

AN ORDINANCE CHANGING THE ZONE FROM A SINGLE FAMILY RESIDENTIAL (R-1D) ZONE TO A PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE, FOR 0.229 NET (0.3046 GROSS) ACRES, FOR PROPERTIES LOCATED AT 213, 215, 217, 219, 221, 223, 225 AND 229 PERRY STREET. (LEXINGTON HABITAT FOR HUMANITY; COUNCIL DISTRICT 2).

WHEREAS, at a Public Hearing held on January 30, 2020, a petition for a zoning ordinance map amendment for property located at 213, 215, 217, 219, 221, 223, 225 and 229 Perry Street from a Single Family Residential (R-1D) zone to a Planned Neighborhood Residential (R-3) zone, for 0.229 net (0.3046 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change 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 213, 215, 217, 219, 221, 223, 225 and 229 Perry Street from a Single Family Residential (R-1D) zone to a Planned Neighborhood Residential (R-3) zone, for 0.229 net (0.3046 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: March 17, 2020



MAYOR

ATTEST:


CLERK OF URBAN COUNTY COUNCIL

Published: March 26, 2020 - 1t
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Rec'd by KA

Date: 2/21/20

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

IN RE: **PLN-MAR-19-00017: LEXINGTON HABITAT FOR HUMANITY** – a petition for a zone map amendment from a Single Family Residential (R-1D) zone to a Planned Neighborhood Residential (R-3) zone, for 0.229 net (0.3046 gross) acres, for properties located at 213, 215, 217, 219, 221, 223, 225, and 229 Perry Street. (Council District 2)

Having considered the above matter on **January 30, 2020**, 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 reasons:

1. The Planned Neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning accommodates the demand for housing in Lexington responsibly, prioritizing a mixture of housing types (Theme A, Goal #1), while also supporting infill and redevelopment with modern, safe, and dense housing (Theme A, Goal #2).
 - b. The proposed rezoning provides a well-designed neighborhood (Theme A, Goal #3) by adding pedestrian facilities and decreasing the potential for on-street conflicts between pedestrians and vehicular traffic.
 - c. The proposed rezoning strengthens the opportunities for housing affordability within the Lexington-Fayette Urban County (Theme A, Goal #1, Objective d).
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 site creates a residential development that supports pedestrian mobility.
 - b. The proposed rezoning includes safe facilities for the potential users of the site by prioritizing the inclusion of safe pedestrian facilities. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, limits the impacts on the surrounding environment, and adds tree canopy coverage in the form of street trees and landscape buffers.
3. This recommendation is made subject to approval and certification of **PLN-MJDP-19-00076: Perry Street Townhomes**, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

ATTEST: This 21st day of February, 2020.


Secretary, Jim Duncan

MIKE OWENS
CHAIR

Note: The corollary development plan, PLN-MJDP-19-00045: HAYNES BROTHERS PROPERTIES. LLC was approved by the Planning Commission on January 30, 2020 and certified on February 13, 2020.

Note: Two dimensional variances were approved by the Planning Commission on January 30, 2020.

K.R.S. 100.211(7) requires that the Council take action on this request by April 29, 2020.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Hutson Royster, representative.**

OBJECTORS

- Roland Taylor, 224 Perry Street
- Paul Holland, 4573 Saron Drive

OBJECTIONS

- Concerned with the size of the development at this site, its proximity to the Manchester Street area and with the parking along the street, particularly when an event is being held in the Distillery District.
- Concerned with parking along the street and no place for children to play.

VOTES WERE AS FOLLOWS:

AYES: (8) Bell, deMovellan, Forester, Mundy, Nicol, Owens, Plumlee, and Wilson

NAYS: (0)

ABSENT: (3) Brewer, Penn, and Pohl

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-19-00017** carried.

Enclosures: Application
Plat
Staff Report
Applicable excerpts of minutes of above meeting

MAP AMENDMENT REQUEST (MAR) APPLICATION

1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)

Applicant: LEXINGTON HABITAT FOR HUMANITY, 700 EAST LOUDON AVENUE, LEXINGTON, KY 40505
Owner(s): LEXINGTON HABITAT FOR HUMANITY, 700 EAST LOUDON AVENUE, LEXINGTON, KY 40505
Attorney:

2. ADDRESS OF APPLICANT'S PROPERTY

213, 215, 217, 219, 221, 223, 225, AND 229 PERRY STREET, LEXINGTON, KY 40508
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3. ZONING, USE & ACREAGE OF APPLICANT'S PROPER

Zoning	Existing Use	Zoning	Requested Use	Acreage	
				Net	Gross
R-1D	Single Family Residential	R-3	Single Family Residential	0.2290	0.3046

4. COMPREHENSIVE PLAN

a. Utilizing Placebuilder, what Place-Type is proposed for the subject site?	ENHANCED NEIGHBORHOOD
b. Utilizing Placebuilder, what Development Type is proposed for the subject site? If residential, provide the proposed density	LOW DENSITY RESIDENTIAL

5. EXISTING CONDITIONS

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

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

Roads:	LFUCG
Storm Sewers:	LFUCG
Sanity Sewers:	LFUCG
Refuse Collection:	LFUCG
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





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November 25th, 2019

Mr. Jim Duncan, Director
Lexington-Fayette Urban Co Division of Planning
200 E. Main St.
Lexington, KY 40507

Dear Director Duncan:

I represent Lexington Habitat for Humanity, which has filed for a zone change application and an associated preliminary development plan for property located at: 213, 215, 217, 219, 221, 223, 225 and 229 Perry St. The site is comprised of 8 parcels totaling .3046 acres. The site is located near downtown in the Irishtown Neighborhood, which encompasses a variety of different zones.

GOALS AND OBJECTIVES

We believe that our proposed development is in agreement with the 2018 Comprehensive Plan, specifically the Goals and Objectives that encourage expanding housing choices (Theme A, Goal #1), support infill and redevelopment (Theme A, Goal #2), provide well-designed neighborhoods (Theme A, Goal #3), and more specifically, creating and implementing housing incentives that strengthen the opportunities for high-density and housing affordability (Theme A, Goal #1, Objective d.)

ENGAGEMENT

We met with the surrounding neighbors of Irishtown and Manchester St. area on November 6th, 2019 to discuss the proposed development and zone change request prior to filing the application with the Division of Planning. During the meeting the neighbors expressed support for the re-development of the vacant properties and expressed support for single family (low density) residential development. One individual present is hoping to build something similar in the future. Neighbors did expressed some concerns about the size of the proposed townhomes, and whether or not the units would "fit on the lots." There were also concerns expressed about the off-street parking for the townhomes, though a single car garage was proposed. There were concerns expressed about the continued gentrification of the Irishtown Neighborhood and discussion about how the neighborhood has been so drastically changed in the last 10 to 15 years. In response to the neighbors' concerns about the property "fitting" on the lot, we assured them that a site survey had been done by a licensed professional and that the proposed structures would fit on the lot. In response to the neighbors' concerns about off-street parking, we have modified the proposed building and site plan to accommodate increased driveway parking in addition to the 1-car garage. Lastly, in response to the concerns about gentrification, we assured the neighbors that a key tenet of our mission at Lexington Habitat is to ensure owner-occupied affordability for all.

SITE DESCRIPTION

The subject site is located within a mixed-use neighborhood that currently includes single family residences, multi-family residences, a few businesses and some industrial. Irishtown, as the neighborhood is known, has a long history in Lexington and has been the site of major re-development with the Oliver Lewis Extension, growth of the Manchester St. district and Town-Branch trail coming soon. The site consists of eight contiguous lots which average 25 feet in width. The current zone of R1-D is not as flexible in allowing for re-development of this urban infill site, particularly with the existing old, narrow lot lines.



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PLACE-TYPE, DEVELOPMENT TYPE & REQUESTED ZONE

The Placebuilder defines seven place-types within the Urban Service Area boundary. This location is an **Enhanced Neighborhood** place-type, which is defined as:

An existing residential area that could be enhanced with additional amenities, housing types, and neighborhood-serving retail, services, and employment options that contribute to a sustainable neighborhood. Vibrant neighborhoods include a range of uses. The development that occurs in this place-type should be context-sensitive to the surrounding area and implemented in a way that adds to the sense of place. Multi-modal connections from new elements within enhanced neighborhoods are crucial to their success and long-term viability. (Page 327)

Further, the Enhanced Neighborhood type encourages low density residential, medium density residential, as well as medium density non-residential/mixed-use and medium-high density residential. The most appropriate place-type for the site is Enhanced Neighborhood because Irishtown is a long-established residential neighborhood that could be enhanced with mixed housing types and it is located within the defined Infill and Redevelopment boundary. In addition, the applicant selected **low density residential** as the most suitable development for the site. We believe that low density residential fits in best with the existing fabric of the neighborhood and is also what will work best with the limited footprint that the proposed site offers.

The Placebuilder also recommends the following potential zoning categories that align with the proposed Enhanced Neighborhood place-type: R-3, R-4, MU-1, MU-2, and B1. The zone that most closely aligns with the applicant's vision for the site is the planned neighborhood residential zone (R3).

The subject site is currently located in Single Family Residential (R1D) zone, and the applicant is proposing to re-zone the eight parcels to a Low Density Residential (R3) zone. Under the current zone, Lexington Habitat could only fit two single family detached homes and the current land shortage for affordable housing requires us to utilize the proposed site in a different manner. The proposed plan includes building five single family attached townhomes with single car garages.

The applicant understands the vision of the community, as outlined in *Imagine Lexington: The 2018 Comprehensive Plan*. The mission statement, goals and objectives, and the Placebuilder are furthered by the applicant's proposed development and we believe that the request is in agreement with the Comprehensive Plan for numerous reasons. Based upon the context of the site location, the applicant believes the site most closely aligns with the Enhanced Neighborhood place-type. We believe that the proposed low density residential (R3) zone is in agreement with the place-type definition, is a suitable development type and agrees with one of the recommended zones, as established by Placebuilder.

DEVELOPMENT CRITERIA

To further address the Placebuilder development criteria, the design team has prepared an annotated graphic of the proposed development plan. However, numerous other development criteria deserved further explanation and you will find the following information helpful in determining that the requested zone change is in agreement with the Comprehensive plan.



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The following design standards are being met, and are annotated on the development plan:

Site Design, Building Form & Location	Transportation & Pedestrian Connectivity	Greenspace & Environmental Health
A - DS5- 3	None	B - RE1-1
A - DS7- 1		B - PR7 - 2
E-GR9-3		B - PR7 - 3
		B - RE1 - 1

In addition, the following information supports our assertion that the proposed zone change is in agreement with *Imagine Lexington: The 2018 Comprehensive Plan*. Based upon Density Policy #1 (page 41), the subject property is not located along a major corridor; therefore, several of the development criteria are not applicable.

	Site Design, Building Form & Location
A- DS5-3 (Also Denoted on Plan)	<ul style="list-style-type: none"> The applicant intends to meet the pedestrian-friendly atmosphere design standard (A-DS5-3) by adding 5' wide sidewalks at the front of the property.
A -DS7-1 (Also Denoted on Plan)	<ul style="list-style-type: none"> The attached single car garage provides internal parking for 50% of total parking for the proposed units.
A-DS10-1	<ul style="list-style-type: none"> The proposed residential units will be located within a mile of the future Davis Park and Town-Branch Park. They are also within walking distance of the Carver Center.
A-DN2-1	<ul style="list-style-type: none"> It could be argued that we are not increasing density because we are taking 8 lots, and turning that into 5 single family attached townhomes. As referenced in the Newtown Pike Extension Corridor Plan (pg 59), the area includes many nonconforming lots. Site limitations would dictate two detached homes. Thus, we are increasing density by building 5 single family attached homes on the proposed site.
A -DN6-1	<ul style="list-style-type: none"> This proposal directly aligns with this requirement as it encourages new compact single-family housing types.
B - PR9 -1	<ul style="list-style-type: none"> Since the site was previously occupied by single family homes, the proposed work to be done on the site will utilize the existing topography.
B - SU11-1	<ul style="list-style-type: none"> The proposed townhomes will be built to ENERGY STAR 3.0 Standards and will be, on average, 50% more efficient than a standard code built home.
C - L16 - 2	<ul style="list-style-type: none"> The applicant builds exclusively affordable housing in Lexington and the proposed units would serve families who are below 60% of AMI.
C - L17-1	<ul style="list-style-type: none"> The proposed development differentiates the type of homes that would be in the neighborhood. There is close access the Manchester Street and Distilleries districts for shopping and entertainment. C and P market is the neighboring property.
C - PS10-3	<ul style="list-style-type: none"> Two off street parking spaces per unit have been achieved.
D - PL7 - 1	<ul style="list-style-type: none"> A neighborhood meeting was held at the Carver Center on November 6th, 2019. Neighborhood Homeowners, Landlords and Business owners were in attendance to discuss opportunities and constraints of the proposal.

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D - SP9 - 1	<ul style="list-style-type: none"> The proposed development includes a zero-step entry for easy access to seniors or people with disabilities. In addition, the laundry room, one accessible bedroom and one accessible bathroom are located on the main floor of the proposed townhome, so that it could be occupied by a senior adult or person with a disability.
E - GR9-3 (Also Denoted on Plan)	<ul style="list-style-type: none"> The proposed 5 single family attached units are strategically designed to be less-intense and will be among primarily single family detached homes.
E - GR9 - 4	<ul style="list-style-type: none"> The site of the proposed development is currently vacant land and is underutilized in the neighborhood. The newly proposed townhomes will enhance this underutilized asset in the neighborhood.
Transportation & Pedestrian Connectivity	
D - C02-2	<ul style="list-style-type: none"> Development includes the addition of 5' wide sidewalks which will increase accessibility for the portion of Perry St. covered in this proposal.
Greenspace & Environmental Health	
A - DS4 - 3	<ul style="list-style-type: none"> The proposed site for development was previously single family and is very flat, with only the southern end of the property sloping to match that of the road. Several new trees will be planted to replace the few that will be removed for construction.
B - PR7 - 2 (Also Denoted on Plan)	<ul style="list-style-type: none"> Medium size street trees and medium size shade trees will be incorporated into the development plan.
B - PR7 - 3 (Also Denoted on Plan)	<ul style="list-style-type: none"> Approximately 5 street trees will be planted in the front of the property and several shade trees will be planted in the rear of the property.
B - RE1-1 (Also Denoted on Plan)	<ul style="list-style-type: none"> The development plan shows street trees.

Lastly, there are several Placebuilder development criteria that are not applicable to the proposed zone change. Those are listed below, along with a brief explanation of why they are not pertinent to our proposal and/or our site.

	Site Design, Building Form, & Location
A - DS7- 2	<ul style="list-style-type: none"> The proposed development does not include non-residential or multi-family.
A - DS11-1	<ul style="list-style-type: none"> The proposed development does not include public focal points.
A - EQ7- 1	<ul style="list-style-type: none"> The proposed development does not include a school.
C - PS10-2	<ul style="list-style-type: none"> The proposed development does not include underutilized parking lots.
D - PL9 - 1	<ul style="list-style-type: none"> The proposed development does not include historically significant structures.
D - SP1 - 1	<ul style="list-style-type: none"> The proposed development does not include any schools.
D - SP1- 2	<ul style="list-style-type: none"> The proposed development does not include any schools.
D - SP3 - 1	<ul style="list-style-type: none"> The proposed development does not include right-of-ways or easements.
D - SP3 - 2	<ul style="list-style-type: none"> The proposed development does not include Cell Towers.
E - GR4 - 1	<ul style="list-style-type: none"> The proposed development site has no existing structures.
E - GR5 - 1	<ul style="list-style-type: none"> The proposed development site has no existing structures.
E - GR9 - 1	<ul style="list-style-type: none"> The proposed development does not include common areas.



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	Transportation & Pedestrian Connectivity
A - DS1 - 1	<ul style="list-style-type: none"> There is not a transit line at the site of the proposed development.
A - DS1 - 2	<ul style="list-style-type: none"> Side-walks are being built at the proposed site, but they cannot be extended to Manchester St. where there is a transit line.
A - DS4 - 1	<ul style="list-style-type: none"> The limited development of the small site does not allow for connected multi-modal network to adjacent neighborhoods, greenspaces, etc.
A - DS5 - 1	<ul style="list-style-type: none"> Major infrastructure is not included in this proposed development.
A - DS5 - 2	<ul style="list-style-type: none"> Roadways are not being built as a part of this proposed development.
A - DS10 - 2	<ul style="list-style-type: none"> The limited development of the small site does not allow for new neighborhood focal points.
A - DS13 - 1	<ul style="list-style-type: none"> Stub streets are not included in the proposed development.
B - SU4 - 1	<ul style="list-style-type: none"> The limited development area of the proposed plan does not allow for new greenspace/community centers.
D - C01 - 1	<ul style="list-style-type: none"> The limited development area of the proposed plan does not allow for this criteria.
D - C02 - 1	<ul style="list-style-type: none"> The limited development area of the proposed plan does not allow for this criteria.
D - C04 - 1	<ul style="list-style-type: none"> Dead-end streets and cul-de-sacs are not included in the proposed development.
D - C04 - 2	<ul style="list-style-type: none"> The limited development area of the proposed plan does not allow for this criteria.
D - C04 - 3	<ul style="list-style-type: none"> The limited development area of the proposed plan does not allow for this criteria.
D - C05 - 1	<ul style="list-style-type: none"> The limited development area of the proposed plan does not allow for this criteria.
D - SP1 - 3	<ul style="list-style-type: none"> The limited development area of the proposed plan does not allow for this criteria.
A - EQ7-3	<ul style="list-style-type: none"> Community spaces are not included in the proposed development plan.
B - PR2 - 1	<ul style="list-style-type: none"> No known environmentally sensitive areas border the proposed site.
B - PR2 - 2	<ul style="list-style-type: none"> No known floodplains exist on the site.
B - PR2- 3	<ul style="list-style-type: none"> No known floodplains exist on the site.
B - PR7 - 1	<ul style="list-style-type: none"> The limited development area of the proposed plan does not allow for this criteria.
B - RE2 - 1	<ul style="list-style-type: none"> The limited development area of the proposed plan does not allow for this criteria.
D - SP2 - 1	<ul style="list-style-type: none"> There are no schools in this proposed development.
D - SP2 - 2	<ul style="list-style-type: none"> There are no schools in this proposed development.
E - GR3 - 1	<ul style="list-style-type: none"> The limited development area of the proposed plan does not allow for this criteria.
E - GR3 - 2	<ul style="list-style-type: none"> New focal points are not included in the proposed development.

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CONCLUSION

Again, we would ask that you favorably consider the proposed zone change and its relationship to fulfilling the mission goals, objectives and policies of *Imagine Lexington: The 2018 Comprehensive Plan*. Lexington Habitat has a long history of providing affordable housing and carrying out our mission to build homes, communities and hope throughout our community. This mission has become more and more difficult as viable land has become scarcer. The proposed change would allow Lexington Habitat to serve five families with an affordable place to live and would truly change the trajectory of those families' lives. Thank you for your consideration of our proposed zone change and we look forward to presenting our case in full at the public hearing on January 16th, 2020. We are glad to answer any questions about our proposal between now and the public hearing.

Sincerely,

A handwritten signature in black ink, appearing to read "Huston Royster". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Huston Royster



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November 25th, 2019

Mr. Jim Duncan, Director
Lexington-Fayette Urban Co Division of Planning
200 E. Main St.
Lexington, KY 40507

Dear Director Duncan:

In addition to the rezoning request, the applicant intends to request one dimensional variance from specific provisions of the Zoning Ordinance from the Planning Commission. These can be considered by the Commission at their scheduled public hearing in their consideration of an associated development plan filed in conjunction with the requested zone change. The nature of the variances requested by the applicant is as follows:

1. **A variance to reduce the rear yard setback from 10 feet to 7 feet.**

The requested variance arises from the special circumstances that do not generally apply to land in the general vicinity, or in the same zone. The applicant is seeking to solve a concern that was brought up during the community engagement piece of the Placebuilder process. Surrounding neighbors expressed concerns about the parking that would be available to the future homeowners. The initial proposed design called for a 15 foot driveway which led to the single car garage. We are requesting the setback requirement be reduced from Ten feet to Seven feet which will increase the driveway length to a full 18 feet. The variance would provide a second parking space for each of the five proposed units.

Thank you for your consideration of our request.

Sincerely,

Huston Royster



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January 7th, 2019

Mr. Jim Duncan, Director
Lexington-Fayette Urban Co Division of Planning
200 E. Main St.
Lexington, KY 40507

Dear Director Duncan:

In addition to the rezoning request, the applicant intends to request two dimensional variances from specific provisions of the Zoning Ordinance from the Planning Commission. These can be considered by the Commission at their scheduled public hearing in their consideration of an associated development plan filed in conjunction with the requested zone change. The nature of the variances requested by the applicant is as follows:

1. A reduction of the required minimum open space dimension.
2. A variance to reduce the rear yard setback from 10 feet to 7 feet.

The requested variances arise from the special circumstances that do not generally apply to land in the general vicinity, or in the same zone. Due to the shallow lot depth, and the addition of a proposed street improvements which include the addition of a 5' sidewalk along the front of the property, it is necessary to reduce the rear yard (and thus reducing the open space dimension) to address the concern of the neighborhood regarding the availability of additional off-street parking.

Thank you for your consideration of our request.

Sincerely,

Huston Royster

LOW DENSITY RESIDENTIAL

SITE DESIGN, BUILDING FORM, & LOCATION

- A-DS5-3** Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
- A-DS7-1** Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
- A-DS7-2** Any non-residential or multi-family parking not buffered by a building should be screened from the streetscape view and adjacent properties.
- A-DS10-1** Residential units should be within reasonable walking distance to a focal point.
- A-DS11-1** Common public uses that serve as neighborhood focal points, such as parks and schools, should be on single loaded streets.
- A-DN2-1** Infill residential should aim to increase density.
- A-DN6-1** Allow and encourage new compact single-family housing types.
- A-EQ7-1** School sites should be appropriately sized.
- B-PR9-1** Minimize disturbances to environmentally sensitive areas by utilizing the existing topography to the greatest extent possible.
- B-SU11-1** Green infrastructure should be implemented in new development. (E-GR3)
- C-LI6-2** ADUs and/or affordable housing options should be incorporated into existing and new single-family residential development. (A-DN5)
- C-LI7-1** Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.
- C-PS10-2** Developments should explore options for shared and flexible parking arrangements for currently underutilized parking lots.
- C-PS10-3** Over-parking of new developments should be avoided. (B-SU5)
- D-PL7-1** Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
- D-PL9-1** Historically significant structures should be preserved.
- D-SP1-1** Elementary and middle schools should be located within residential neighborhoods, and high schools primarily along collector streets. (A-EQ7)
- D-SP1-2** An open and inviting school campus/locale should utilize frontage on single-loaded streets (also true for other support facilities, like parks, community centers, social services, healthcare).
- D-SP3-1** Adequate right-of-way, lease areas and easements for infrastructure, with emphasis on wireless communication networks should be provided to create reliable service throughout Lexington.

D-SP3-2

Cellular tower antennae should be located to minimize intrusion and negative aesthetic impacts, and stealth towers and landscaping should be used to improve the visual impact from the roadway and residential areas.

D-SP9-1

Encourage co-housing, shared housing environments, planned communities and accessory dwelling units for flexibility and affordability for senior adults and people with disabilities.

E-GR4-1

Developments should incorporate reuse of viable existing structures.

E-GR5-1

Structures with demonstrated historic significance should be preserved or adapted.

E-GR9-1

Live/work units should be incorporated into residential developments.

E-GR9-3

Less intense multi-family residence types (duplexes, four-plexes, courtyard apartments, etc.) should be incorporated into primarily single-family areas.

E-GR9-4

Development should intensify underutilized properties and develop vacant and underutilized gaps within neighborhoods. (E-GR6)

TRANSPORTATION & PEDESTRIAN CONNECTIVITY

A-DS1-1

Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7).

A-DS1-2

Direct pedestrian linkages to transit should be provided.

A-DS4-1

A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided. (A-DS2, A-DN1, B-SU1, B-SU2, C-LI7, E-AC5)

A-DS5-1

Adequate multi-modal infrastructure should be provided to ensure vehicular separation from other modes of transport.

A-DS5-2

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

A-DS10-2

New focal points should be designed with multi-modal connections to the neighborhood.

A-DS13-1

Stub streets should be connected. (D-CO4)

B-SU4-1

Where greenspace/community centers are not located within walking distance of a new development, applicants should attempt to incorporate those amenities. (A-DS9)

D-CO1-1

Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type.

D-CO2-1

Safe facilities for all users and modes of transportation should be provided.

Theme Letter - Pillar Abbreviation & Policy Number - Criteria Number
Ex: from Theme A - Design Pillar & Policy #1 - Criteria #1 = A-DS1-1. Full decoder on page ###

Criteria that include additional policy items in parentheses refer to companion policies that will provide additional context to the related criteria.



Our Vision:

*A world where everyone has a
decent place to live.*

February 12, 2020

Mr. Jim Duncan, Director
Lexington-Fayette Urban Co Division of Planning
200 E. Main St.
Lexington, KY 40507

Dear Director Duncan:

Due to a change in circumstances, Lexington Habitat for Humanity (LHFH) had to purchase lots 213, 215, 217, 219, 221, 223, 225, and 229 Perry Street on January 29, 2020. The seller of these lots encountered a financial burden due to family circumstances and required us to purchase these lots in January of 2020 rather than after the zone change was complete. If LHFH did not purchase these lots in January the offer would then be off the table and the seller would have sold to another interested party.

The purchasing of these lots has changed the ownership of the properties and we will amend the application PLN-MJDP-19-00076. Thank you for your understanding of circumstances.

Sincerely,

A handwritten signature in black ink, appearing to read "Huston Royster". The signature is fluid and stylized, with a long horizontal stroke at the end.

Huston Royster
LHFH Construction Director

LEGAL DESCRIPTION
of
“Perry Street Townhomes”
Agnes E. Doss & Paul E. Doss property

Zone Change from R-1D to R-3

for
Property located at
213, 215, 217, 219, 221, 223, 225 & 229 Perry Street
Lexington, Fayette County, Kentucky

Being located in Lexington, Fayette County, Kentucky and being located on the northwest side of Perry Street between Manchester Street and Williamson Street and being more particularly described as follows:

Beginning at a point 111.3 feet southwest of the southern right-of-way of Manchester Street, and being in the northwest right-of-way of Perry Street, said point being the southwest corner of Paul D. Holland & Beatriz Holland (Deed Book 1864, Page 269), and said point having KY State Plane Coordinates of N=201,570.67', E=1,565,080.31' (KY North Zone, NAD 83 (2011), US survey feet) thence leaving said Holland and through the Perry Street right-of-way,

South 61°40'04" East a distance of 16.50 feet to a point in the center of the Perry Street right-of-way; thence with said centerline,

South 28°19'56" West a distance of 199.50 feet to a point in the center of the Perry Street right-of-way; thence leaving said centerline and through the same,

North 61°40'04" West a distance of 16.50 feet to a point in the northwest right-of-way of said Perry Street, said point being the southeast corner of Randall Sparks (Deed Book 3176, Page

600); thence leaving the Perry Street right-of-way and with the northeast line of said Sparks,

North 61°40'04" West a distance of 50.00 feet to point in the southeast line of Performance Automotive (Deed Book 1385, Page 325); thence leaving Sparks and with the southeast line of said Performance Automotive, North 28°19'56" East a distance of 199.50 feet to a point in the line of the same and said point being the southwest corner of Paul D. & Beatriz Holland (Deed book 1864, Page 269); thence leaving the line of Performance Automotive and with the southwest line of said Holland,

South 61°40'04" East a distance of 50.00 feet to a point, which is the Point of Beginning, having a GROSS area of 13,266.8 square feet or 0.3046 acre and a NET area of 9,975.0 square feet or 0.2290 acre.

The bearings and coordinates used in the description above are based on Kentucky State Plane Grid North, Kentucky State Plane North Zone, North American Datum of 1983 (NAD 83 (2011)). Particularly, the bearings and coordinates are based on a GNSS survey utilizing a Trimble R6 GNSS Receiver and the KYTC VRS System.

The description above being prepared by Kevin Phillips (PLS 3350), of Endris Engineering, 771 Enterprise Drive, Lexington, Kentucky.




Kevin M. Phillips, PLS 3350 Date
Endris Engineering, PSC
771 Enterprise Drive, Lexington, KY 40510
Phone: 859-253-1425
Email: kevin@endris.com

11-27-2019

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-19-00017: LEXINGTON HABITAT FOR HUMANITY

DESCRIPTION OF ZONE CHANGE

Zone Change: From a Single Family Residential (R-1D) zone
To a Planned Neighborhood Residential (R-3)
zone

Acreage: 0.2290 net (0.3046 gross) acres

Location: 213, 215, 217, 219, 221, 223, 225, and 229 Perry
Street



EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	R-1D	Vacant
To North	B-1	Restaurant
	I-1	Junk Yard
To East	R-1D	Single Family Residential
To South	R-1D	Single Family Residential
To West	I-1	Junk Yard

URBAN SERVICE REPORT

Roads - Perry Street is a local roadway that extends southwest from Manchester Street (KY 1681). The small roadway and the associated neighborhood are representative of a early 1900s construction. As such, the cross-section for the local street does not meet current standards.

Curb/Gutter/Sidewalks - Perry Street has been constructed without curb, gutter and sidewalk facilities; however, such improvements are required for redevelopment in accord with the LFUCG Land Subdivision Regulations.

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.

Storm Sewers - The subject property is located within the Town Branch watershed. Storm sewers do not exist in this portion of the Urban Service Area. Additional facilities may be required for the redevelopment in this general area to address water quality. Any such improvements shall be designed and constructed in accordance with the LFUCG Engineering Manuals. There are no FEMA Special Flood Hazard Areas or known flooding issues along these properties; however, there is a floodplain located less than 100 feet to the west and south of the subject properties associated with the headwaters of the Town Branch Creek.

Sanitary Sewers - The subject property is located within the Town Branch sewershed. The property is served by the Town Branch Waste Water Treatment Facility, located on Lisle Industrial Avenue, southeast of New Circle Road. Improvements to the sewer have been made in the vicinity by the LFUCG. No further improvements are necessary to accommodate the proposed use of the subject properties. Sanitary sewer capacity will need to be verified by the Capacity Assurance Program (CAP) prior to certification of the final development plan.

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

Police - The subject properties are located within the West Sector, although the nearest police station is the main headquarters, located on East Main Street, approximately 1 ¼ miles from the subject property to the southeast.

Fire/Ambulance - The subject properties are served by Fire Station #4, located approximately one mile to the northeast of the subject property on Jefferson Street, between West Second and West Third Streets. Fire Station #3 is also located in close proximity to the subject property, approximately one mile to the southeast, at the intersection of Merino Street and West Maxwell Street.

Transit - LexTran service is available along both High Street and Versailles Road. Routes that are supported along these roadways include the #8 and #21 along Versailles Road and the #12 and #22 along High Street.

Parks - Currently, the closest park to the subject properties is the Speigle Heights Park, approximately ¾ mile walking and 1 mile by car. Over the next three years the City will also be completing the Town Branch Commons Park less than ¼ mile west of the subject properties.

SUMMARY OF REQUEST

The petitioner has requested a zone change from a Single Family Residential (R-1D) zone to the Planned Neighborhood Residential (R-3) zone in order to construct a townhouse development for 0.229 net (0.3046 gross) acres of property, located at 213, 215, 217, 219, 221, 223, 225, and 229 Perry Street. The proposed development includes five (5) attached single-family homes. The proposed development represents a density of 21.83 dwelling units per acre. Two variances are also requested to reduce the rear yard setback and the minimum dimension of the private open space.

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

R-3

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 to construct a low density residential development containing five (5) attached single-family dwelling units. The developer is planning to subdivide the properties to allow for fee simple ownership of the dwelling units. The developer's mission is to provide affordable housing for families in the Lexington area at a rate of 80% AMI or less.

APPLICANT & COMMUNITY ENGAGEMENT



On November 6th, the Lexington Habitat for Humanity hosted a meeting with neighbors at the Carver Center located at 522 Patterson Street. Various members of the applicant's board and development team were present at the meeting to answer questions regarding both the development and the overall mission of the applicant's organization. Six (6) members of the Irishtown neighborhood were in attendance. During the meeting, the applicant presented both their mission and the proposed development. Following the presentation, the applicant took questions and comments regarding the proposed townhomes. The applicant reported that the overall sentiment at the meeting was supportive of the potential change, but there were concerns regarding the parking at the site, gentrification of the area, and the size of the proposed development.

PROPERTY & ZONING HISTORY

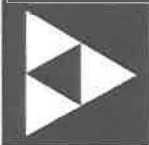


The subject properties are located mid-block along Perry Street in the Irishtown Neighborhood. The Irishtown neighborhood includes the area between West High and West Main Streets, and Oliver Lewis Way and the Norfolk Southern Railroad. Over the course of the last 50 years, the Irishtown Neighborhood has been the subject of four separate studies: “Irishtown, Davistown, South Hill Neighborhood Study” (1971), “Irishtown-Davistown Neighborhood Redevelopment Plan” (1981), “Irishtown/Davistown Landscape Development Plan” (1983), and the “Newtown Pike Extension Corridor Plan” (2002). Each discussed the economic disregard that the neighborhood has experienced over time and the need for increased spending to support infrastructure and updated housing opportunities.

In 1968, residents of Irishtown and Davistown sought assistance from the Planning Commission to shift the land use in the area from an industrial zone to allow for greater residential development. Following a year of meetings, the Planning Commission rezoned much of Irishtown, but left Davistown as non-residential zoning, largely to allow for the construction of an expressway system that was proposed for the downtown area of Lexington. The properties along the edge of the neighborhood that front along Manchester Street have historically been characterized by industrial and warehousing land uses, whereas the properties within the heart of the neighborhood, including Perry Street, Willard Street, Driscoll Street, and Edmond Street, have been and currently are primarily single family residential land use.

Over the last 50 years, there have been a total of six (6) zone changes within the Irishtown Neighborhood, not including those properties that front along Manchester Street. All but one of these zone changes sought to vary the form of housing in the area by including townhouses. The area along Manchester Street and Oliver Lewis Way has been the subject of substantial redevelopment and adaptive reuse. The Distillery District East comprises the eastern most portion of Irishtown and includes residences, a music venue, catering services, banquet facilities, a coffee shop, and retail operations. While the non-residential land use has focused on the adaptive reuse of the area, all residential development has been the result of new construction.

COMPREHENSIVE PLAN COMPLIANCE

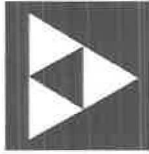


GOALS & OBJECTIVES

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.

The applicant opines that they are in agreement with the adopted Goals and Objectives of the 2018 Comprehensive Plan. They state that the proposed rezoning accommodates the demand for housing in Lexington responsibly, prioritizing a mixture of housing types (Theme A, Goal #1), while also supporting infill and redevelopment with modern, safe, and dense housing (Theme A, Goal #2). The applicant also indicates that they are seeking to provide a well-designed neighborhood (Theme A, Goal #3) by adding pedestrian facilities and decreasing the potential for on-street conflicts between pedestrians and vehicular traffic. Finally, the petitioner opines that through the mission of Lexington Habitat for Humanity, the proposed housing will strengthen the opportunities for housing affordability within the Lexington-Fayette Urban County (Theme A, Goal #1.d).

The staff agrees with these aspects of the applicant’s proposal and that these goals and objectives can be met.



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. The applicant has indicated that the site is located within the Enhanced Neighborhood Place-Type and is seeking to create an attached single family residential development. Staff concurs with the applicant's assessment of the place-type and agrees that an attached single family residential development can be appropriate for the subject property within a Planned Neighborhood Residential (R-3) zone.

While staff agrees with much of the justification provided by the applicant, there are a few areas of concern as to how the applicant has applied the development criteria.

1. Site Design, Building Form and Location

Despite compliance with the majority of criteria for Site Design, Building Form and Location, there is one area of concern that the applicant should expand upon. In response to Development Criterion B-SU11-1: Green infrastructure should be implemented in new development, the applicant has referenced the buildings green construction as green infrastructure, which is not an identified green infrastructure type in the Comprehensive Plan. Due to the constricted site and the inclusion of new public infrastructure along the frontage of the site, the inclusion of green infrastructure may be difficult; however, staff would like the applicant to consider the inclusion of green infrastructure and provide details regarding options and potential location.

2. Transportation and Pedestrian

The proposed rezoning meets the criteria for Transportation and Pedestrian. Due to the small size of the subject properties many of the Transportation and Pedestrian criteria are not applicable. However, the applicant has made an concerted effort to include pedestrian facilities and increase the canopy coverage with street trees, that are not described in their letter of justification (A-DS1-1, A-DS5-2, D-CO1-1, and D-CO2-1). This is particularly important as this portion of the city has a very low walkability score of 53 and bikeability score of 47.

3. Greenspace and Environmental Health

The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, limits the impacts on the surrounding environment, adds landscape buffers and tree canopy, and provides delineated access to the required open space.

STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASONS:



1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning accommodates the demand for housing in Lexington responsibly, prioritizing a mixture of housing types (Theme A, Goal #1), while also supporting infill and redevelopment with modern, safe, and dense housing (Theme A, Goal #2).
 - b. The proposed rezoning provides a well-designed neighborhood (Theme A, Goal #3) by adding pedestrian facilities and decreasing the potential for on-street conflicts between pedestrians and vehicular traffic.
 - c. The proposed rezoning strengthens the opportunities for housing affordability within the Lexington-Fayette Urban County (Theme A, Goal #1, Objective d).
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 site creates a residential development that supports pedestrian mobility.
 - b. The proposed rezoning includes safe facilities for the potential users of the site by prioritizing the inclusion of safe pedestrian facilities. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, limits the impacts on the surrounding environment, and adds tree canopy coverage in the form of street trees and landscape buffers.
3. This recommendation is made subject to approval and certification of PLN-MJDP-19-00076: Perry Street Townhomes, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

VARIANCE REQUEST



As part of their application, the petitioner is seeking two dimensional variances. First, the applicant is seeking a variance to reduce the required rear yard from ten (10) feet to seven (7) feet, a requirement of Article 8-10(o)(4)(g) of the LFUCG Zoning ordinance. Next the applicant is seeking a variance to reduce the least open space dimension from eight (8) feet to six (6) feet, a requirement of Article 8-10(o)(3) 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 8-10(o)(3) states that "Not less than ten percent (10%) of the total lot area for any townhouse shall be devoted to private usable open space either on each lot or on land adjacent and directly accessible to each lot. Such open space shall be for the private use of the residents of each individual townhouse and shall be physically separated from other private open space or common open space by plantings, fences, or walls. The least dimension of the private open space shall be eight (8) feet."

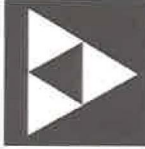
Article 8-10(o)(4)(g) states that "In addition to the special provisions listed above, the lot, yard and height requirements for attached single family dwellings that are approved by the Planning Commission on a final development plan, in defined Infill and Redevelopment areas, shall be as follows: Minimum rear yard - 20% of the lot depth."

Article 15-7(d) states that there should be special considerations for Infill & Redevelopment areas. "The intent of the Infill and Redevelopment regulations is to allow new construction that is compatible with existing development patterns in older, established neighborhoods. Unique circumstances may require appropriate Board of Adjustment action to allow some relief of yard requirements where strict application of the regulations would cause unusual hardship or a development incompatible with the existing pattern of the neighborhood."

CASE REVIEW

The applicant states that the need for the variances arise from the special circumstances that do not generally apply to land in the vicinity, or in the same zone. The applicant is seeking to solve a concern that was brought up during the community engagement piece of the Placebuilder process and was reiterated during the Technical Review Committee meeting. Surrounding neighbors expressed concerns regarding the potential parking options, or lack thereof, for the proposed development. The current cross-section for the Perry Street does not meet current standards. The total width of the right-of-way is 33 feet with a total of 21.5 feet of pavement. There are no curbs, gutter, or sidewalk facilities along Perry Street.

The applicant's initial proposed design called for a 15-foot driveway which led to a single car garage. This allowed for the proper setback along the rear of the buildings and the necessary minimum dimension for the delineated open space. In an effort to comply with the neighborhood concerns, as well as the concerns of Traffic Engineering and the Fire Department, the applicant pushed back the structures to allow for a driveway length of 18 feet. While this allowed for the inclusion of space in front of the garage, reducing the potential for on-street conflicts, it also reduced the available space along the rear yard due to the limited lot depth. The variance would allow for



the increase of the driveway to 18 feet, while also allowing for the size of the structure and number of bedrooms desired by the applicant.

Article 15-7(d) of the LFUCG Zoning Ordinance states that the intent of the Infill and Redevelopment regulation is to allow new construction and provide relief of yard requirements, which would cause unusual hardship. This stipulation was meant to encourage development in areas and on lots that are abnormal or are remnants of larger developments. In this case, these lots are smaller in both length and width than most throughout the area. The requests from the neighbors and the members of the Technical Review Committee indicate a need to provide safe facilities for both the current residents and potential residents in the area. By allowing a greater amount of off-street parking, the applicant is reducing potential conflicts.

The staff agrees with these aspects of the applicant's proposed variance.

With the review of any reduction of open space or setbacks, it is important to understand the available public open space within the area of the proposed development and the potential impacts of moving structures closer to lot boundaries. In this case, the proposed development is within proximity (less than ¼ of a mile) of the planned Town Branch Commons Park. This will provide adequate ancillary open space for the potential residents of the proposed development. The applicant will also be providing a six (6) foot tall fence that will buffer against the I-1 land uses located along the rear of the subject properties.

Finally, the granting of this variance will neither adversely impact the public health, safety, or welfare nor will it alter the essential character of the general area. The reduction in open space will not cause a hazard or nuisance, as shared public open space is planned in the immediate area. Further, the granting of this request is not an unreasonable circumvention of the ordinance, but rather, provides parking in accord with what is necessary at the site.

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



1. Granting the requested variance should not adversely affect the public health, safety, or welfare; nor should it affect the character of the general vicinity. The property is located within the defined Infill & Redevelopment Area, which emphasizes the need to allow for dimensional variances to allow for new development.
2. The need for the variance arises from the special circumstances of the proposed development, including the small width and depth of the subject properties and the substandard nature of Perry Street.
3. The strict application of the rear yard setbacks and minimum open space requirements would create an unnecessary hardship on the proposed development as it reduces the ability to develop the land while also increasing the potential for on-street conflicts.
4. The request is not a result of a willful violation of the Zoning Ordinance. The applicant has taken care to go through the necessary process for this project and has requested the variance prior to commencing construction.

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

- a. Provided the Planning Commission approves the requested zone change to the R-3 zone, otherwise the requested variance shall be null and void.
- b. The development shall be constructed in accordance with the approved Final Development Plan, or as that plan is amended to address design requirements of the Divisions of Engineering, Traffic Engineering, or Building Inspection.
- 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.

2. LEXINGTON HABITAT FOR HUMANITY ZONING MAP AMENDMENT & PERRY STREET TOWNHOMES ZONING DEVELOPMENT PLAN

- a. PLN-MAR-19-00017: LEXINGTON HABITAT FOR HUMANITY (12/23/20)*- a petition for a zone map amendment from a Single Family Residential (R-1D) zone to a Planned Neighborhood Residential (R-3) zone, for 0.229 net (0.3046 gross) acres, for properties located at 213, 215, 217, 219, 221, 223, 225, and 229 Perry Street. Two dimensional variances have also been requested.

COMPREHENSIVE PLAN AND PROPOSED USE

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.

The petitioner has requested a zone change from a Single Family Residential (R-1D) zone to the Planned Neighborhood Residential (R-3) zone in order to construct a townhouse development for 0.229 net (0.3046 gross) acres of property, located at 213, 215, 217, 219, 221, 223, 225, and 229 Perry Street. The proposed development includes five (5) attached single-family homes. The proposed development represents a density of 21.83 dwelling units per acre. Two variances are also requested to reduce the rear yard setback and the minimum dimension of the private open space.

The Zoning Committee Recommended: **Approval** to the full Commission.

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

1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning accommodates the demand for housing in Lexington responsibly, prioritizing a mixture of housing types (Theme A, Goal #1), while also supporting infill and redevelopment with modern, safe, and dense housing (Theme A, Goal #2).
 - b. The proposed rezoning provides a well-designed neighborhood (Theme A, Goal #3) by adding pedestrian facilities and decreasing the potential for on-street conflicts between pedestrians and vehicular traffic.
 - c. The proposed rezoning strengthens the opportunities for housing affordability within the Lexington-Fayette Urban County (Theme A, Goal #1, Objective d).
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 site creates a residential development that supports pedestrian mobility.
 - b. The proposed rezoning includes safe facilities for the potential users of the site by prioritizing the inclusion of safe pedestrian facilities. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, limits the impacts on the surrounding environment, and adds tree canopy coverage in the form of street trees and landscape buffers.
3. This recommendation is made subject to approval and certification of PLN-MJDP-19-00076: Perry Street Townhomes, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

b. REQUESTED VARIANCE

1. To reduce the required rear yard from ten (10) feet to seven (7) feet.
2. To reduce the minimum dimension for open space from eight (8) feet to six (6) feet.

The Zoning Committee recommended: **Approval** for the following reason.

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

1. Granting the requested variance should not adversely affect the public health, safety, or welfare; nor should it affect the character of the general vicinity. The property is located within the defined Infill & Redevelopment Area, which emphasizes the need to allow for dimensional variances to allow for new development.
2. The need for the variance arises from the special circumstances of the proposed development, including the small width and depth of the subject properties and the substandard nature of Perry Street.
3. The strict application of the rear yard setbacks and minimum open space requirements would create an unnecessary hardship on the proposed development as it reduces the ability to develop the land while also increasing the potential for on-street conflicts.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

4. The request is not a result of a willful violation of the Zoning Ordinance. The applicant has taken care to go through the necessary process for this project and has requested the variance prior to commencing construction.

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

- a. Provided the Planning Commission approves the requested zone change to the R-3 zone, otherwise the requested variance shall be null and void.
 - b. The development shall be constructed in accordance with the approved Final Development Plan, or as that plan is amended to address design requirements of the Divisions of Engineering, Traffic Engineering, or Building Inspection.
 - 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.
- c. PLN-MJDP-19-00076: PERRY STREET TOWNHOMES (2/23/20)* - located at 213, 215, 217, 219, 221, 223, 225 AND 229 PERRY ST., LEXINGTON, KY.
Project Contact: Endris Engineering

Note: The purpose of this plan is to rezone the property.

The Subdivision Committee Recommended: Approval, subject to the following conditions:

1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
7. Addition of standard notes as required by Article 21 of the Zoning Ordinance.
8. Document compliance with required openspace by providing an exhibit or table on the plan.
9. Provided the Planning Commission grants the requested rear yard setback variance.
10. Provided the Planning Commission grants the required open space variance to Article 8-10(o)(3) for minimum dimension of eight (8) feet.
11. Denote right-of-way improvements and possible waiver shall be resolved at time of Preliminary Subdivision Plan/Final Development Plan.
12. Discuss compliance with Placebuilder criteria:
 - a. B-SU11-1: Green infrastructure should be implemented in new development.

Staff Zoning Presentation – Mr. Baillie presented the staff report and recommendations for the zone change application. He said that applicant is proposing to construct a townhouse development with five (5) attached single-family dwelling units. He said that the applicant is also seeking to subdivide the properties to allow for fee simple ownership of the dwelling units. The developer's mission is to provide affordable housing for families in the Lexington area at a rate of 80% Area Median Income (AMI) or less. He displayed photos and an aerial photo of the subject property, and said that it is surrounded primarily by Light Industrial (I-1) and Single-Family Residential (R-1D) zoning. He said that over the past few years there have been several zone changes that have sought to increase the housing in the area, and those are mostly townhouses. He said that the subject properties had several small single-family houses on them, and they were demolished in the early 2000's. He said that the photographs depict how the site is constricted, with a narrow, substandard street without any sidewalks. He said that the applicant is seeking to incorporate dimensional variances along with this zone change.

Mr. Baillie said the applicant is seeking the Enhanced Neighborhood Place-Type, which will increase density within neighborhoods, as well as provide a variety of types of housing. He said that the staff concurs with the applicant's assessment of this Place-Type and agrees that an attached single-family residential development can be appropriate for the subject property within a Planned Neighborhood Residential (R-3) zone. He also said that the applicant is seeking to provide a low-density residential development on these properties, which the 2018 Comprehensive Plan defines as primarily attached and detached single-family homes. He said that the low-density residential is also supported by policies regarding infill residential on vacant lots, meeting the housing demand across various different income levels, and supporting the missing middle housing types throughout Lexington. He said that the staff agrees that this request is in agreement with the 2018 Comprehensive Plan's Goals and Objectives and recommends approval of this zone change.

Commission Questions – Mr. Bell asked for the dimensions of the street width. Mr. Baillie said that will be discussed in the development plan presentation. He said that there was concern regarding on-street parking. He said that the applicant has shifted their development back, which would give them a twenty (20) foot driveway. He said that would allow for the residents to park a car in the garage and on the driveway, which allows for two (2) parking spaces per lot, and is one (1) greater than the Zoning Ordinance

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

requirements. He added that the Division of Traffic Engineering and Division of Fire & Emergency have limited any on-street parking to one side of the street.

Ms. Mundy asked if there will be sidewalks. Mr. Baillie said that there will be sidewalks.

Development Plan Presentation - Mr. Martin presented the preliminary development plan associated with this zone change. He said that the applicant is proposing five (5) townhouses, which will be two (2) stories, with a one car garage, that will each be over 1,900 square feet. He pointed to the outline of the building, the garages and the sidewalks leading into the living areas. He said that the R-3 zone requires the developer to refer to the R-1T standards for townhouse developments, which requires the rear yard to be twenty (20) percent of the lot depth. He stated that the applicant has requested two variances. One of the variances is for the rear yard because of the depth. The second variance is for the minimum amount of open space, which they actually meet, but the R-1T zone requires a minimum dimension of the private open space, which they can't meet with this configuration. He added that the applicant has agreed to construct sidewalks. He said that the applicant will need to submit a final development plan that will be combined with a preliminary subdivision plan, which will allow them to follow with the filing of a record plat to sell these properties fee simple. He said that along with those plans, the applicant will need to submit a waiver because this is a substandard street.

Variance Presentation Mr. Martin also presented the staff report and recommendations for the variances associated with this zone change application. He said that the first variance is to reduce the required rear yard from ten (10) feet to seven (7) feet, so the applicant can have the appropriate depth of the driveway for vehicles to be able to park there without blocking the sidewalk. He said that the second variance request is to reduce the minimum dimension for open space from eight (8) feet to six (6) feet. He said that the staff and the Subdivision Committee have recommended approval of this development plan and the variance requests.

Applicant Presentation - Mr. Hutson Royster, Lexington Habitat for Humanity, and Kevin Phillips, Endris Engineering, were present to represent the petitioner. Mr. Phillips distributed copies of the development plan and of the floor plan for this proposed site to the Planning Commission. He said that this project helps them to better serve more families in this area. He said that if they chose single-family detached houses, they wouldn't be able to have garages, because of the setback requirements, and with the townhomes they will be allowed to have higher quality housing. He said that they had a neighborhood meeting and their main concern was the parking, which is why they had changed the building location, which resulted in the need for the variances. He said that they will be adding green infrastructure on the final development plan. He added that the staff did a great job of summarizing their plan and indicated they were available for any questions.

Citizen in opposition - Mr. Roland Taylor, 224 Perry Street, said that details regarding the driveways, parking, and size of the structure changed after their initial meeting with the applicant. He is concerned with the depth of the subject properties and the narrow roadway. He believes that this is not the best design for this site because of the proximity to the already crowded Manchester Street area and with the parking along the street, particularly when an event is being held in the Distillery District. He added that fire hazards are a major concern in this area because the houses are so close together. He asked the Planning Commission to not approve this request and asked the applicant to look for other sites.

Mr. Paul Holland, 4573 Saron Drive, said that he was also concerned about traffic impacts; and that in a family housing area, there should be an area for children to play.

Applicant Rebuttal - Mr. Phillips said that the development plan depicts where vehicles will be allowed to park. He said that the street width is not being reduced with the creation of the five (5) foot sidewalks. He said that the street is currently twenty-one (21) feet wide. He utilized an aerial photo to show that with a nine (9) foot truck parked on one side of the road, there will be fourteen (14) feet of roadway for service vehicles to travel appropriately. He said in regards to the open space, they are not increasing density. Currently, there are seven (7) addresses, which could have detached single-family homes constructed on them; however, the setbacks associated with them are very limited and would not have any driveway. He said that this proposal allows Lexington Habitat for Humanity to offer a better quality home with a driveway and a garage.

Mr. Royster said in regards to a play area for children, there will be two new parks in the area, which will allow for room to play.

Commission Questions - Mr. Nicol asked the applicant to confirm that these lots are vacant. Mr. Phillips said that are currently vacant. Mr. Nicol then commended the applicant for taking vacant property and providing affordable housing. He added that in our community it is exactly what needs to be done with vacant and underutilized land.

Mr. Bell said that the parking in this area is significant and asked if this will create more parking monitoring in this area. Mr. Martin said that parking, right-of-way, street width, and public safety are seriously considered and discussed. Mr. Bell then asked if parking is a problem because of the lack of structures. Mr. Martin said that people will park wherever they can and that this area was designed before the automobile was our primary means of transportation. He stated that structured parking has been planned, but not built in the area.

Mr. Owens asked for clarification of the sidewalk width. Mr. Phillips said that it will be a five (5) foot sidewalk, which meets the current standards of the Land Subdivision Regulations. He added that the sidewalks will be built in the right-of-way and the applicant will not change the existing width of the street. Mr. Owens also said in regards to Mr. Taylor's comment regarding Manchester Street, he said that the congestion in that area is always a concern. He added that Councilmember, McCurn is diligently working on that.

Mr. Taylor said that he spoke with Mr. McCurn and Ms. Deitz, he was told that there is currently no funding for a community park in the area. He asked what the width is of these vacant lots and what drew Habitat for Humanity's attention to this site. Mr. Phillips said that there are five (5) proposed lots that vary in size. Mr. Baillie said that the dimensions are on the development plan. He said that the lot length is approximately fifty (50) feet and the width is approximately forty-two (42) feet. Ms. Wade said that Mr. Taylor is asking for the existing lots, which would be recorded on the ZOMAR plat. Mr. Martin said that the existing lots were not platted, they were deeded and that the end result will be five (5) new lots. Mr. Phillips said that they are consolidating the lots, which will change their widths.

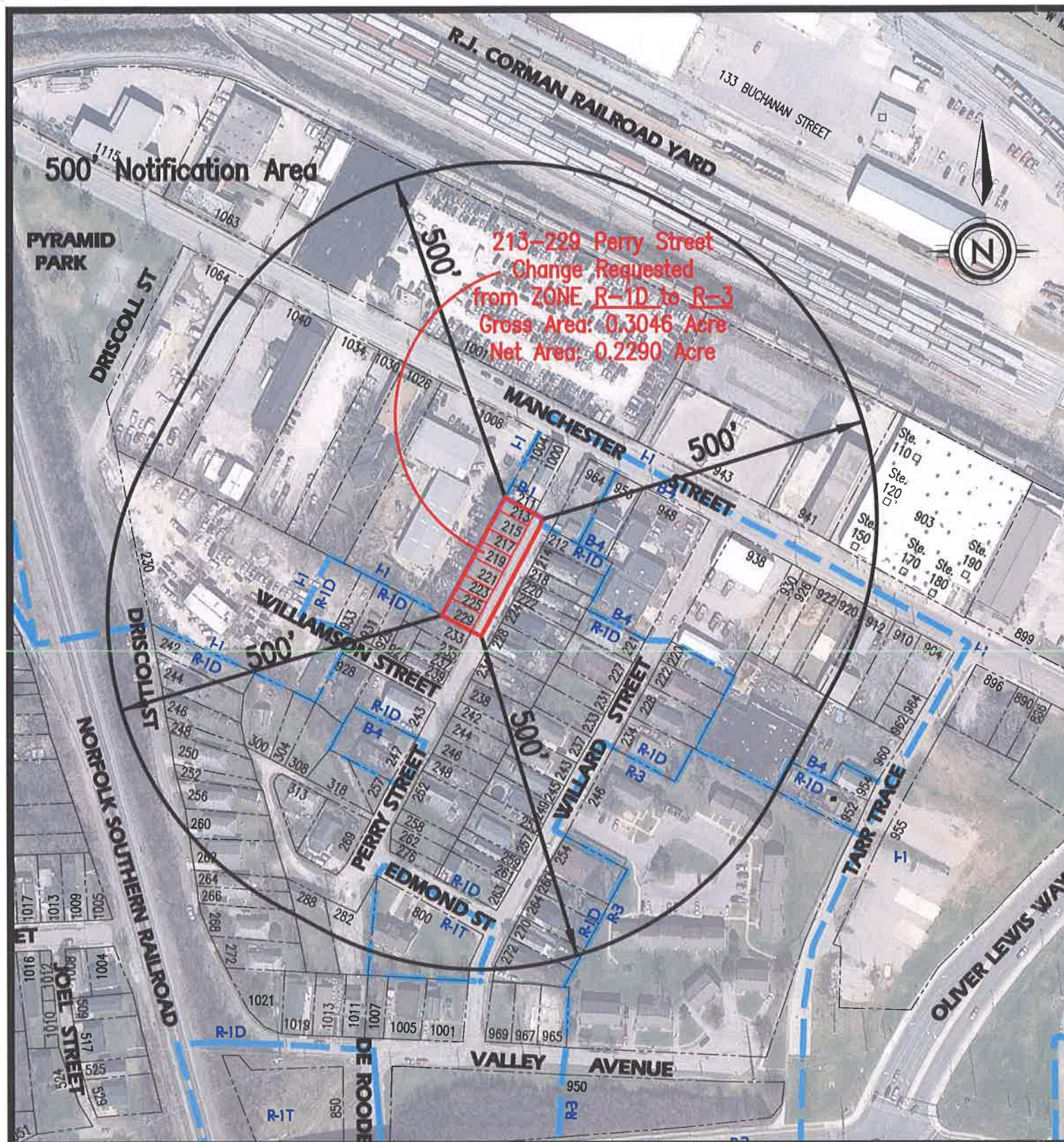
Commission Comments – Ms. Mundy said that Lexington is limited on land for affordable housing and commended the applicant in their efforts to revive this site.

Zoning Action – A motion was made by Mr. Forester, seconded by Ms. Mundy, and carried 8-0 (Brewer, Penn, and Pohl absent) to approve PLN-MAR-19-00017: LEXINGTON HABITAT FOR HUMANITY, for the reasons provided by the staff.

Requested Variance Action - A motion was made by Mr. Forester, seconded by Ms. Mundy, and carried 8-0 (Brewer, Penn, and Pohl absent) to approve the VARIANCE REQUESTS, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Forester, seconded by Ms. Mundy, and carried 8-0 (Brewer, Penn, and Pohl absent) to approve PLN-MJDP-19-00076: PERRY STREET TOWNHOMES, as presented by the staff, with the following changes:

12. Denote ~~Discuss~~ compliance with Placebuilder criteria:
 - a. B-SU11-1: Green infrastructure should be implemented in new development.



NOTIFICATION AREA MAP

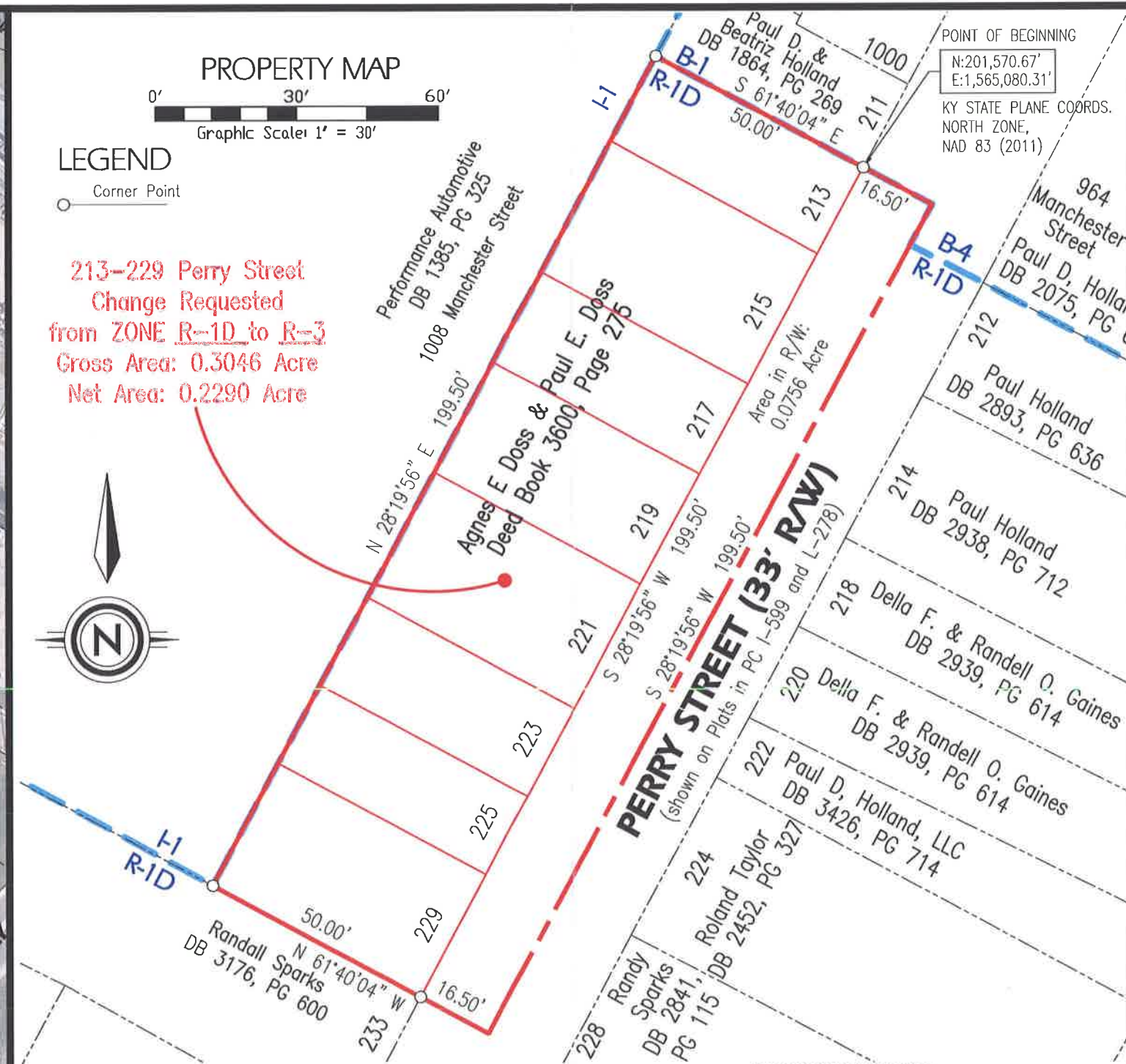
PREPARED BY:

EE ENDRIS
engineering

Land Surveyors • Construction Layout • GPS

771 ENTERPRISE DRIVE
LEXINGTON, KY 40510
PH: 859 253-1425
FAX: 859 233-1436

0' 200' 400'
Graphic Scale: 1" = 200'



LEGEND

Corner Point

213-229 Perry Street
Change Requested
from ZONE R-1D to R-3
Gross Area: 0.3046 Acre
Net Area: 0.2290 Acre



VICINITY MAP

0' 1500' 3000'
Graphic Scale: 1" = 1,500'

STATE OF KENTUCKY
KEVIN M. PHILLIPS
3350
LICENSED PROFESSIONAL LAND SURVEYOR

11-27-2019

FROM	TO	NET	GROSS
R-1D	R-3	0.2290 Acre	0.3046 Acre

TITLE: Perry Street Townhomes (PLN-MAR-19-00017)
ADDRESS: 213, 215, 217, 219, 221, 223, 225 & 229 Perry Street
APPLICANT: Lexington Habitat for Humanity
700 East Loudon Avenue, Lexington, KY 40505
OWNER: Agnes E. Doss & Paul E. Doss
c/o Dona D Ray - 77 Avenue of Champions, Nicholasville, KY 40356
DATE FILED OR AMENDED: November 27, 2019