

ORDINANCE NO. 73 -2013

AN ORDINANCE CHANGING THE ZONE FROM A PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE TO A TOWNHOUSE RESIDENTIAL (R-1T) ZONE, FOR 1.57 NET (1.64 GROSS) ACRES, FOR PROPERTY LOCATED AT 835, 836, 848, 849 AND 856 DEROODE STREET; AND A FORMER RAILROAD PARCEL WITH NO ADDRESS INCLUDING DIMENSIONAL VARIANCES (URBAN COUNTY PLANNING COMMISSION; COUNCIL DISTRICT 3).

WHEREAS, at a Public Hearing held on May 23, 2013, a petition for a zoning ordinance map amendment for property located at 835, 836, 848, 849 and 856 DeRoode Street; and a former railroad parcel with no address, from a Planned Neighborhood Residential (R-3) zone to a Townhouse Residential (R-1T) zone, for 1.57 net (1.64 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change including dimensional variances by a vote of 8-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

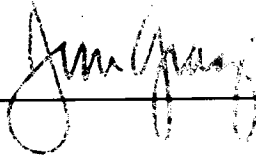
Section 1 - That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for property located at 835, 836, 848, 849 and 856 DeRoode Street; and a former railroad parcel with no address from a Planned Neighborhood Residential (R-3) zone to a Residential Townhouse (R-1T) zone for 1.57 net (1.64 gross) acres; being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

Section 3 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: July 2, 2013

MAYOR



ATTEST:


CLERK OF URBAN COUNTY COUNCIL
Published: July 12, 2013-1t
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LEGAL DESCRIPTION

SOUTHEND PARK REZONING
Zone Change from R-3 to R-1T

PROPERTY OF THE
COMMONWEALTH OF KENTUCKY - TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS
856, 849, 848 and 835 De Roode Street
Lexington, Fayette County, Kentucky
AND
PROPERTY OF
William K. Dunn
836 De Roode Street
Lexington, Fayette County, Kentucky

A TRACT OF LAND SITUATED IN THE SOUTHEAST CORNER OF THE INTERSECTION OF VERSAILLES ROAD AND THE NORFOLK-SOUTHERN RAILROAD IN LEXINGTON, FAYETTE COUNTY, KENTUCKY AND MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

BEGINNING at the intersection of the centerline of Versailles Road and the east end of the bridge over the railroad, thence S 12° 23' 54" W, 181.70 feet to the TRUE POINT OF BEGINNING; thence 63.85 feet along a curve to the right, having radius of 250.00 feet and a chord which bears S 27° 11' 53" E, 63.67 feet, to a point; thence S 19° 52' 54" E, 71.84 feet to a point; thence S 70° 07' 08" W, 142.24 feet to a point; thence N 15° 59' 10" W, 102.61 feet to a point; thence 52.60 feet along a curve to the right, having radius of 35.00 feet and a chord which bears N 27° 03' 59" E, 47.79 feet, to a point; thence N 70° 07' 08" E, 92.24 feet to the true point of beginning and containing a gross area of 0.42 acres, and a net area of 0.31 acres.

Rec'd by _____

Date: _____

RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: **MARV 2013-12: URBAN COUNTY PLANNING COMMISSION** - petition for a zone map amendment from a Planned Neighborhood Residential (R-3) zone to a Townhouse Residential (R-1T) zone, for 0.31 net (0.42 gross) acre; and from a Light Industrial (I-1) zone to a Planned Neighborhood Residential (R-3) zone, for 1.57 net (1.64 gross) acres, for properties located at 835, 836, 848, 849, and 856 DeRoode Street; and a former railroad parcel with no address. Dimensional variances were also requested. (Council District 3)

Having considered the above matter on **May 23, 2013**, at a Public Hearing, and having voted **8-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL** of this matter for the following reason:

1. The rezoning from a Planned Neighborhood Residential (R-3) zone to a Townhouse Residential (R-1T) zone is in agreement with the 2007 Comprehensive Plan for the following reasons:
 - a. The Plan recommends High Density Residential land use for this portion of the subject property, which is defined as 10-25 dwelling units per net acre; or where net area does not equal gross acreage, 6-20 dwelling units per gross acre.
 - b. The four dwelling units proposed for this 0.42-gross acre location (0.31 net) would yield a density of 9.52 units per gross acre.
2. The requested Planned Neighborhood Residential (R-3) zone is appropriate, and the existing Light Industrial (I-1) zone is no longer appropriate for the subject property, for the following reasons:
 - a. The Kentucky Transportation Cabinet has acquired some of the former Norfolk-Southern railroad right-of-way as a result of negotiations about the construction of a sizeable noise barrier wall adjacent to the railroad yard immediately west of the Southend Park area.
 - b. The creation of the noise barrier has created a far superior land use boundary between Circulation and Residential land uses, rather than the previous property line, which was relied upon at the time of the adoption of the Newtown Pike Extension Corridor Plan and the 2007 Comprehensive Plan.
 - c. The zone change to R-3 is intended to prevent unintended consequences from split-zoned properties and to accommodate the shifting of the alley that separates the new Southend Park housing from the slope leading up to the noise barrier wall.
 - d. There are no dwelling units proposed on this portion of the subject property, so there is no violation of the Plan with this open space land use.
3. This recommendation is made subject to approval and certification of **ZDP 2013-45: Southend Park, Section 1**, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

Note: Variances to the front, side, and rear yard setbacks; driveway width; and required screening were approved by the Planning Commission for this property, subject to the rezoning being granted.