

SUPPLEMENTAL STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2015-11: LEX PROPERTIES, LLC

STAFF REVIEW:

Since the Zoning Committee meeting in early July, the applicant has performed soil sampling on the site and provided those results to the Division of Planning earlier this week via a report by Childress & Associates, LLC, an environmental consulting firm. Soil sample locations were established in consultation with the LFUCG Division of Environmental Services.

The original zoning development plan, submitted in conjunction with this zone change request, proposed 27 single-family residential lots along both side of a cul-de-sac extension of Saybrook Drive. A number of the proposed lots were much smaller than the adjoining Monticello and Robinwood neighborhoods, but lots in the center of the subject site cut entirely through the environmentally sensitive area along South Elkhorn Creek, which traverses the property. A revised development plan adjusted some lotting along the creek, but still proposes 27 lots of varying sizes, some of which include portions of the creek, its floodplain and/or the woodland/treestand along the riparian area. The staff recommended postponement of this request at the Zoning Committee meeting for the following reasons:

1. The environmental suitability of the site for residential land use is questionable given its previous use for a private sanitary sewer treatment plant. Such plants, once removed, can leave contaminated soils or other potentially hazardous materials that would not be appropriate for a future residential land use. Additional environmental studies are recommended to provide assurance to the Urban County Government and the Planning Commission prior to making a recommendation to the Urban County Council.
2. The requested Planned Neighborhood Residential (R-3) zone is not the most compatible residential zone with the surrounding Monticello and Robinwood subdivisions. If the site can be found to be suitable for development from an environmental perspective, the staff believes that the Single Family Residential (R-1D) zone would be more appropriate for the subject property.

The petitioner's environmental assessment (soil samples) indicates that no major contamination exists on the site currently; however, the site is still an environmentally sensitive area that should be protected to the greatest extent possible. The petitioner seems intent on subdividing the floodplain and creek portion of the property, rather than leaving it in the ownership of an HOA, which can better maintain such an area, compared to a handful of residents. This remains troubling, as the staff is familiar with numerous examples of property owners degrading the steep slopes and riparian areas near streams throughout the community.

Although the applicant contends that the request is in agreement with the Goals and Objectives of the 2013 Comprehensive Plan, and that the existing agricultural zoning is no longer appropriate and the proposed R-3 zone is appropriate at this location, the staff has not come to the same conclusion.

First, the Comprehensive Plan recommends infill and redevelopment that is compatible with and context-sensitive to its environment, in this case two established single-family neighborhoods. The Plan also states that infill development can have a positive impact on neighborhoods, if it respects the scale, massing and size of surrounding buildings. The staff does not believe these policies of the Plan have been clearly met by the applicant.

Second, the applicant contends that the A-U zone is no longer appropriate because the property is surrounded by a residential subdivision, is too small for a viable agricultural use (a floodplain restricts use of part of the property), and it has not been used for agricultural activities for over 40 years. The staff would offer that the intent of the A-U zone is to be a holding zone until appropriate urban development is proposed.

The applicant also opines that the proposed R-3 zone is appropriate because it will allow construction of detached single-family homes that are comparable to or larger than the size of existing homes in the neighborhood, and that the proposed density is at, or lower than, the adjoining subdivision. All of these statements are also true, if not more so, about the R-1C zone (existing surrounding zoning) or even the R-1D zone. In fact, the only reason the density is "lower than the adjoining subdivision" is because of the calculation factors in the large amount of undevelopable land

on the subject property. Although the petitioner is proposing residential land use, which is generally compatible with the surrounding neighborhood, the staff believes that the proposed lot sizes are not compatible.

An R-1D zone would be more appropriate in that it would provide lots that are more in character and similar in size to the adjoining neighborhood. The R-1D zone requires a minimum lot size of 6,000 square feet rather than the minimum of 2,500 square feet permitted in the R-3 zone. This compares to the R-1C zone surrounding the subject property, which requires a minimum 8,000 square-foot lot size. The site is located interior to two established low density residential neighborhoods, and there is no R-3 zoning in either surrounding neighborhood. Rather, an R-1D zone will allow a more consistent infill development for this parcel of land.

The Staff Recommends: Disapproval, for the following reasons:

1. The requested R-3 zone is not in agreement with the 2013 Comprehensive Plan for the following reasons:
 - a. The Comprehensive Plan recommends infill and redevelopment that is compatible with and context-sensitive to its environment, and, in this case, with two established single-family neighborhoods.
 - b. The Plan also states that infill development can have a positive impact on neighborhoods, but only if it respects the scale, massing and size of surrounding buildings.
 - c. The site is still an environmentally sensitive area that should be protected to the greatest extent possible; but the petitioner seems intent on subdividing the floodplain and creek portion of the property, rather than leaving it in the ownership of an HOA, which can better maintain such an area.
 - d. Although the petitioner is proposing a residential land use, generally compatible with the surrounding neighborhood, some of the smaller proposed lot sizes (allowable in R-3) are not compatible.
2. The existing Agricultural Urban (A-U) zone remains appropriate for the subject property because the intent of the A-U zone is to be a holding zone until appropriate urban development is proposed.
3. The proposed Planned Neighborhood Residential (R-3) zone is not appropriate for the subject property, for the following reasons:
 - a. An R-1D zone would be more appropriate in that it would provide lots that are more in character and similar in size to the adjoining neighborhood.
 - b. The site is located interior to two established low density residential neighborhoods, and there is no R-3 zoning in either surrounding neighborhood.

TLW/BJR/WLS

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