

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-17-00024: WYNNDALE DEVELOPMENT, LLC

DESCRIPTION

Zone Change: From an Agricultural Urban (A-U) zone
To a Single Family Residential (R-1D) zone

Acreage: 10.14 net and gross acres

Location: 3455 Saybrook Road

EXISTING ZONING & LAND USE

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

URBAN SERVICES REPORT

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

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

Storm Sewers – The subject property is located in the South Elkhorn Creek watershed, and the South Elkhorn Creek traverses the property, flowing from its northeast corner toward the southwest. Approximately one-third of the property is located within a FEMA designated Special Flood Hazard Area (aka 100-year floodplain). The FEMA Special Flood Hazard Area does isolate a small portion of the subject property that lies outside of the floodplain, along the eastern edge of the site, adjacent to numerous rear yards for homes along Boston Road. Storm sewers do cross the subject property; however, they are not utilized by the vacant property. Documented stormwater and sanitary sewer overflow issues exist within the immediate area related to the existing infrastructure. The developer will be required to provide stormwater improvements at the time the property is developed.

Sanitary Sewers – The subject property is located in the South Elkhorn sewershed and is served by the West Hickman Wastewater Treatment facility in northern Jessamine County. Both a collector main and a trunk main traverse the subject property. The developer will need to extend the sanitary sewer system to serve the individual lots proposed as a part of the development of the property. There is currently sanitary sewer capacity available in this sewershed, according to the latest Capacity Assurance Program information; however, there have also been numerous complaints from neighbors related to stormwater and sanitary sewer overflow issues within the immediate area.

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

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

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

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

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The 2013 Plan's Goals and Objectives emphasize the importance of growing successful neighborhoods (Theme A), by expanding housing choices (Goal #1), supporting infill and redevelopment (Goal #2) and providing well-designed neighborhoods (Goal #3). It also recommends protecting the environment (Theme B) by reducing the community's carbon footprint (Goal #2), supporting the community's green infrastructure program (Goal #3) and implementing the adopted environmental policy (Goal #2.a.); and recommend improving a desirable community (Theme D) through preservation and enhancement of urban neighborhoods. Lastly, the Plan also advocates that infill development be context sensitive and contiguous to accommodate future growth needs and sustain the Urban Service Area concept (Theme E, Goal #1).

The petitioner proposes to develop 18 detached single-family dwelling units, which would yield a residential density of 1.78 dwelling units per acre.

CASE REVIEW

The petitioner has requested a zone change from an Agricultural Urban (A-U) zone to a Single Family Residential (R-1D) zone for 10.14 acres of property located at 3455 Saybrook Road.

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

The applicant, under an alternate corporate name, filed a zone change request for the subject parcel on two different occasions in the past two years. In both previous instances, the applicant requested a Planned Neighborhood Residential (R-3) zone in order to develop at a higher density than now proposed. In 2015, the zone change request was recommended for disapproval by the Planning Commission (MAR 2015-11: LEX Properties, LLC). The applicant subsequently withdrew the application, but was required to wait one year prior to filing another zone change for the same parcel. In 2016, the second zone change to R-3 was recommended for approval by the Planning Commission; however, it was denied by the Urban County Council (PLN-MAR-16-00015: LEX Properties, LLC) following a fairly lengthy public hearing.

The petitioner now proposes to develop 18 detached single-family dwelling units on this site, which would yield a residential density of 1.78 dwelling units per acre, in a Single Family Residential (R-1D) zone. This request is for a zoning category and density that has been suggested by the staff since 1994. The

property is traversed by the creek, and its associated floodplain, which occupies about one-third of the parcel, and the petitioner indicates on their corollary development plan that they intend to create a homeowners association to maintain the lot on which the creek is to be located.

The existing Agricultural Urban (A-U) zone on the subject property is the result of zoning decisions made in 1969 with the comprehensive rezoning of much of Lexington and Fayette County. In 1964, the subject property was rezoned to a Heavy Industrial (I-2) zone to allow the development of the Monticello Wastewater Treatment Plant, a private sanitary sewer package plant that was later constructed to serve the nearby neighborhoods in this portion of the county. In 1984, the LFUCG proceeded with a condemnation action in order to fully remove the private plant and connect the area to the available public sanitary sewer system. After its use as a sanitary sewer treatment plant, the 10-acre subject property was utilized by the adjoining neighborhoods as a private park for a number of years. An informal arrangement with the property owner and LFUCG allowed this to occur. In 1993, the government abandoned the park use and removed all recreational facilities from the park. The parcel has remained vacant since.

In 1994, a zone change was requested (MAR 94-1: Ball Homes, Inc.) to develop 22 single-family residential lots on the subject site. Ultimately, the request was later withdrawn over a combination of environmental concerns and neighborhood opposition. More recently, the applicant's two more recent zone change requests, also drew several concerns from neighborhoods regarding possible environmental degradation of the property and more general development compatibility concerns. Ultimately, those concerns have defeated zone change which would permit development that is "out of character" with the adjoining established neighborhoods.

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

The petitioner contends that this 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-1D zone is appropriate at this location. This time around, the petitioner makes a slightly different case for their requested zone change, noting the importance of "respecting the existing development in the area" and supporting the staff's past recommendations. The Comprehensive Plan recommends infill and redevelopment that is compatible with and context-sensitive to its environment, which in this case, involves, two established single-family neighborhoods. The Plan also states that infill development can have a positive impact on neighborhoods, if it respects the scale, massing and size of surrounding buildings. The Plan further recommends that near open space and greenways, that streets should be "single loaded" – that is, only developed on one side, with the other side providing open access to green spaces for all to enjoy.

The petitioner is proposing residential land use, in a design (with a partial single loaded street) that respects the existing floodplain and proposes maintenance by a homeowners association, which is preferred to individual property access and maintenance. The petitioner is now proposing a density and lot frontages that are now much more in character and similar to the adjoining neighborhoods. The R-1D zone requires a minimum lot size of 6,000 square feet, which compares well to the R-1C zone that

surrounds the subject property that requires a minimum 8,000 square-foot lot size. The R-1D zone permits a more consistent infill development for this parcel of land, which is situated in the middle of two established neighborhoods.

The staff can now support the requested rezoning because it is fully supported by the 2013 Comprehensive Plan.

The Staff Recommends: **Approval**, for the following reasons:

1. The requested Single Family Residential (R-1D) zone is in agreement with the 2013 Comprehensive Plan for the following reasons:
 - a. The 2013 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. The petitioner proposes a single-family residential zone that will promote infill of this site by contributing to the existing well-designed neighborhood (Theme A, Goals #2 and #3).
 - c. The R-1D zone will provide lots that are more in character and similar in lot frontage to those in the adjoining neighborhoods; therefore, the R-1D zone will encourage context-sensitive infill development at this location.
 - d. The 2013 Plan recommends single loaded streets when development is adjacent to greenways and open space throughout the community. The petitioner has proposed a partial single loaded street, which can provide a shared view and easier maintenance of the greenway (and floodplain) around the South Elkhorn Creek. This open design and protection of this floodplain helps to meet *Theme B: Protecting the Environment* and *Theme D: Improving Desirable Communities* of the Plan.
 - e. The proposed development is contiguous to existing development and is located within the Urban Service Area, where all utilities can easily be extended to serve the development of this site.
2. This recommendation is made subject to the approval and certification of PLN-MJDP-17-00056: Winding Creek at Monticello, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

TLW/WLS

7/5/17

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