

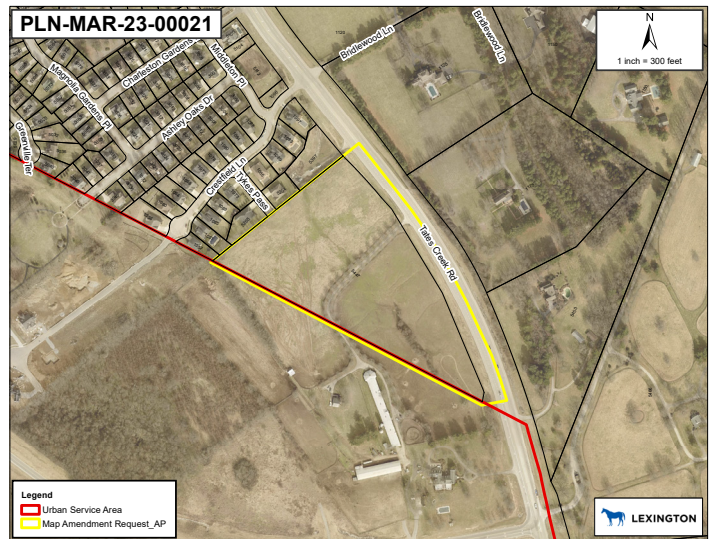
STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-23-00021: TURNER MANAGEMENT, LLC

DESCRIPTION OF ZONE CHANGE

Zone Change	From an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone
Acreage:	13.075 net (15.479 gross) acres
Location:	5447 Bates Creek Road

EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	A-U	Agricultural
To North	A-U	Single Family Residential
To East	A-U	Single Family Residential
To South	N/A	Jessamine County Border
To West	R-1C	Single Family Residential



URBAN SERVICE REPORT

Roads - Bates Creek Road (KY 1974) is a six-lane major arterial roadway that connects Jessamine County to downtown Lexington. The subject property is located along Bates Creek Road near its intersection with E. Brannen Road. Tykes Pass is a two-lane local street that serves the residential development in the Charleston Gardens neighborhood, and stubs into the subject property along its northwestern side.

Curb/Gutter/Sidewalks - Bates Creek Road lacks curb, gutter, or sidewalk facilities, which is typical of many state roadways where development has not yet occurred. The applicant is proposing internal sidewalk connections that will lead to Bates Creek Road, but no sidewalk facilities are proposed along the Bates Creek Road frontage. Tykes Pass contains curb, gutter, and sidewalks.

Storm Sewers - The subject property is located within the West Hickman watershed. No floodplain has been identified in the immediate area, although there have been reports of stormwater issues in the area.

Sanitary Sewers - The subject property is located in the West Hickman watershed, which is served by the West Hickman Wastewater Treatment Plant, located in northern Jessamine County. A collection line runs along the south and eastern portions of the property, connecting to an existing pump station to the north. Sanitary sewer capacity will need to be verified by the Capacity Assurance Program (CAP) prior to certification of the final development plan.

Utilities - All utilities, including natural gas, electric, water, phone, cable television, and internet are available in the area, and are available to serve the proposed development.

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

Police - The nearest police station is located approximately 1 1/2 miles to the northwest of the subject property, at the recently constructed East Sector Roll Call Center (Police Sector 3) at the intersection of Saron Drive and Clearwater Way.

Fire/Ambulance - The nearest fire station to the subject property is Station #22, located approximately a 1 1/2 miles to the northwest on Clearwater Drive, between Saron Drive and Bates Creek Road.

Transit - Currently, there is no transit service within the immediate vicinity of the subject property.

Parks - The closest park to the subject property is Veteran's Park, which is located approximately 1.15 miles to the northwest of the subject property.

SUMMARY OF REQUEST

The applicant is seeking a zone change from the Agricultural Urban (A-U) zone to the Planned Neighborhood Residential (R-3) zone in order to establish a single-family residential development, with a mixture of detached and attached dwellings.

PLACE-TYPE

ENHANCED NEIGHBORHOOD
The Enhanced Neighborhood Place-Type is an existing residential area to be enhanced with additional amenities, housing types, and neighborhood-serving retail, services, and employment options. Development should be context-sensitive to surrounding areas and should add to the sense of place. Incorporating multi-modal connections is crucial to neighborhood success and viability.

DEVELOPMENT TYPE

LOW DENSITY RESIDENTIAL
Primary Land Use, Building Form, & Design
Primarily attached and detached single-family homes of varying formats, including accessory dwelling units. Homogeneous neighborhoods that do not include a mix of housing types should be avoided. Low density residential is only appropriate as a component of “Enhanced Neighborhoods” and “New Complete Neighborhoods”, and should be supplemented by a variety of uses and housing options to create sustainable places.
Transit Infrastructure & Connectivity
Multi-modal network connections, including connected streets, are required to keep an efficient transportation network that provides viable options for all users.
Quality of Life Components
These developments should include intentional open space designed to fit the needs of area residents, and be in walking distance of nearby neighborhood-serving commercial/employment uses.

PROPOSED ZONING



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

PROPOSED USE



The applicant is seeking to develop a single family residential development that includes a total of 29 townhome units, and 9 detached single family residential lots at a density of 2.82 dwelling units per acre. The units are proposed to be oriented towards centralized open space, near the center of the property. The lots are currently proposed to front along private access easements, which are proposed to be gated where they connect to the public roads at Tykes Pass and Tates Creek Road. The southern portion of this development features a connection to future large lot single-family residential development anticipated in the Jessamine County portion of the property. The use will be connected internally with a sidewalk network that will connect to the existing network along Tykes Pass, and extend out to Tates Creek Road.

APPLICANT & COMMUNITY ENGAGEMENT



According to the letter of justification and supplemental information provided by the applicant, the applicant has reached out to several local neighborhood associations to discuss the proposal. The applicant met with the Reserve at Tates Creek HOA on October 10, 2023. The applicant provided information about the development plan to a representative for the Charleston Gardens Home Owner's Association, but a meeting to discuss the proposal was not requested by the neighborhood. The applicant indicates that in the conversations with the surrounding neighborhoods there were initial concerns voiced regarding traffic management and the proposed type of development, but that those concerns were addressed within their respective meetings.

PROPERTY & ZONING HISTORY



The subject property is part of a larger parcel that is bisected by the Jessamine and Fayette County line. The property has historically been utilized as a horse farm, and was added to the Urban Service Area in 1967. At that time, the property remained agriculturally zoned.

The portions of the subject property that are located within Fayette County include pasture space, and an access drive that leads to a single-family residence and a large agricultural structure located in the Jessamine County portion of the property.

COMPREHENSIVE PLAN COMPLIANCE



GOALS AND OBJECTIVES

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.

The applicant indicates that the proposed rezoning and the associated development are in agreement with the adopted Goals and Objectives of the 2045 Imagine Lexington Comprehensive Plan. They opine that by introducing attached townhome units in a predominately single-family residential area, they are adding density and increasing the variety of housing options (Theme A, Goal #1.b). The applicant also contends that the increase in density generated by introducing attached residential development is still compatible with the character of the surrounding area (Theme A, Goal #2.b). These units will be oriented towards large areas of preserved open space that will act as a focal point for the development (Theme A, Goal #2.c). Finally, the applicant indicates that the request will activate and more effectively use underutilized land within the Urban Service Area (Theme E, Goal #1.e & 1.f).

While staff agrees with these aspects of the applicant's proposal, the applicant should address the following Goals and Objectives of the Imagine Lexington 2045 Comprehensive Plan:

Strive for positive and safe social interactions in neighborhoods, including, but not limited to neighborhoods that are connected for pedestrians and various modes of transportation (Theme A, Goal #3.b); Improve Lexington's transportation network through ample street and sidewalk connections between new and existing development (Theme A, Goal #3.e).

Staff's primary concerns with the proposed rezoning application relate to the proposed roadway and pedestrian network. The development is serviced by a proposed gated private access easement rather than a conventional public or private roadway. Tykes Pass, a public road, is stubbed into the subject property, and was intended to provide for connectivity between future development on the subject property and the existing residential neighborhoods to the northwest. While the applicant is intending to utilize the adjoining public streets to access the development, the applicant proposes to limit the ability of the surrounding neighborhoods to cross-utilize their development. The applicant's proposal to include a gate feature at both entrances to the development are out of context with the surrounding area, which is characterized by single-

family residential development featuring public streets and no gated features. The Comprehensive Plan, as well as the Land Subdivision regulations, call for making more meaningful connections to these roadways. Rather than encourage connectivity, the proposed gate acts as a barrier, limiting the social interaction between the proposed development and the un-gated neighborhoods at Charleston Gardens, The Reserve at Tates Creek, and Federal Place.

POLICIES

The letter of justification submitted by the applicant did not include a discussion of the policies of the 2018 Comprehensive Plan. The applicant should provide further information regarding the policies of the plan that are being met with this request.



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

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

DEVELOPMENT CRITERIA

The criteria for a zone change are the distillation of the adopted Goals and Objectives, as well as the policies put forth in the 2018 Comprehensive Plan. The 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. Site Design, Building Form and Location

Staff finds that the request meets the criteria for Site Design, Building Form and Location, as the proposal increases the density of development on an underutilized lot, avoids over parking, avoids environmentally sensitive areas, and orients the development around a central open space.

2. Transportation and Pedestrian Connectivity

While the proposal meets several of the criteria for Transportation and Pedestrian Connectivity, one criteria warranted further discussion:

A-DS13-1 Stub Streets should be connected;

Under the applicant's current proposal, the public road Tykes Pass which stubs into the subject property would not be continued with a public road, but rather a gated access easement. The Land Subdivision Regulations, Comprehensive Plan, and Development Criteria call for meaningful and functional connections between developments. While the applicant may seek a waiver from the Planning Commission to allow for the use of a private access easement in lieu of a public roadway, this proposal does not meet the intent of connectivity behind those provisions, nor is a gated roadway in agreement with the Comprehensive Plan. The applicant should review their design to allow for more meaningful connectivity between developments.

3. Greenspace and Environmental Health

The proposal meets the requirements for Greenspace and Environmental Health, as the rezoning works with the current landscape, preserves the existing spring and environmentally sensitive areas, will maintain existing mature trees, and will also work to increase the tree canopy.

STAFF RECOMMENDS: POSTPONEMENT, FOR THE FOLLOWING REASONS:



1. The application as submitted does not adequately address the following Goals and Objectives of the 2045 Comprehensive Plan:
 - a. Improve Lexington's transportation network through ample street and sidewalk connections between new and existing development (Theme A, Goal #3.e).
 - b. Strive for positive and safe social interactions in neighborhoods, including, but not limited to neighborhoods that are connected for pedestrians and various modes of transportation (Theme A, Goal #3.b).
2. The application does not provide any information relating to the policies of the 2018 Comprehensive Plan that are being met with this request.
3. The zone change application for the subject property, as proposed, does not completely address the development criteria for a zone change within the Enhanced Neighborhood Place-Type, and the Low Density Residential Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. A-DS13-1 Stub Streets should be connected.