

SUPPLEMENTAL STAFF REPORT ON AMENDED PETITION FOR ZONE MAP AMENDMENT

MAR 2015-7: PALUMBO PROPERTIES, INC. (AMD.)

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.

In addition to the Comprehensive Plan mission statement, the Goals and Objectives of the Plan also encourage growing successful neighborhoods (Theme A), which includes the following elements or characteristics: inviting landscape; variety of housing choices; abundant private and public open space; neighborhood focal points; and quality connections with parks, schools and stores.

The subject property is located within the boundary of the recently adopted Winburn & Russell Cave Neighborhoods Small Area Plan (WRCN SAP), which is generally south of Interstate 75, west of Newtown Pike, north of New Circle Road and east of Russell Cave Road. The Plan identifies seven guiding principles for the area that should be further considered by the Planning Commission.

The petitioner proposes this rezoning in order to construct an apartment complex for 252 dwelling units, with 504 bedrooms, a neighborhood swimming pool and clubhouse (part of a corollary conditional use request), and associated off-street parking.

CASE REVIEW

The petitioner has requested a zone change from a Single Family Residential (R-1D) zone to a Planned Neighborhood Residential (R-3) zone for a portion of property with an address of 564 Asbury Lane. The petitioner has modified their application to request a conditional use for a private club (neighborhood swimming pool and clubhouse) associated with the zone change request.

The zone change application was originally filed in April 2015, but the request was met with staff opposition. The staff recommended disapproval of the request to locate a multi-family development between two established single-family neighborhoods due to the scale of the development and the imminent small area plan scheduled for the area. The petitioner agreed to postpone their request until the planning process for the Small Area Plan was complete. Now that the SAP is complete, the requested zone change is no longer considered premature.

Following a 9-month planning process, the Planning Commission held a public hearing and adopted the *Winburn & Russell Cave Neighborhoods Small Area Plan* as an element of the 2013 Comprehensive Plan on June 30, 2016. The SAP was recommended by the 2013 Comprehensive Plan (pages 45-46) in order to guide growth and development in order to promote neighborhood stabilization and revitalization.

The guiding Planning Principles of the Winburn & Russell Cave Neighborhoods SAP does provide some guidance for the Planning Commission in considering a zone change request and provides more detailed information than the 2013 Plan did for this vicinity. The SAP identifies seven guiding planning principles to increase transportation connectivity; increase equity for residents; promote strategies to increase home ownership and improve housing conditions; optimize the use of land to promote mixed housing types; ensure infill is well designed and sensitive to existing neighborhoods; and improve public safety. Additionally, as part of the planning process, a set of design standards was developed for multi-family developments, and as such, this portion of the Plan directly informs the petitioner's zone change proposal.

Since this applicant is seeking a zone change to allow a multi-family development, the project should significantly meet the intent of the SAP planning principles and the adopted design standards. The corollary development plan depicts a mixture of two-story and three-story buildings at a residential density of 18.9 dwelling units per acre, with three-story buildings being sited within the core of the development, rather than along the public street or along the shared property boundary with existing single-family residential neighborhoods.

The development plan generally meets the intent of each of the design standards for overall site design, but many details are still to be submitted to ensure the additional standards have been met. The applicant has conveyed their intent to incorporate the other site, open space, and architectural standards as the design details develop. The following are among the most important components of the Plan that have been addressed by the petitioner to-date:

- The core goal to develop private-sector led, place-based development to address social equity and provide housing options that meet the needs for a wide range of residents (p. 72).
- Goal #4: *Expand affordable and quality rental opportunities through the preservation of existing rental units and development of new units* (p.77).
- **Land Use** recommendation for residential housing (p.79 and 86).
 - ♦ Range of residential uses with opportunities to incorporate a variety of housing types and densities, which may include single-family, duplex, triplexes, townhouses, and multi-family residential.
 - ♦ New land use and/or activity shall be of comparable intensity and transition to higher intensities when new proposed development abuts or adjoins existing (either built or zoned) neighborhood residential uses. (In general, transitions between different types of intensities of land use should be made gradually, and step back from existing neighborhood fabric in a manner that is compatible and sensitive to the adjoining existing residential properties.)
 - ♦ Use of existing land features and vegetation such as tree stands as natural buffers; where possible, the existing tree line should be preserved along the property boundary.
- **Connectivity and Access** recommendation for local street connections (p.86).
 - ♦ As the site develops, Silver Springs will extend to Hollow Creek Road to provide connections between the Newtown Springs and Hollow Creek neighborhoods. A future connection to adjoining Lexmark property will be provided.
- **Sense of Place** recommendation through neighborhood focal point design to encourage gatherings and adequate open space for multi-family dwellings (p 91).

Additional review is still needed at the Final Development Plan stage to ensure design standard compliance with other **Sense of Place** recommendations once design details have been finalized. These include incorporating street furniture and bike and pedestrian infrastructure (ex. sponsor an Art in Motion bus stop or other public art project); and street tree planting program on existing and new streets, especially on park / trail connectors that require enhanced streetscapes. This second recommendation is especially significant given that the existing single family homes in the neighborhood appear to have never had their required street trees installed.

When looking at the *SAP Multi-Family Design Standards* (Appendix) in more detail, the staff again finds that some level of compliance with the SAP exists for the proposed development; however, additional review is needed at the final development plan stage to ensure significant compliance with the multi-family design standards. The following design standards are being met by the petitioner's corollary development plan:

- An integrated street and pedestrian network is provided and connections are made to the adjacent Green Acres neighborhood with the continuation of and connection to Hollow Creek Road, and Silver Springs Drive is being extended south to provide connectivity to the Lexmark Property if future development occurs. (SP. 5, SP.10)
- The proposal reinforces the existing street development patterns along Silver Springs Drive and Hollow Creek Road by facing units and their entrances to the street and maintaining existing setback patterns. (SP.1, SP.3, SP.4, SP.17)
- The development has broken large parking areas into smaller lots and placed them to the rear, or in limited locations to the side, of the buildings allowing building fronts to comprise the majority of the street frontage. (SP.7, SP.8)
- With the clubhouse and pool located along Silver Springs Drive, the amenities are centrally located to the overall neighborhood and not just to the multi-family development. Centrally locating this feature provides a connection to the existing neighborhoods and provides direct access and views from many dwelling units. (SP.6, SP.9, OS.1, OS.2)
- Submitted building footprints and initial elevations indicate a variety of unit types that are appropriately scaled, vary in mass and building form, and relate to the overall character of adjacent structures. (AD.1)
- Initial elevation submittals illustrate that the proposal intends to relate the overall height, size, and character to that of adjacent neighborhoods. The proposal addresses mass, ensures façade articulation, varying materials, ample doors and windows, and design of porch and stairs that break up the building mass and enhance the overall character as seen from the public street. (SP.2, AD.2- AD.7)

Additional review is still needed based upon final design details for the following design standards:

- Site development incorporates traffic calming measures, bike and pedestrian facilities, and streetscape elements such as adequate sidewalks, landscaping and pedestrian scaled lighting. (SP. 12, SP.13, SP.14, SP.16, OS.10)
- Ensure internal circulation within development is adequate for all users and created an interconnected system to all units, amenities, and parking. (SP.16, OS.9, OS.11, OS.12)
- Incorporate landscaping into development plan to define boundaries between public and private spaces, soften parking areas, and use to provide screening/buffering to services and adjacent properties with special attention to dumpster and other service locations. (OS.4, OS.5, OS.6, OS.7, OS.13)
- Ensure development has adequate stormwater detention areas and link to other open spaces and recreational areas, if possible. (OS.8)
- The unit types will need to incorporate varying roof shapes and overall heights to break up the overall building mass and to relate to nearby neighborhoods. (AD.1, AD.2, AD.3)
- Ensure the side and rear building façades maintain the same level of architectural design, articulation, level of detail, and materials consistent with the front façade (AD.8) *Note: the applicant has noted this is their intention.*

The 2013 Comprehensive Plan no longer makes a specific land use recommendation for individual properties, including the subject property. However, several of the Plan's Goals and Objectives may be relevant, including: encouraging expanded housing choices (Theme A, Goal #1); supporting opportunities for infill, redevelopment and adaptive reuse that respect an area's context and design features (Theme A, Goal #2a.); encouraging the development of underutilized and vacant land in a compact, contiguous and/or a mixed-use sustainable manner within the Urban Service Area (Theme E, Goals #1b. and #3); providing for well-designed neighborhoods (Theme A, Goal #3); and preserving urban neighborhoods (Theme D, Goal #3c.).

Providing a range or variety of residential uses within a neighborhood is generally considered a positive quality, and the Goals and Objectives of the current Comprehensive Plan call for a balanced approach in doing so. The SAP took the 2013 Plan concept a step further, encouraging any proposed multi-family development to follow the recommended design guidelines that address site planning, open space and landscaping, and architectural design in order to more fully address the common concerns related to higher density land uses. Adherence to the design guidelines should ensure a context sensitive development and therefore, agreement with many of the goals established in the 2013 Comprehensive Plan.

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

1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2013 Comprehensive Plan, and the adopted 2016 Winburn & Russell Cave Neighborhoods Small Area Plan (WRCN SAP), for the following reasons:
 - a. The 2013 Comprehensive Plan's Goals and Objectives encourage expanded housing choices (Theme A, Goal #1); support opportunities for infill, redevelopment and adaptive reuse that respect an area's context and design features (Theme A, Goal #2a.); encourage the development of underutilized and vacant land in a compact, contiguous and/or a mixed-use sustainable manner within the Urban Service Area (Theme E, Goals #1b. and #3); encourage providing for well-designed neighborhoods (Theme A, Goal #3); and support preserving urban neighborhoods (Theme D, Goal #3c.).
 - b. The requested zone change and proposed development will utilize vacant land inside the Urban Service Area, expand housing choices within the immediate area and provide a development pattern that respects the adjacent single-family residential neighborhoods by limiting the scale and mass of the buildings.
 - c. The Winburn & Russell Cave Neighborhoods Small Area Plan (SAP) identifies seven guiding planning principles to increase transportation connectivity; increase equity for residents; promote strategies to increase home ownership and improve housing conditions; optimize the use of land to promote mixed housing types; ensure infill is well designed and sensitive to existing neighborhoods; and improve public safety.
 - d. The petitioner's proposal addresses necessary transportation connections to adjoining properties, offers market-rate multi-family dwelling units, and meets many of the design guidelines that ensure such infill is sensitive to the surrounding neighborhoods.
 - e. As part of the SAP planning process, a set of design standards was developed for multi-family developments that provide a framework for evaluating the proposed development. The site planning guidelines have been met, and based on preliminary design work, many of the open space, landscaping, and architectural design guidelines will also be met.
 - f. Adherence to the design standards should ensure a context sensitive development and therefore, agreement with many of the goals established in the 2013 Comprehensive Plan and principles of the Winburn & Russell Cave Neighborhood Small Area Plan.

2. This recommendation is made subject to approval and certification of ZDP 2015-33: Newtown Springs, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following land use restriction shall apply via conditional zoning:
 - a. A twenty foot (20') tree preservation area (TPA) and landscape buffer shall be established along the eastern property boundary. This buffer shall contain trees and shrubs as required by Article 18 of the Zoning Ordinance. Existing trees over 4" caliper in size shall be maintained within the TPA and buffer. Only diseased, dead and/or dying trees may be removed, and only with the Urban Forester's approval.
 - b. No pole lighting may be installed on the subject property; however, ground-level lighting, lighting for pedestrian paths and sidewalks and indirect lighting shall be permitted.

These restrictions are necessary and appropriate for the subject property to ensure greater compliance with the specific Winburn & Russell Cave Neighborhoods Small Area Plan recommendations, and to better protect the surrounding neighborhoods.

TLW/BJR/WLS

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