

GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

1. ADDRESS INFORMATION (Name, Address, City/State/Zip & PHONE NO.)

APPLICANT:	Flying Dutchman Properties, LLC; PO Box 910626, Lexington, KY 40591 (859) 983-0215
OWNER:	Same
ATTORNEY:	Christine Westover and Jacob Walbourn, McBrayer, 201 E Main Street, Suite 900, Lexington, KY 40507 (859) 231-8780

2. ADDRESS OF APPLICANT'S PROPERTY (Please attach Legal Description)

509, 513, and 517 Pyke Road

3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY (Use attachment, if needed--same format.)

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
R-1C	Single Family Residential	R-3	Planned neighborhood res.	0.654	0.754

4. SURROUNDING PROPERTY, ZONING & USE

Property	Use	Zoning
North	Professional offices	P-1
East	Single family residential	R-1C
South	Single family residential	R-1C
West	Church	P-1

5. EXISTING CONDITIONS

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
b. Have any such dwelling units been present on the subject property in the past 12 months?	<input checked="" type="checkbox"/> YES <input 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 checked="" type="checkbox"/> NO _____ Units

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

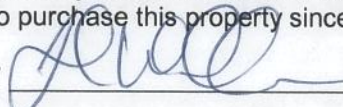
Roads	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Storm Sewers	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Sanitary Sewers	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Curb/Gutter/Sidewalks	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Refuse Collection	<input checked="" type="checkbox"/> LFUCG	<input type="checkbox"/> Other		
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

7. DESCRIBE YOUR JUSTIFICATION FOR REQUESTED CHANGE (Please provide attachment.)

This is in... in agreement with the Comp. Plan more appropriate than the existing zoning due to unanticipated changes.

8. APPLICANT/OWNER SIGNS THIS CERTIFICATION

I do hereby certify that to the best of my knowledge and belief, all application materials are herewith submitted, and the information they contain is true and accurate. I further certify that I am OWNER or HOLDER of an agreement to purchase this property since _____.

APPLICANT  attorney for applicant DATE 8/31/15

OWNER _____ DATE _____

LFUCG EMPLOYEE/OFFICER, if applicable _____ DATE _____

August 31, 2015

Mr. Mike Owens, Chairman
Lexington-Fayette Urban County Planning Commission
200 East Main Street
Lexington, Kentucky 40507

RE: Revised Zone Change Application from R-1C to R-3
509, 513, and 517 Pyke Road

Dear Chairman Owens:

We represent Flying Dutchman Properties, LLC, which is the owner of the above referenced properties. Our client has decided to amend the current application for R-1T zoning to a request R-3 zoning in order have more flexibility adding new dwelling units to the property due to existing site constraints, including our decision to keep the single-family house on 513 Pyke Road for the foreseeable future.

The parcels we propose to rezone consist of three separate lots, two of which are vacant and one that contains a single family residence. The property was platted many years ago, prior to the adoption of the current minimum R-1C lot standards. Although the property was in common ownership and appeared to be one large lot with a single dwelling, there are in fact three standalone parcels with separate addresses. Recently, the lot at 517 Pyke Road was enlarged due to the Urban County Council's action rejecting dedication of excess right of way for a portion of Devonshire Road, which was dedicated but never constructed along the side of this lot. This added an additional twenty-five (25) feet of road frontage. This former right of way is being included in the rezoning.

Since we filed our original application in June we discovered several issues that would make it difficult to develop the property with eight new townhouses. A careful evaluation of the existing house leads us to conclude that it is in good condition and should not be demolished at this time to build new townhouses. Keeping the house makes it very difficult build townhouses on the vacant lot on 509 Pyke. Further, a small portion of the house straddles the lot line with 517 Pyke, the vacant lot on the north side of the property, and there here are some easements that could potentially interfere with the construction of more than a couple of townhouses on this lot, especially since the house, which will remain, will significantly narrow the developable area for new units. Based on all these constraints we need the greater flexibility that R-3 zoning offers, so that we can retain the existing house for the foreseeable future but add a duplex at 509 Pyke and build a duplex or townhouses to 517 Pyke under the R-3 requirements, which work better for this property. We believe that the revised proposal will be even more context sensitive to the existing neighborhood because it will allow the house to remain in place yet permit new dwellings that will better fit on the

vacant lots while modestly increasing the density. We believe this project will be quite successful and a benefit to the neighborhood and to the community as a whole. This redevelopment project is an excellent example of utilizing infill to avoid sprawl. The justification in support of the rezoning is the same as for the original application, that it is in agreement with the 2013 Comprehensive Plan (“Comp Plan”), based on the following:

Growing Successful Neighborhoods

Theme A of the Comp Plan embraces several goals regarding residential life in Fayette County. We believe this redevelopment proposal embraces all three goals articulated in Theme A of the Comp Plan.

Expand housing choices. Fayette County seeks to create and implement housing incentives that strengthen the opportunity for economic development, new business, and jobs, including, but not limited to higher density and housing. “At its core, the 2013 Comprehensive Plan promotes neighborhood prosperity and success” (Comp Plan, p. 38). In pursuit of that goal, the Comp Plan encourages varied housing choices featuring townhomes, apartments, and condominium and duplex housing adjacent and mixed with single-family homes. Our plan integrates townhome or duplex-style living in a single-family neighborhood in accord with this goal of the Comp Plan.

Support infill and redevelopment throughout the Urban Service Area as a strategic component of growth. This goal is accomplished by identifying areas of opportunity for infill, redevelopment and adaptive reuse that respect the area’s context and design features whenever possible. This project would add diverse housing opportunities without compromising the integrity of the existing neighborhood. As you are no doubt aware, 95% of Fayette County’s population resides within the Urban Services Area (“USA”), and this number is expected to rise by nearly 35,000 people by 2020 (Comp Plan, p. 13). It is anticipated that the USA will reach its capacity within the next 12 to 17 years. Thus, redevelopment is needed to increase density in certain areas while still maintaining the character of the community. The Comp Plan is also commits Fayette County to increasing development incentives by reviewing zoning for impediments to development of successful neighborhoods. The current R-1C zoning regulations for this site do not allow for diverse options and neighborhood growth.

Provide well designed neighborhoods and communities. The Comp Plan endeavors to allow existing neighborhoods to flourish by adapting to new and improved living opportunities through expanded options for mixed-use and mixed-type housing. The change proposed here is one that will encourage diversity within the neighborhood while still promoting a single-family or young-professional lifestyle. The Red Mile Project (as discussed on p. 35 of the Comp Plan) demonstrates that there is already a plan to increase and improve the infrastructure in the Red Mile area. The proposed development will be able to utilize the new infrastructure created by this project putting no additional strain on the community.

The Comp Plan also addresses the things that make Lexington a desirable place to live, and one of them is access to transportation. This includes access to buses, walkways, bike paths, and more. The Comp Plan suggests that pedestrians and bicyclists are sensitive to the surrounding environment, and they generally dislike too-long trip distances and desire streets and walkways that connect them to nearby destinations as directly as possible. This project is close to many different employment and educational opportunities that will allow residents to walk, bike, or access public transportation. The property is in close proximity to the University of Kentucky, the UK Medical Center, the Red Mile, and is only minutes from downtown Lexington.

Creating Jobs and Prosperity

Theme C of the Comp Plan embraces goals related to continued economic prosperity in Fayette County. We believe this redevelopment proposal embraces elements of Theme C of the Comp Plan.

Attract the world's finest jobs, encourage entrepreneurial spirit, and enhance our ability to recruit and retain a talented, creative workforce by establishing opportunities that embrace diversity with inclusion in our community. One way to attract new jobs and young professionals to Lexington is by providing entertainment and other quality of life opportunities that will bring a workforce of all ages and talents to the city. The proposed development will allow members of the working community to live in a desirable neighborhood close to employment centers, retail services, offices and schools. These housing opportunities will be attractive to not only young-professionals, but also graduate students, young couples, and perhaps even older individuals wishing to downsize. The median age in Fayette County is 34 (Comp Plan, p. 17), and 34% of the population is between the ages of 20 and 39 (Comp Plan, p. 18). The opportunities for young professionals to live within the USA must be expanded to accommodate this growing demographic. This will in turn attract more young professional (and jobs) to Lexington. The Comp Plan also reflects commitment to allowing people to live where they work and creating opportunities to make this a reality (Comp Plan, p. 74). This property's location clearly would allow people to reside in close proximity to numerous large employers.

Maintaining a Balance Between Planning for Urban Uses and Safeguarding Rural Land

Theme E of the Comp Plan embraces goals related to preserving rural land while encouraging growth. We believe this redevelopment proposal embraces elements of Theme E of the Comp Plan.

Uphold the Urban Services Area concept. This goal requires the absorption of vacant or under-utilized land in the Urban Service Area as well as encouraging the compact, contiguous, and/or mixed-use sustainable development within the Urban Service Area to accommodate future growth needs. This project will incorporate an existing developed lot with two vacant parcels in a desirable urban area. Although it is envisioned that the existing house will

remain for the foreseeable future, we want to maintain the flexibility to some day replace it with more energy efficient, sustainable dwellings that would be appropriate in scale, design and materials to the area. If the house is eventually replaced with more energy efficient dwellings in the future it would be consistent with the Comp Plan's recommendation to encourage a balance between encouraging infill on vacant lots with redevelopment when appropriate. Further, should the existing house eventually be replaced, the duplexes could be constructed in a way to later permit a cohesive townhome development in the future by "filling in the middle" with townhomes designed similarly to the proposed duplexes.

The Comp Plan provides guidelines in what it calls "context-sensitive design." This allows for a project to approach the development with an eye towards the exterior and architectural features that reflect, relate to, or are in proportion to the surrounding neighborhood (Comp Plan, p. 98). Context-sensitive design can quell many of the fears expressed by neighborhood residence when presented with an infill project (Comp Plan, p. 101). Infill and redevelopment are geared towards improvement, reinvigoration, and development of the quality neighborhoods that create compact development, livable neighborhoods, and viable neighborhood commercial centers (Comp Plan, p. 98).

Conditional Zoning Restrictions

In order to protect the neighborhood from uses that are too intensive or out of character with the existing area, we propose the following conditional zoning restrictions:

Prohibited principal uses:

- Multi-family dwellings (apartments)
- Dormitories
- Boarding or lodging houses and assisted living facilities
- Community residences

Conditional uses:

- Only the conditional uses that are permitted in the R-1A zone shall be permitted.

Variance Request

In addition to the zone change, we are requesting a dimensional variance of the requirements set forth in 8-12(o)(2) of the Zoning Ordinance. This section requires that the frontage for duplexes in the R-3 zone be at least sixty (60) feet, in conformity with the requirements for R-2 lots. We are requesting a variance from 60 feet to 50 feet for the required street frontage. We believe that this request is appropriate for the following reasons:

1. The existing lotting has been in place for nearly one-hundred years, and the limited frontage unnecessarily constrains re-development of the neighborhood. The requested R-3 zoning requires that, if townhomes are to be constructed, a minimum of three

(3) are required to be attached to each other, and imposes the same requirements for lot, yard, and height as the R-1T zone. Likewise, duplexes are permitted, and the Zoning Ordinance imposes the same lot, yard, and height requirements for the R-2 zone. However, this results in an inconsistency that unnecessarily constrains re-development. If the R-1T standards are applied, three townhomes require only 45' feet of frontage. See Section 8-10(g). However, conversely, if one less dwelling unit is attached, R-2 zoning requires 60' of frontage. See Section 8-11(g).

Theme A of the Comprehensive Plan embraces numerous goals with regard to residential development in Lexington. Two of the articulated goals are to expand housing choices and support infill and redevelopment within the Urban Services Area. However, strict application of the Zoning Ordinance, particularly with regard to the lotting pattern for this property and the non-conforming nature of the existing house on 513 Pyke Road that does not conform to the current Zoning Ordinance, makes achieving these goals practically unattainable. Further, the existing house on 513 Pyke Road is only inches from the current property line, which further constrains development on the 509 Pyke Road lot. By permitting this variance, two of the primary goals of Theme A of the Comprehensive Plan can be met.

2. Granting the variance will not adversely impact the public health, safety, or welfare, will not cause a hazard or nuisance to the public, and will not alter the character of the general vicinity. The duplexes will be tastefully designed to integrate appropriately with the neighborhood. Further, the duplex on the 509 Pyke Road lot will be constructed with a side yard that is larger than required by the Zoning Ordinance, so that despite the existing structure's proximity to the property line, there will still be ten feet between the structures. This serves to protect the public safety and welfare.

3. Granting this variance will not allow an unreasonable circumvention of the Zoning Ordinance, and is not the result of the present owner's actions. The current location of the house, which was constructed in the 1920s, is non-conforming with current zoning. The spirit of the Zoning Ordinance will be reflected in adherence to the other lot, yard, and height restrictions, and strict application of the regulations at issue will deprive the owners of the ability to develop the vacant 509 Pyke Road lot with a modest increase in density, and is not in accord with the goals and objectives of the Comprehensive Plan.

Accordingly, we respectfully request that a dimensional variance be granted reducing the required side street frontage from sixty (60) feet to fifty (50) feet for the 513 Pyke Road property and that the minimum frontage for the duplex proposed for 509 Pyke be reduced from 60 feet to 50 feet.

Conclusion

As you can see, this proposal comports with many of the applicable goals and objectives of the Comp Plan. This type of project is specifically envisioned by the Comp

Plan as Single/Small Parcel infill. Allowing modest increases in density in existing neighborhoods helps prevent sprawl and encourages residents to live in closer proximity to their work, decreasing our community's reliance on personal automobiles. This type of infill project is vitally important to preserving the USA boundary at its current location, as "found" lots are crucial to being able to accommodate growth without outward expansion. Further, the proposed zoning will provide flexibility for the owners in the redevelopment of the property. In short, this project complies with the goals and objectives of the 2013 Comprehensive Plan.

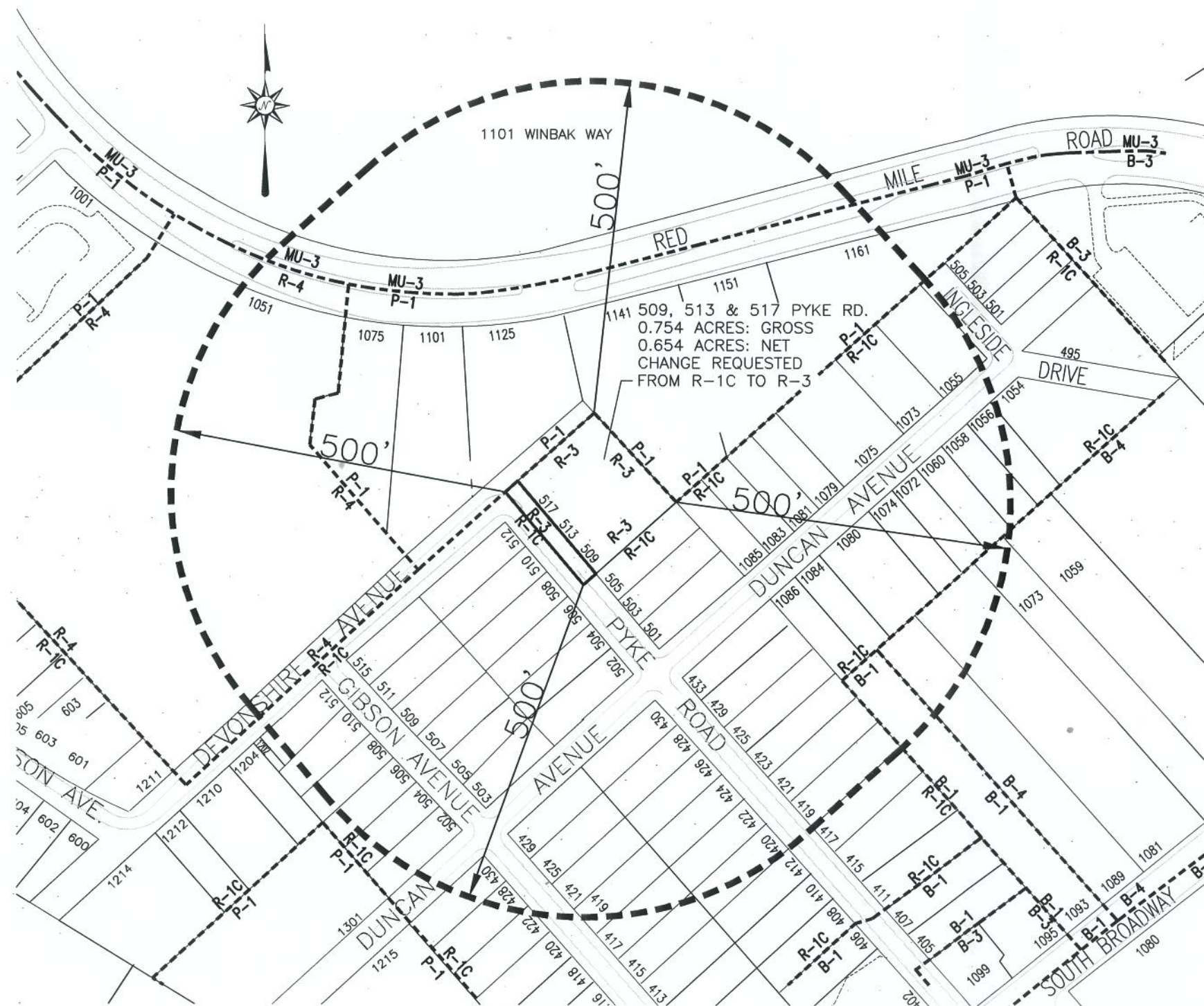
Based on the foregoing, we respectfully request approval of our application as submitted.

Sincerely,

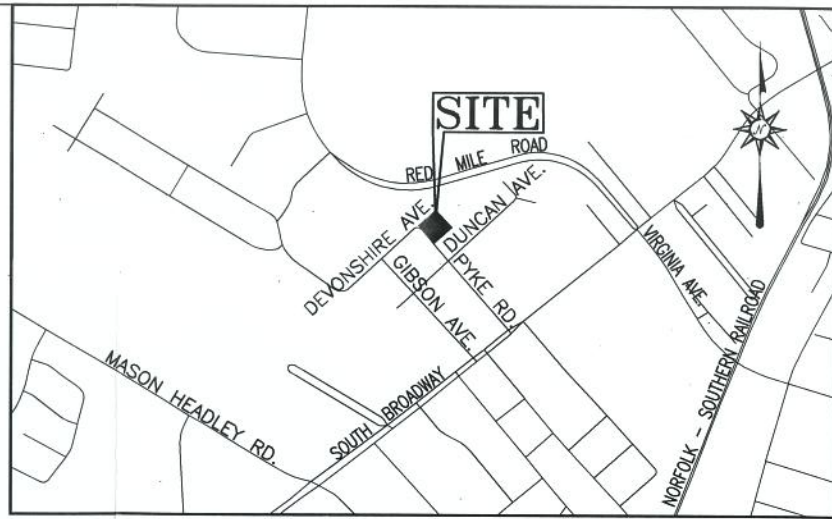


Jacob C. Walbourn

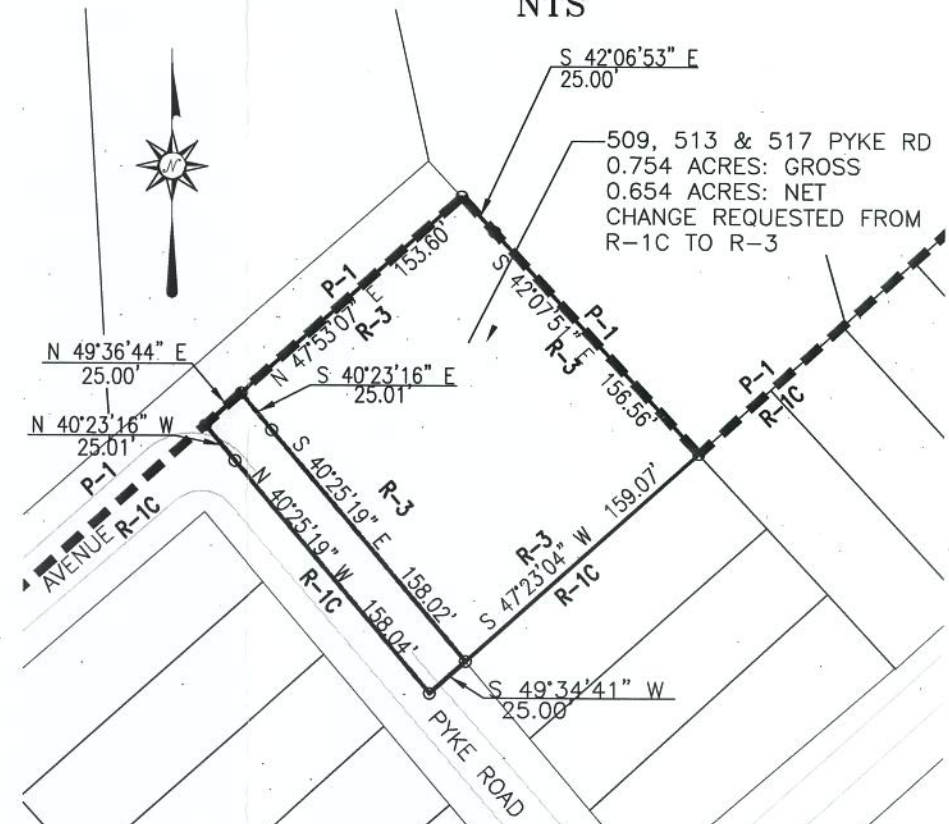
JCW/klm
Enclosures



NOTIFICATION MAP
SCALE: 1"=200'



VICINITY MAP
NTS



PROPERTY INFORMATION MAP
SCALE: 1"=100'

ZOMAR:	TITLE: 509, 513 & 517 PYKE ROAD			
PROPERTY ADDRESS:	FROM	TO	GROSS	NET
509, 513, AND 517 PYKE ROAD	R-1C	R-3	0.754	0.654
APPLICANT NAME / ADDRESS:				
FLYING DUTCHMAN PROPERTIES, LLC				
P.O. BOX 910626				
LEXINGTON, KENTUCKY 40591				
OWNER: FLYING DUTCHMAN PROPERTIES, LLC				
PREPARED BY: VISION ENGINEERING, LLC				
DATE FILED OR AMENDED: JULY 6, 2015		TOTAL	0.754	0.654

