proposes to develop a total of ten (10) townhome units, for a residential density of 21.83 units per acre. The applicant is also seeking a variance to reduce the required setback from a floodplain from 25 feet to 5 feet.



## Status

- Public Engagement
- Pre-Application Meeting
- Application Review
- Planning Staff Review
- Technical Review Committee
- Zoning/Subdivision Committee Meetings
- Planning Commission Hearing
- Urban County Council Meeting

## Public Engagement

- The applicant has indicated that they have reached out to the Golfview Estates Association, but that no meeting has occurred at this time.

DISCLAIMER: Plans are subject to change. Visit the Accela Citizen Portal ([lexingtonky.gov/plans](http://lexingtonky.gov/plans)) or contact Planning for the latest information.

# Development Plan



VICINITY MAP

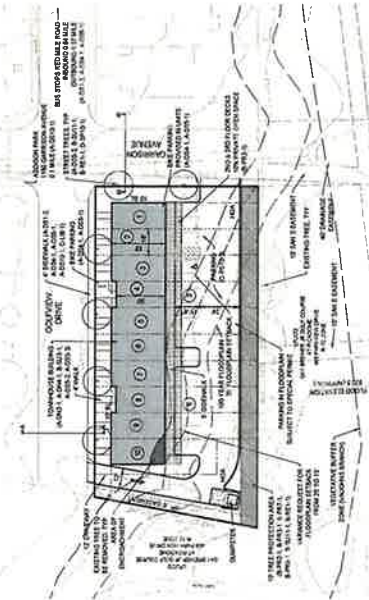
- TERMINOLOGY:**
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- SECTION X:** 47' ROW
- SECTION Y:** 47' ROW
- SECTION Z:** 47' ROW

**OWNER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**COMMISSIONER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**PLANNING COMMISSION SECRETARY:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

- NOTES:**
1. THIS DEVELOPMENT PLAN SHALL NOT BE USED AS THE BASIS FOR SALE OF THE SUBDIVISION PLAN. ANY SALE SHALL BE BASED UPON AN APPROVED DEVELOPMENT PLAN.
  2. THE DEVELOPMENT PLAN SHALL BE SUBJECT TO THE APPROVAL OF THE PLANNING COMMISSION AND THE CITY OF LEXINGTON, KENTUCKY.
  3. THE DEVELOPMENT PLAN SHALL BE SUBJECT TO THE APPROVAL OF THE PLANNING COMMISSION AND THE CITY OF LEXINGTON, KENTUCKY.
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  20. THE DEVELOPMENT PLAN SHALL BE SUBJECT TO THE APPROVAL OF THE PLANNING COMMISSION AND THE CITY OF LEXINGTON, KENTUCKY.



**GOLF VIEW ESTATES**  
802 & 804 Golfview Drive  
Lexington, Kentucky

**DP**  
PL-MJD-P-24-00003

Revised: \_\_\_\_\_  
Primary Development Plan

OWNER: DOMINION FUND CLASS A, LLC  
ATTORNEY: \_\_\_\_\_  
APPLICANT: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
LEXINGTON, KY 40503



ITEM	REMARKS
1	AS SHOWN ON THE PLAN
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3	AS SHOWN ON THE PLAN
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**VARIANCE REQUEST:** \_\_\_\_\_  
FROM 20 TO 10'

- PLACEMENT BY:** \_\_\_\_\_
- PLANNING COMMISSION:** \_\_\_\_\_
- DATE:** \_\_\_\_\_
- REVISIONS:**
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# STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-24-00002: ANTHONY HUMPHRESS

## DESCRIPTION OF ZONE CHANGE

Zone Change:	From a Single Family Residential (R-1C) zone To a Townhouse Residential (R-1T) zone
Acreage:	0.458 net (0.600 gross) acres
Location:	802 & 804 Golfview Drive



## EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Properties	R-1C	Residential
To North	R-1C	Residential
To East	R-1C	Residential
To South	R-1C	Golf course
To West	R-1C	Golf course

## URBAN SERVICE REPORT

**Roads** - The subject properties are located at the intersection of Golfview Drive and Garrison Avenue. Golfview Drive is a two-lane local road that stubs into the Picadome golf course west of the subject properties. Garrison Avenue is a small two lane local road that stubs into Picadome golf course to the west.

**Curb/Gutter/Sidewalks** - Curb and gutter facilities exist along both Golfview Drive and Garrison Avenue. Sidewalk facilities are present along the majority of Golfview Drive and Garrison Avenue; however, no sidewalks are present along either portion of the subject properties' road frontages.

**Storm Sewers** - The subject properties are located within the Wolf Run watershed. The surrounding areas have a history of flooding, and flood hazard areas are present in the southwest portion of the properties. Development on this parcel will require compliance with Article 19 of the Zoning Ordinance; and water quality will need to be addressed by the developer in accordance with the adopted Engineering Stormwater Manuals.

**Sanitary Sewers** - The subject properties are located within the Wolf Run sewershed, and are served by the Town Branch Wastewater Treatment Facility on Lisle Industrial Avenue.

**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 Thursday.

**Police** - The subject properties are located within and are served by the West Roll Call Center, located on Old Frankfort Pike, approximately 1.5 miles northwest of the subject properties.

**Fire/Ambulance** - Fire Station is #11 located approximately 1/2 of a mile south of the subject properties, on Harrodsburg Road.

**Transit** - Lextran Route #15 has a stop approximately 1/3 of a mile northeast of the subject properties, on Red Mile Road. Route #13 also has a stop on South Broadway, approximately 0.6 miles to the southeast.

**Parks** - The subject properties directly adjoin Picadome golf course, and are located 400 feet from Addison Park, to the north.



## SUMMARY OF REQUEST

The applicant is seeking a zone change from the Single Family Residential (R-1C) zone to the Townhouse Residential (R-1T) zone in order to establish a townhouse development. In addition, the applicant is seeking a variance to reduce the required floodplain setback from 25 feet to 5 feet.

## 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 low density, single family residences, emphasizing the incorporation of attached single family dwellings (townhomes) 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. Attached single family dwellings should be located along road frontage and should not adversely impact the associated pedestrian system. This zone should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan

## PROPOSED USE



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.

## APPLICANT & COMMUNITY ENGAGEMENT



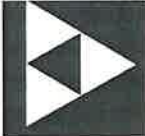
The applicant has scheduled a meeting with the Golfview Neighborhood Association on February 7th, 2024 to discuss the proposal.

## PROPERTY & ZONING HISTORY



The subject properties have been zoned Single Family Residential (R-1C) since before the comprehensive rezoning of the City and County in 1969. Both parcels contain single family residences that were constructed around 1946, as well as accessory garages.

## COMPREHENSIVE PLAN COMPLIANCE



The 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

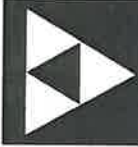
The applicant opines that their proposal is in agreement with the Goals and Objectives of the 2045 Comprehensive Plan. They state that the proposed redevelopment will increase the residential density of the area, and introduce a new housing type in an area predominantly characterized with single-family detached development (Theme A, Goal #1.b; Theme A, Goal #2.b). By providing sidewalks and orienting the structures toward the roadway on Golfview Drive, the applicant opines that they are creating a better connected development that will encourage safe social interactions (Theme A, Goal #3.c). While staff agrees that these goals can be met at this location, there are several other Goals and Objectives of the Comprehensive Plan that the applicant should respond to:

*Minimize disruption of natural features when building new communities (Theme A, Goal #3.c); 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).*

The subject properties currently have portions of a special flood hazard area to the south, where they adjoin the stream on Picadome Golf Course. The special flood hazard areas on the subject properties were never developed; however, under the applicant's proposal, both paved vehicular use areas and dumpster facilities are proposed to be created within the floodplain. Additionally, the applicant is requesting a variance in order to build the structures within the required 25-foot floodplain setback. The applicant opines that the request will positively impact the environment by reducing carbon emissions through its proximity to transit stops; however, there is no discussion on the environmental impacts of adding impervious surface and dumpsters within floodplain. The applicant should address how these changes to the site are in agreement with goals and objectives relating to minimizing impacts to natural areas and managing the effects of climate change.

### POLICIES

The applicant has identified several policies of the 2045 Comprehensive Plan that they opine are being met with this request. The applicant states that by locating the townhomes along the street frontage and locating parking to the rear the request will enhance the streetscape and create a more walkable environment (Theme A, Design Policy #5). The applicant further states that 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). By adding sidewalk facilities to the Golfview road frontage, the applicant also contends that they are improving the pedestrian system within the neighborhood (Theme A, Design Policy #1).



While staff agrees that these policies can be met with this request, there are several Comprehensive Plan Policies that the applicant should address:

*Provide development that is sensitive to the surrounding context (Theme A, Design Policy #4); Conserve and protect environmentally sensitive areas, including sensitive natural habitats, greenways, and water bodies (Theme B, Protection Policy #2); Reduce and mitigate negative environmental impacts of impervious surfaces and vehicular use areas (Theme B, Sustainability Policy #4).*

Within the applicant's letter of justification, there is no discussion on the environmental impact of the proposed development. The context of the floodplain and adjoining stream are not addressed, except when justifying the distance of the requested variance. The applicant should provide further information on how the proposed development would address the environmental features in the area, and how their development is meeting these sustainability and protection policies.

### **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 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 has indicated that the site is located within the Enhanced Neighborhood Place-Type, and is seeking to utilize the property as Low Density Residential Development Type. The property is located within an existing residential neighborhood, which the applicant is seeking to improve with additional housing units. Within the Enhanced Neighborhood Place-Type, the Low Density Residential Development Type is a recommended Development Type, and is in keeping with the scale of the detached single-family residential development in the area. The applicant's proposed Townhouse Residential (R-1T) zone is not a recommended zone for the chosen Place-Type and Development Type. The applicant should provide information that justifies the choice in zone.

### **DEVELOPMENT CRITERIA**

The development criteria for a zone change are the distillation of the adopted Goals, Objectives, and Policies from 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

Staff finds that the request meets the requirements 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).

#### 2. Transportation, Connectivity, and Walkability

Staff finds that this request meets the requirements for Transportation, Connectivity, and Walkability, 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.

#### 3. Environmental Sustainability and Resiliency

The applicant should provide further information regarding the following development criteria for 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-PR9-1: Minimize grading and topsoil disturbance by utilizing the existing topography to the greatest extent possible and preserving key natural features; B-SU4-1: Development should minimize or mitigate impervious surfaces; B-RE5-3: Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them*

The applicant's proposal and associated variance directly conflict with several environmental development criteria. These provisions call for minimizing the impact to environmentally sensitive areas, reducing the amount of grading and impervious surface, and creating additional buffers around these areas. The applicant's proposal includes paving portions of the floodplain, locating the dumpster within the floodplain, and reducing the setback from these areas to allow for development that is closer to the floodplain. Additionally, the proposal depicts future subdivision of the property, leaving floodplain on each parcel. The applicant should provide further information on how the proposal is meeting or addressing these elements.

#### 4. Site Design

The request meets the requirements for Site Design, as the request orients parking to the rear of the structure (A-DS7-1), 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).

#### 5. Building Form

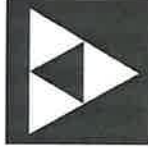
The request meets the requirements for Building Form, as the orientation of the structure maximizes connections to the surrounding area (A-DS5-3), and provides variety from the single-family detached residential development that characterizes this portion of Golfview Drive (A-DS8-1).

### STAFF RECOMMENDS: **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.

## STAFF REPORT ON VARIANCE REQUEST



As part of their application, the petitioner is also seeking a dimensional variance to reduce the required building setback from the floodplain from twenty five (25) feet to five (5) feet.

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.

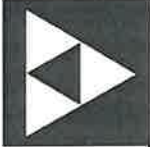
Article 19-7(g)4b states: "all lots which contain or adjoin a floodplain shall have a minimum building setback from the floodplain of twenty-five (25) feet depicted on the final record plan and on the final development plan. This building setback shall be measured horizontally from the edge of the floodplain and shall be applicable to all principal and accessory buildings on the lot."

Article 15-5(a) states that covered porches, stairways, terraces or other similar features, the floor level of which is not over three (3) feet above the established grade and does not extend above the level of the first floor of the building, when open and unenclosed, may project into a required front, side or rear yard no more than eight (8) feet, provided that such covered porches, stairways, terraces, or other similar features conform to the provisions of Subsection (d) of this section.

### CASE REVIEW

The applicant's proposed townhome structures are three stories tall, with cantilevered rear decks provided on the second and third floors. While projections such as decks are typically allowed to partially encroach into required setbacks, the proposed decks do not meet the definition of a projection as they are located higher than three (3) feet off of the ground. As such, despite being cantilevered above the ground, the upper floor rear patios are considered a portion of the principal structure and are required to meet the 25-foot rear setback. Based on the proposed size of the townhouses, the decks will be located as close as 5 feet to the setback in the rear. In order to permit the structures as proposed, the applicant is seeking to reduce the required setback to five (5) feet.

The intent behind setbacks from the floodplain is to provide additional protection for the structures from more significant flood events, as well as provide a buffer for the health of these sensitive environmental areas. As the effects of climate change accumulate, and the severity and frequency of our weather systems increase, the areas considered to be special flood hazard areas will change. Variances from required setbacks from floodplains should be considered carefully, as areas outside of the current floodplain can become floodplain in the future. As such, it is important to ensure that structures will remain safe over their entire lifetime, and not just at the time of construction. As a part of the justification for the request, the applicant opines that the requested variance is appropriate, as the proposed townhomes are further from the floodplain than the single family residences present on the property today. However, the historic development pattern on the property does not change the risk associated with developing closer to the floodplain in the future.



The applicant opines that the required setback from the floodplains on the property limit their ability to develop the site, stating that meeting the setback would require unreasonably reducing the depth of the units. However, the floodplain does not equally limit the entire property. If ground floor private open space were provided instead of decks, units #1-8 could be constructed at the full 33-foot desired depth without requiring a variance. With the incorporation of second and third floor decks, units #1-8 could be built with a lesser variance of 15-feet instead of the requested 5 feet, as units #9 and 10 are significantly closer to the floodplain. The applicant should provide further information regarding the feasibility of altering the configuration or size of the townhomes in order to require a reduced variance, or no variance at all.

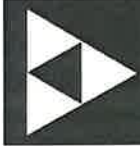
**STAFF RECOMMENDS: POSTPONEMENT FOR THE FOLLOWING REASON:**



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.



# SUPPLEMENTAL STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-24-00002 ANTHONY HUMPHRESS



## STAFF REVIEW

In the period following the March Planning Commission meeting, the applicant submitted a revised development plan and a supplemental letter of justification for their rezoning request. The revised development plan significantly changes the scope of the development by reducing the number of proposed townhomes from 10 units to 3 units, and by retaining the two existing single-family detached dwellings present on the subject properties. Accompanying the reduction in units is the removal of the proposed rear parking and dumpster area. The applicant has indicated that the use will be served by individual garbage roll carts, and parking will be accommodated on-street.

## GOALS AND OBJECTIVES

In the initial staff report, staff had identified the following Goals and Objectives of the 2045 Imagine Lexington Comprehensive Plan that the applicant should address:

*Minimize disruption of natural features when building new communities (Theme A, Goal #3.c); 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).*

The changes to the development plan directly address the goals and objectives identified in the staff report. The removal of the rear vehicular use area reduces the amount of impervious surface on-site, and results in no construction within the floodplain. The rear green open space that is currently present on site will be retained, resulting in a larger buffer for the floodplain for the development.

As a result of the applicant's revisions, staff now finds that the proposal is in agreement with the Goals and Objectives of the 2045 Comprehensive Plan.

## POLICIES

The initial staff report identified the following Policies of the Comprehensive Plan that required further justification:

*Provide development that is sensitive to the surrounding context (Theme A, Design Policy #4); Conserve and protect environmentally sensitive areas, including sensitive natural habitats, greenways, and water bodies (Theme B, Protection Policy #2); Reduce and mitigate negative environmental impacts of impervious surfaces and vehicular use areas (Theme B, Sustainability Policy #4).*

The applicant's proposed changes to the development plan directly address these policies. By removing the parking and dumpster within the floodplain, and reducing the encroachment into the floodplain setback with the structures, the request is more harmonious with the adjoining stream and floodplain. The changes provide a greater buffer for the environmentally sensitive areas present on the properties, and reduce the impact of stormwater runoff by reducing the amount of impervious surface on-site. With the changes to the development plan, staff now finds that the request is in agreement with the Policies of the 2045 Comprehensive Plan.

## PLACE TYPE, DEVELOPMENT TYPE, AND ZONE

Within the supplemental letter of justification, the applicant makes a case for the appropriateness of the chosen Townhouse Residential (R-1T) zone. The applicant states that while the zone is not recommended within the Placebuilder Element of the Comprehensive Plan, the chosen zone is compatible with the existing single-family residential area, and allows for the low-density residential development that is recommended in Enhanced Neighborhood contexts. Staff finds that the R-1T zone could be appropriate at this location.

## **DEVELOPMENT CRITERIA**

### 1. Land Use

Staff finds that the request meets the requirements 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).

### 2. Transportation, Connectivity, and Walkability

Staff finds that this request meets the requirements for Transportation, Connectivity, and Walkability, 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.

### 3. Environmental Sustainability and Resiliency

The applicant has provided further information on how they are meeting the following criteria:

*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-PR9-1: Minimize grading and topsoil disturbance by utilizing the existing topography to the greatest extent possible and preserving key natural features; B-SU4-1: Development should minimize or mitigate impervious surfaces; B-RE5-3: Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them*

The applicant opines that the revised plan will not negatively impact the environmentally sensitive areas to the rear of the site as they have removed the vehicular use area and dumpster that were originally proposed for this area. The applicant further opines that the changes to the proposal result in a reduction in the number of parcels requiring flood insurance from 10 parcels to 5 parcels. No grading is proposed for the areas around the floodplain, and these areas are being retained as greenspace.

### 4. Site Design

The request meets the requirements for Site Design, as the request 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).

### 5. Building Form

The request meets the requirements for Building Form, as the orientation of the structure 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).

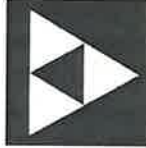
**STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASONS:**



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 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.



## SUPPLEMENTAL STAFF REPORT ON VARIANCE REQUEST



Along with the revisions to the proposed development plan, the petitioner has also chosen to modify their initial variance request. The applicant originally sought a dimensional variance to reduce the required building setback from the floodplain from twenty five (25) feet to five (5) feet. As a result of the new plan, the applicant is reducing the scope of the variance, requesting a setback reduction from twenty five (25) to fifteen (15) feet.

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 19-7(g)4b states: "all lots which contain or adjoin a floodplain shall have a minimum building setback from the floodplain of twenty-five (25) feet depicted on the final record plan and on the final development plan. This building setback shall be measured horizontally from the edge of the floodplain and shall be applicable to all principal and accessory buildings on the lot."

Article 15-5(a) states that covered porches, stairways, terraces or other similar features, the floor level of which is not over three (3) feet above the established grade and does not extend above the level of the first floor of the building, when open and unenclosed, may project into a required front, side or rear yard no more than eight (8) feet, provided that such covered porches, stairways, terraces, or other similar features conform to the provisions of Subsection (d) of this section.

### CASE REVIEW

The revised preliminary development plan submitted by the applicant abandons the initial 10 townhome proposal in lieu of retaining the two existing detached single-family residences, and providing three new townhome units between the homes. The applicant intends to maintain the initial townhouse design, with attached units that three stories tall, with cantilevered rear decks provided on the second and third floors. Under the revised plan, no part of the actual townhome foundation will be located within the floodplain, and the only encroachment will be the cantilevered rear decks. These cantilevered decks will extend up to 15-feet from the edge of the floodplain. The applicant opines that as no part of the decks will be touching the ground within the setback, they should not pose any risk to the floodplain or its setback. The applicant is not proposing any modifications to the existing single-family detached residences, which are located further into the required floodplain setback.

Overall, staff is supportive of the 15-foot variance. The floodplain and its associated setback significantly limit the ability to utilize the property. As the townhomes' foundations will be located outside of the 25-foot floodplain setback, allowing the cantilevered porches to extend into the setback will not have any impact on the floodplain.

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



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.



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 GOLFWAY 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.

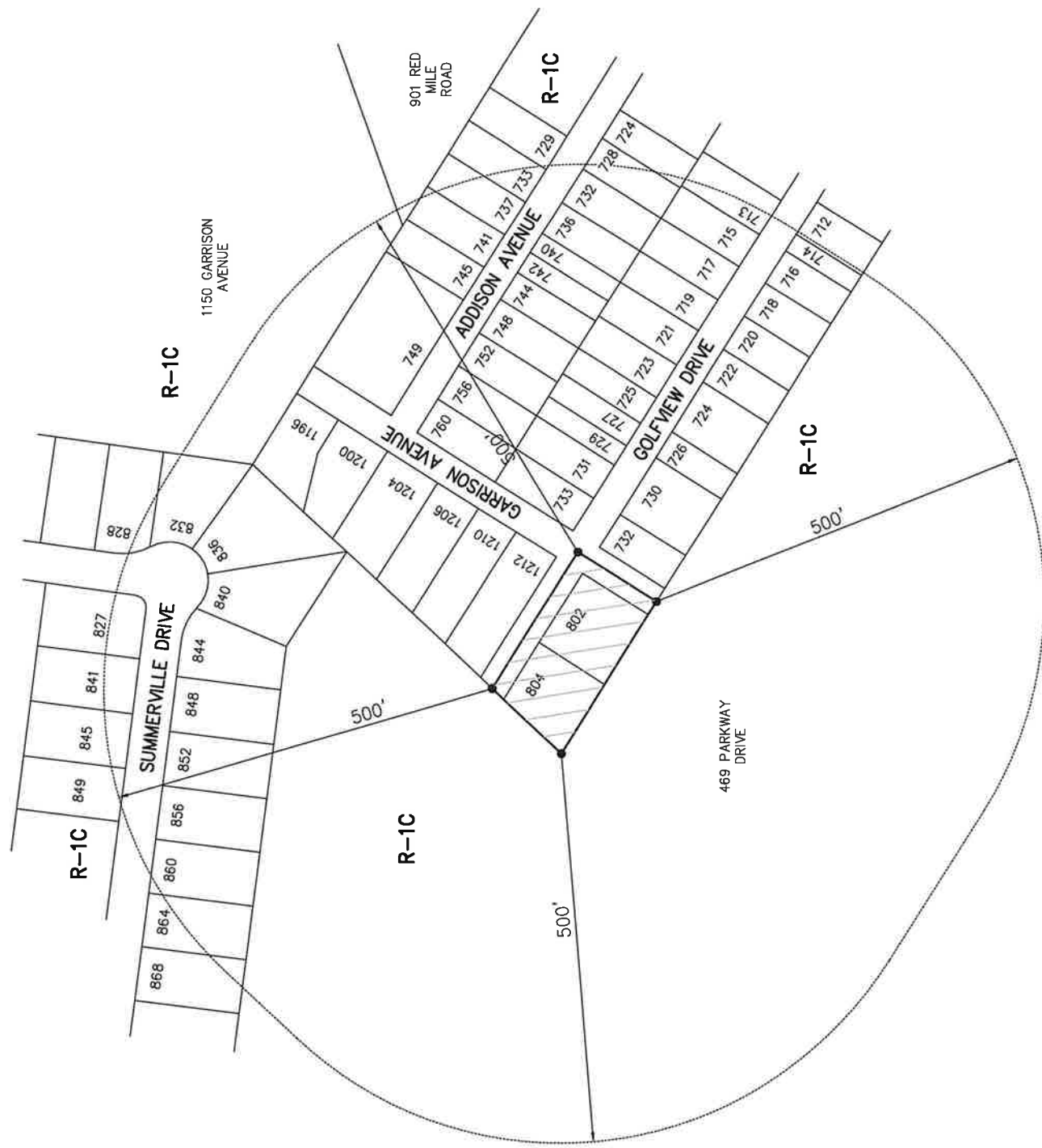
Staff Variance Presentation – Mr. Daniel Crum stated that with the revised development plan, the applicant also reduced the impact on the floodplain and is now requesting a lesser variance. The applicant is seek a variance to reduce the required floodplain setback from 25 feet to 15 feet. Mr. Crum showcased 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.



AREA NOTIFICATION MAP

1" = 200'



VICINITY MAP



R-1C TO R-1T  
0.600 AC. GROSS  
0.458 AC. NET

PROPERTY MAP  
1" = 100'



ZOMAR					
TITLE: PLN-MAR-24-00002	FROM	TO	GROSS	NET	
PROPERTY ADDRESS: 802 AND 804 GOLFVIEW DRIVE	R-1C	R-1T	0.600 AC.	0.458 AC.	
APPLICANT: ANTHONY HUMPHRESS 541 EUCLID AVENUE LEXINGTON, KY 40502					
OWNER: EDEN COMPANIES FUND CLASS A. LLC 541 EUCLID AVENUE LEXINGTON, KY 40502					
PREPARED BY: WESLEY B WITT, INC.					
DATE PREPARED: JANUARY 2, 2024					
STATE OF KENTUCKY WESLEY B. WITT 2187 LICENSED PROFESSIONAL LAND SURVEYOR 