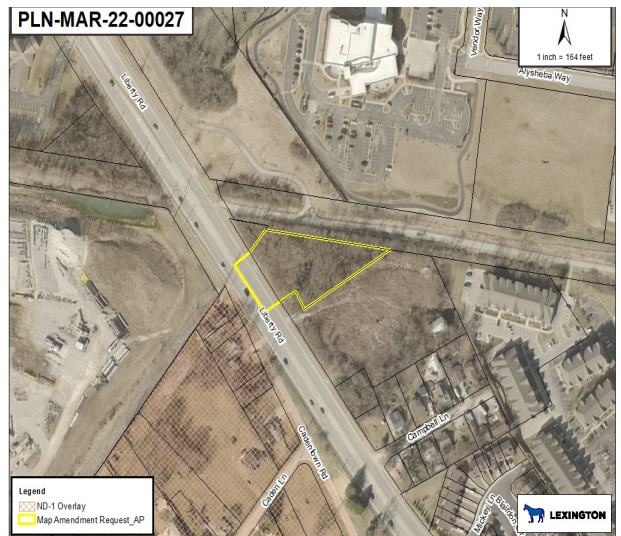


STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-22-00027: LIBERTY PARK DEVELOPMENT, LLC

DESCRIPTION OF ZONE CHANGE

Zone Change:	From a Single Family Residential (R-1D) zone To a Planned Neighborhood Residential (R-3) zone
Acreage:	0.966 net (1.151 gross) acres
Location:	2819 Liberty Road



EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	R-1D	Vacant
To North	A-U	Liberty Trail
To East	B-4	Vacant
To South	R-1D	Residential
To West	R-1D/ I-1	Vacant/ Industrial

URBAN SERVICE REPORT

Roads - The subject property has frontage on Liberty Road (KY 1927), a five-lane minor arterial roadway. The subject property also adjoins Liberty Trail, a multi-modal trail, to the north.

Curb/Gutter/Sidewalks - Curb, gutter and sidewalks exist along this portion of Liberty Road. These urban improvements were constructed by the Kentucky Transportation Cabinet more than a decade ago.

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

Storm Sewers - The subject property is located within both the East Hickman and North Elkhorn watersheds. There are no FEMA Special Flood Hazard Areas on the property or in the immediate vicinity. Storm sewers exist in this portion of the Urban Service Area.

Sanitary Sewers - The subject property is located within the East Hickman sewershed. The property is served by the West Hickman Treatment Facility, located in northern Jessamine County. Sanitary sewers do not currently serve the subject property, and service will need to be extended to the property at the time development occurs. An existing force main is present in the immediate vicinity, across the Liberty Trail.

Refuse - The Urban County Government serves this portion of the Urban Service Area with collection on Tuesdays. If needed, refuse collection may need to be supplemented by a private service provider to accommodate the specific needs of the development.

Police - The subject property is located within the East Sector although the nearest police station is located approximately 4 miles northwest of the subject property, at the Central Sector Roll Call Center near Eastland Shopping Center.

Fire/Ambulance - The nearest fire station to the property is Station #21, located approximately 3/4 mile south of the subject property at the intersection of Mapleleaf Drive and Dabney Drive, across Man O' War Boulevard.

Transit - The subject property does not have direct access to an existing transit route. The closest available route is Lextran #10, which has a stop approximately 1/2 of a mile northeast of the subject property, at the Meijer Shopping Center on Paul Jones Way.

Parks - The subject property is located less than 100 feet from Liberty Park, to the north, and is adjacent to the Liberty Trail.

SUMMARY OF REQUEST

The applicant is seeking a zone change from the Single Family Residential (R-1D) zone to the Planned Neighborhood Residential (R-3) zone in order to construct a townhome development with 13 dwelling units, for a residential density of 13.46 dwelling units per net acre.

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



This zone is primarily for multi-family dwellings and other residential uses. This zone should be at locations and at the density (units/acre) recommended by the Comprehensive Plan, and in areas of the community where necessary services and facilities will be adequate to serve the anticipated population

PROPOSED USE



This petitioner is proposing the Planned Neighborhood Residential (R-3) zone in order to construct an attached single family development. As proposed, the development consists of thirteen 1,500 square-foot townhouse units, featuring attached 240 square-foot garages. Supplemental parking areas for the townhouses are being provided in front of the structures, along Liberty Road. A central connection to Liberty Trail is proposed to the rear.

APPLICANT & COMMUNITY ENGAGEMENT



The applicant has spoken with several neighbors regarding the proposal, but have not indicated that any larger public engagement outreach has occurred. The applicant should conduct further outreach with the nearby neighborhood association(s) to discuss the proposed rezoning and development plan.

PROPERTY & ZONING HISTORY



The subject property has been zoned Single-Family Residential (R-1D) since before the 1969 comprehensive rezoning of the city and county. The subject property initially contained a single-family residence, which was demolished prior to 2010. Since then, the property has remained vacant.

COMPREHENSIVE PLAN COMPLIANCE



The 2018 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.

GOALS, OBJECTIVES, & POLICIES

The applicant opines that they are in agreement with the adopted Goals and Objectives of the 2018 Comprehensive Plan. The applicant states that their proposal supports infill and redevelopment throughout the Urban Service Area as a strategic component of growth (Theme A, Goal #2), and will be assisting in redeveloping an underutilized corridor (Theme E, Goal#1.c). This request will activate a vacant and underutilized portion of land along a minor arterial corridor to provide additional housing.

The applicant also states that the proposal also fulfills the goals of expanding housing choices (Theme A, Goal #1). The project will supplement the existing detached single-family residential and multi-family residential housing in this area with attached single-family residential units.

Finally, the applicant opines that the request meets goals relating to providing well-designed neighborhoods and encouraging safe social interactions providing pedestrian connectivity (Theme A, Goal#1.b). The applicant specifically calls out the proposed connection to the Liberty Trail as a way to connect to nearby residential areas, Liberty Elementary, and the nearby Liberty Park. However, staff finds that several aspects of this goal are not currently being met with this request. The proposed development is oriented towards the Liberty Trail to the rear, leaving the frontage solely as a parking area. The lack of a streetscape or eyes on the pedestrian systems in this area detracts from the safety and effectiveness of the sidewalks along Liberty Road. Furthermore, while the applicant's proposal includes sidewalks for portions of the development, it does not provide connectivity to all units within the development, and forces users within the easternmost units to cross vehicular use areas in order to access the pedestrian networks. The result is an incomplete pedestrian network that does not adequately address Liberty Road.

The applicant did not indicate any Comprehensive Plan Policies that are being met with this request. In staff's review of the applicable policies, several warranted further discussion.

Design Policy #7 calls for parking areas to not be the primary visual component of the neighborhood. The applicant's current proposal does not meet this policy as the frontage of the lot on Liberty Road is being entirely occupied by the supplemental parking areas. By shifting units to front on Liberty Road, the applicant could relocate the parking areas to the rear, and would provide a more defined streetscape.

Design Policy #1 calls for utilizing a people-first design that allows for safe pedestrian mobility. While sidewalks connecting to the pedestrian system along Liberty Road and Liberty Trail are being provided for the townhomes the rear of the site, the townhomes along the eastern portion of the property lack the same connectivity, and require pedestrians to cross vehicular use areas in order to connect with the Liberty Trail or sidewalks along Liberty Road.

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 2018 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 is primarily comprised 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 proposed development will be connected to the nearby residential areas through the Liberty Trail and the pedestrian system along Liberty Road, and will provide additional housing stock and variety to the area. The staff agrees that the Enhanced Neighborhood Place-Type and the Low Density Residential Development Type can be appropriate at this location.

The Planned Neighborhood Residential (R-3) zone is a recommended zone for the applicant's chosen Place-Type and Development Type. Staff agrees that the Planned Neighborhood Residential (R-3) zone can be appropriate at this location.

DEVELOPMENT CRITERIA

The development 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 development 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.

While the applicant has addressed some of the Development Criteria within their letter of justification, there are areas of concern as to how the applicant has applied or not applied other development criteria. The following criteria should be addressed by the applicant to demonstrate how they are in agreement with the Comprehensive Plan.

1. Site Design, Building Form and Location

A-DS5-3 Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.

As proposed, development of the property is concentrated to the rear of the property, with no units fronting on Liberty Road. As a result, the visitor or supplemental parking lot for the development is the primary visual focal point for the development along the road frontage. Locating units along this frontage and relocating parking to the rear would provide a more inviting streetscape, as well as visibility and surveillance for the pedestrians utilizing this portion of the corridor.

2. Transportation and Pedestrian

ADS5-2 Roadways should provide a vertical edge, such as trees and buildings.

As a result of utilizing the front of the property for parking, the site lacks a defined vertical edge that creates an inviting and pedestrian friendly streetscape along the Liberty Road corridor.

D-CO2-2 Development should create and/or expand a safe, connected multi-modal transportation network that satisfies all user's needs, including those with disabilities

While the proposed development shows sidewalk connections to both the Liberty Trail and Liberty Road, these connections are not present for all units in the development. The easternmost units lack a safe way to access the trail or the road frontage without having to cross the site's vehicular use areas.

3. Greenspace and Environmental Health

The proposed rezoning meets the criteria for Greenspace and Environmental Health as the proposal works with the existing landscape and has no impact on environmentally sensitive areas. The vegetation that has been cleared was overgrown brush that emerged after the previous residential use at this location was discontinued in 2010.

STAFF RECOMMENDS: **POSTPONEMENT** FOR THE FOLLOWING REASONS:



1. The zone change application should describe in greater detail how they meet the Goals, Objectives and Policies, specifically those regarding the orientation of the structures, parking, and the proposed improvements to multi-modal connectivity.
2. 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-DS5-3 Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
 - b. A-DS5-2 Roadways should provide a vertical edge, such as trees and buildings.
 - c. D-CO2-2 Development should create and/or expand a safe, connected multi-modal transportation network that satisfies all users' needs, including those with disabilities.

DAC/HBB/TLW
1/4/2023

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STAFF REPORT ON VARIANCE REQUEST



As part of their application, the petitioner is also seeking a dimensional variance, requesting relief from the required rear setback from the adjoining Agricultural Urban (A-U) zone, as regulated in of Article Fifteen of the LFUCG Zoning Ordinance.

Before any variance is granted, the Planning Commission must find the following:

- a. The granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Planning Commission shall consider whether:
 1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone.
 2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
 3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
- b. The Planning Commission shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

ZONING ORDINANCE

Article 6-4(c) states that the Planning Commission may hear and act upon requested variances associated with a zone change. In such cases, they may assume all of the powers and responsibilities of the Board of Adjustment, as defined in Article 7-6(b) of the Zoning Ordinance.

Article 8-4(i) states that the side yard for A-U zoned parcels shall be 25-feet

Article 8-12(j) states that the rear yard for the R-3 zone shall be 10-feet.

Article 15-3 states that where a property adjoins the side or rear yard of a lot in another zone, the side or rear yard in the zone with the less restrictive yard requirements shall equal the adjoining side or rear yard (as appropriate) of the zone with the more restrictive yard requirements.

CASE REVIEW

The applicant is seeking a dimensional variance in order to reduce the required rear yard setback to 10 feet. Typically, parcels in the R-3 zone are required to provide a 10-foot rear yard setback; however, when adjoining an unlike zone, the larger of the two adjoining setbacks applies. These provisions were designed to provide greater distance between differing and potentially incompatible land uses. In this case, the proposed R-3 zoned subject property will be required to meet the 25-foot setback that applies on the adjoining A-U zoned parcel to the rear.

The applicant provides four justifications for the variance request. First, they indicate that the variance arose from special circumstances unique to the subject property. In particular, they highlight the unique triangular shape of the property. On a typically shaped parcel, the front and rear yards would be equivalent. Due to the irregular shape, the rear property line is over twice the length of the front property line. This unconventional shape both limits where development can occur on the site, and disproportionately increases the impact of the required rear yard setback. Furthermore, the applicant notes that the Agriculturally zoned parcel to the rear does not contain any agricultural use or activity or uses, but is rather publicly owned land being utilized for the Liberty Trail. The intent behind the Agricultural Urban (A-U) zoning.

Next, the applicant indicates that the current regulations represent an unnecessary hardship on the applicant as the implementation of the Zoning Ordinance would significantly limit the buildable area of the site. The increase in the required rear setback from 10 feet to 25 feet results in a loss of approximately 0.12 acres of buildable area, or approximately 12 % of the total area of the site.

Additionally, the applicant indicates that they have done nothing to create the special circumstances which



impact this property. The applicant indicates that the property has not had any expansion since it was platted in 1918.

Finally, the applicant indicates that the proposed variance will not adversely effect public health, safety, or welfare; will not alter the essential character of the vicinity; and will not create a hazard or nuisance to the public. While typically, larger setbacks from agricultural zones is recommended for residential zones as to avoid placing residential uses in close proximity to potential agricultural nuisances, the applicant notes that the adjoining parcel does not contain an agricultural use, and is being utilized as a public trail. As such, the closer setback will not negatively impact the proposed residential uses, and will improve the public safety by providing increased surveillance and visibility of this portion of the Liberty Trail.

STAFF RECOMMENDS: **APPROVAL**, FOR THE FOLLOWING REASONS:



1. Approval of the variance should not adversely affect the public health, safety, or welfare, nor should it create a hazard or nuisance to the public. The adjoining property to the rear is being utilized for a trail, not an agricultural use, and will benefit from the increased surveillance provided by the planned townhomes.
2. The lot's unique shape is a special circumstance that limits where development can occur on the site, and disproportionately increases the impact of the increased rear setback.
3. The increased setbacks required by the Ordinance unreasonably restrict the applicant's use of this property by significantly reducing the site's buildable area.
4. The circumstances of this variance are not a result of actions taken by the applicant subsequent to the adoption of the Zoning Ordinance.

This recommendation of Approval is made subject to the following conditions:

- a. Provided the Planning Commission and Urban County Council approve the requested zone change to the R-3 zone, otherwise the requested variances shall be null and void.
- b. The development shall be constructed in accordance with the approved Final Development Plan, or as amended by the Planning Commission.
- c. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
- d. Action of the Planning Commission shall be noted on the Development Plan for the subject property.

SUPPLEMENTAL STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-22-00027: LIBERTY PARK DEVELOPMENT, LLC



STAFF REVIEW

In the period following the January Subdivision and Zoning Committee meetings, the applicant submitted a revised development plan associated with the request. The revised plan included several notable changes, including increasing the unit count from 13 to 14 (resulting in a density of 14.49 units per acre), relocating the parking areas to the interior of the site, reorienting lots #5-14 to front and on the Liberty Trail, shifting lots #1-4 closer to the roadway, and providing additional pedestrian connectivity. As a result of the reorientation of the rear units to front on the Liberty Trail, the applicant's initially requested variance is no longer necessary; however, it will require a waiver to the Land Subdivision Regulations by the Planning Commission for the corresponding development plan.

In addition to the development plan changes, the applicant has indicated that they conducted further public outreach by meeting with the Cadentown Neighborhood Association. The applicant has indicated that there were no objectors to the proposal at that meeting.

GOALS, OBJECTIVES, & POLICIES

In the initial review of the applicant's proposal, staff found several aspects in which the request was not in accordance with the 2018 Comprehensive Plan. In light of staff's concerns, the applicant revised the development plan in order to better address those provisions of the Comprehensive Plan. The application now provides for safe and well-designed neighborhoods by redesigning the pedestrian circulation system to provide more effective pedestrian pathways to both the Liberty Trail, as well as the existing pedestrian infrastructure along Liberty Road (Theme A, Goal #1.b and Design Policy #1).

Furthermore, by providing the parking internally and creating vertical edge along Liberty Road with landscaping and townhome units, the pedestrian experience along Liberty Road is improved (Design Policy # 7). However, with the applicant's decision to orient lots #5-14 to front on the Liberty Trail, further consideration does need to be given to the pedestrian experience along this portion of the trail. Under typical circumstances, new development triggers the need to provide street trees along the road frontage. While the applicant is proposing to front several townhome lots on the Liberty Trail, the trail is not a public street, and thus the applicant is not currently required to provide the same landscaping requirements. In order to improve the pedestrian experience for the users of the trail, the staff recommends the placement of the street trees along the trail as if it were a public road as a condition of the requested waiver. This landscaping would help delineate the public and private spaces, while still affording some visual permeability to ensure that the trail is safely being monitored.

DEVELOPMENT CRITERIA

The applicant's revised proposal also addresses several Development Criteria that were not being met with the initial request.

A-DS5-3 Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.

By reorienting the rear units to face the Liberty Trail, and shifting the front units further toward Liberty Road, the development better engages the surrounding pedestrian network, and provides more eyes on the public spaces and pathways.

ADS5-2 Roadways should provide a vertical edge, such as trees and buildings.

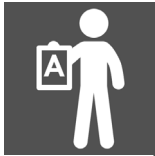
By relocating the parking areas internally and shifting the front town house units closer towards Liberty Road, the request provides a more effective streetscape. Where the irregular shape of the parcel does not allow for townhome units along the westernmost portions of the roadway edge, the required street trees will help create a continuous vertical element. A similar vertical edge can be achieved along the Liberty Trail with the inclusion of trees or landscaping along the shared border.

D-CO2-2 Development should create and/or expand a safe, connected multi-modal transportation network that satisfies all user's needs, including those with disabilities

Included with the applicant's reorientation of the structures was an overhaul of the internal pedestrian circulation system. Whereas the previous iteration of the plan did not provide connectivity for all townhome units, the expanded pedestrian paths now allow for safe access to both the Liberty Trail and Liberty Road for all units in the development while reducing conflicts with the site's vehicular use areas.

Staff can now recommend approval of the proposed zone change from a Single Family Residential (R-1D) zone to the Planned Neighborhood Residential (R-3) zone for the subject property, as the proposal is in agreement with the 2018 Comprehensive Plan, including the applicable Goals and Objectives, and Development Criteria.

STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASON:



1. A rezoning to the Planned Neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan's Goals, Objectives, and Policies, for the following reasons:
 - a. The request supports infill and redevelopment throughout the Urban Service Area as a strategic component of growth (Theme A, Goal #2), and will be assisting in redeveloping an underutilized corridor (Theme E, Goal#1.c) by activating a vacant and underutilized portion of land along a minor arterial corridor to provide additional housing.
 - b. The proposed project will expand housing choices by supplementing the existing detached single-family residential and multi-family residential housing in this area with attached single-family residential units (Theme A, Goal #1).
 - c. The proposed development will provide for well-designed neighborhoods and encouraging safe social interactions by providing safe pedestrian connectivity to both Liberty Road and the Liberty Trail (Theme A, Goal#1.b and Design Policy #1).
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the development reinforces the streetscape along Liberty Road, locates parking internally, and helps further activate the Liberty Trail.
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity through providing safe and effective connections to the Liberty Trail, as well as the existing pedestrian network along Liberty Road.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will as the proposal works with the existing landscape and has no impact on environmentally sensitive areas
3. This recommendation is made subject to approval and certification of PLN-MJDP-22-00080: Rose H Brigden & Mark McClure Property: Tract A prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.