

GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

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

APPLICANT:	Patricia Donoghue, 1340 Mumford Lane, Lexington, KY 40513
OWNER:	same
ATTORNEY:	Richard V. Murphy, PLC, Lexington Financial Center, 250 West Main Street, Suite 2510, Lexington, KY 40507, Telephone 859-233-9811

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

4145 Harrodsburg Road (portion)

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

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
R-1D	Abandoned Residence	R-1T	Townhouses	0.95	1.28

4. SURROUNDING PROPERTY, ZONING & USE

Property	Use	Zoning
North	Residential (Palomar subdivision)	R-1D
East	Multi-family residential	R-3
South	Field	A-U
West	Field	A-U

5. EXISTING CONDITIONS

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
b. Have any such dwelling units been present on the subject property in the past 12 months?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
c. Are these units currently occupied by households earning under 40 % of the median income? If yes, how many units? If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing.	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO _____ Units

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

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

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

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

8. APPLICANT/OWNER SIGNS THIS CERTIFICATION

I do hereby certify that to the best of my knowledge and belief, all application materials are herewith submitted, and the information they contain is true and accurate. I further certify that I am OWNER or HOLDER of an agreement to purchase this property since September 21, 2012.

APPLICANT Richard V. Murphy, Atty for applicant/owner DATE 2/1/13

OWNER _____ DATE _____

LFUCG EMPLOYEE/OFFICER, if applicable _____ DATE _____

7. Justification for amended application

The applicant, Patricia Donoghue, is requesting approval of a zone change from the single-family residential zone (R-1D) to the townhouse residential zone (R-1T) for 0.95 net (1.28 gross) acres located at 4145 Harrodsburg Road in Lexington. The property is located just past Palomar Boulevard. Ms. Donoghue purchased the property five months ago, in September, 2012.

The application has been amended to allow one proposed house to be constructed in the R-1D zone (the current category). This will allow the unit to be detached from nearby units, as this unit faces a different street.

This property was part of a larger zone change application which was approved by this Planning Commission in 2007. At that time, 14 townhouse units were approved to be constructed around the existing house on the property. The existing house was built in 1940, according to PVA records. Unfortunately, since the grant of the previous zone change (and prior to the purchase by the applicant) the house has fallen into a state of disrepair. There are structural issues relating to the foundation. Also, contents and mechanical systems of the house have been torn out by unknown persons. Exterior decay issues are present. For all these reasons, it is impossible to preserve the house.

We plan to replace the house with four townhouse units. They will be located on the site of the current house, and we will be able to preserve an important grove of trees which is located between the house and Harrodsburg Road. We have engaged arborist Dave Leonard to evaluate the trees. A specimen ginkgo tree will remain, along with a significant pin oak, at least two hemlock trees, along with other trees in the grove. In addition, we are retaining the 30 foot wide tree preservation area on the south and east side of the tract (along with a 10 foot tree preservation area on the west side of the tract which was previously zoned R-1T).

In light of the poor condition of the 1940 house, the townhouse zoning will be more appropriate for the property than the existing single-family residential zoning. The townhouse zoning will allow us to construct townhouses which are similar to the other townhouses which have been approved on the rest of the parcel. The street system will be simplified, and we will be able to have front entrances to the townhouses which back up to single-family homes on Palomar Boulevard. This will provide a better buffer and transition between the townhouse zoning on this property and the single-family residential zoning to the north. In addition, townhouses provide a transition to the new three and four story condominium buildings located across Harrodsburg Road from this development. The four additional townhouse units will help provide a greater variety of housing types in the Palomar subdivision.

Alex Donoghue has had a number of meetings with the Palomar Neighborhood Association and has received a favorable reception for these plans.

The unit density on the parcel which is the subject of the zone change will be approximately 3.15 units per net acre, which is well under the comprehensive plan's low density recommendation of five units per net acre. The overall development, including the portion which is already zoned, will have a density of approximately 6.1 units per net acre, which is about one unit per acre above the low density category. The slight increase in density for the project as a whole is appropriate and in keeping with the Comprehensive Plan's Goals and Objectives. The 2012 Goals and Objectives (Goal 2) call for support of infill and redevelopment throughout the Urban Service Area as a strategic component of growth. Goal 2a calls for identifying areas of opportunity for infill and redevelopment that respect the area's context and design features whenever possible. By adding four townhouse units to the existing townhouse development, we are providing additional density while respecting the character of the development on the rest of the parcel and the neighborhood as a whole.

In addition, this proposal agrees with the Goals and Objectives of the 2007 Comprehensive Plan, which recognize the need for infill to reduce pressure on the Urban Services Area Boundary (Goal 7 and associated objectives). Objectives E and J under Goal 7 call for new development to be compact and contiguous, and for new development which maximizes efficient use of existing adequate essential facilities. Goal 8 encourages redevelopment of established developments and neighborhoods. Objectives H and J under Goal 8 call for redevelopment and infill projects which are compatible with and complementary to existing development, and for projects which ensure that necessary infrastructure improvements accompany all projects. Goal 13 calls for housing opportunities to meet the needs of all citizens, and Objectives F and I encourage infill to accommodate the increased population of Fayette County inside the Urban Service Boundary. Goal 13 calls for housing opportunities to meet the needs of all citizens, and Objectives F and I encourage infill to accommodate the increased population of Fayette County inside the Urban Service Boundary. Goal 16, Objective D, encourages medium- and high- density residential uses that respect the character of existing neighborhoods and developments and are compatible with proposed development areas.

Thus, we are requesting your approval of this zone change application for the following reasons:

1. The existing R-1D zoning is inappropriate and the proposed R-1T zoning is appropriate because four additional townhouse units would be constructed which are compatible with the development that was approved in 2007. Townhouses will provide additional housing choice for empty-nesters and others who desire a lifestyle without yard maintenance requirements. The existing 1940 house on the property is in a bad state of repair. All tree preservation areas as shown on the 2007 Comprehensive Plan will remain, and the grove of significant trees in the front of the property will be retained. The townhouse units proposed are compatible with the townhouses previously proposed on the remainder of the property. They will be compatible and complementary to the existing single-family residential homes in the Palomar

neighborhood. The new units will serve as a transition to the three and four story condominium buildings on the other side of Harrodsburg Road.

2. The unit density on the subject property agrees with the low density recommendation of the comprehensive plan. When we add in the area which was approved in the 2007 zone change, the entire property is in agreement with the Goals and Objectives elements of the 2013 and 2007 Comprehensive Plans. The overall density on the property which is the subject of this zone change and the previous 2007 zone change will be just over six units per acre, approximately one unit per acre above the low density category. A slight increase in density is justifiable for this property because it will meet the comprehensive plan goals and objectives of allowing increases in density in areas where such an increase is compatible with surrounding development and neighborhoods. In this case, the surrounding development is already approved for townhouses, and townhouses will supply an additional housing choice for persons who wish to live in the Palomar neighborhood area.

In addition, we are requesting side- and rear-yard setback variances at locations where the existing property, already zoned R-1T, is adjacent to property which is zoned agricultural urban (A-U). The more restrictive A-U setbacks apply at places where the R-1T zone is adjacent to the A-U zone. On the western edge of the property, we are requesting a variance from 25 feet to 10 feet. The proposed 10 foot tree protection area, as approved in 2007, will remain. Thus, the 307 foot long rear property line will continue to have a 10 foot tree preservation to buffer the A-U zone. We are requesting a variance from 25 feet to 15 feet for one unit, Unit 8, which is adjacent to the A-U zone. In both the rear and side yards of the townhouse units, we are modifying the 2007 development plan to eliminate driveways which were close to the A-U property line. Thus, granting the variances will reduce vehicular traffic in close proximity to the agricultural zone.

Also, we are requesting a variance in the front yard setback for the one lot which will remain in the R-1D zone. That unit, on Lot 8, has an eastern orientation, as opposed to the northern orientation of three nearby units on Lots 10, 11 and 12. This will make it difficult architecturally to attach it to the nearby units. It will have the same front yard setback (10 feet) as the other units. Also, because it is on the "bubble" of the cul de sac, it will actually be set back a greater distance. Any greater setback would push the unit into the grove of trees which we are trying to preserve.

In summary, we are requesting these variances for the following reasons:

1. Granting these variances will not adversely affect the public health, safety or welfare and will not alter the character of the general vicinity, and will not cause a hazard or nuisance to the public because granting these variances will allow the project to be redesigned to remove driveways close to the agricultural zone. The 10 foot tree

- preservation area on the west property line will remain as a buffer. The adjacent agricultural property is a field. All units will have a consistent front yard setback.
2. Granting this variance will not allow an unreasonable circumvention of the requirements of the zoning ordinance because the A-U zone is designated as a holding zone for future urban development. The comprehensive plan designates the adjacent property to be developed for residential purposes.
 3. The special circumstances which apply to this property in which do not generally apply to land in the general vicinity or the same zone are that this property is adjacent to land zoned A-U which is designated for future residential development. The tree preservation area along the west property line will remain. The amount of pavement near the A-U property will be reduced.
 4. Strict application of the requirements for the zoning ordinance would deprive the applicant of a reasonable use of its land or create an unnecessary hardship because the adjacent property is designated for residential development. Granting the variances will allow for a better design on the subject property.
 5. The circumstances surrounding the request variance are not the result of the actions of this applicant taken subsequent to the regulation from which relief is sought. No construction has commenced on this property.

Thank you for your consideration of this zone change and variance request.


Richard V. Murphy
Attorney for Applicant

LEGAL DESCRIPTION

P A T R I C I A D O N O G H U E P R O P E R T Y

Zone Change From R-1D to R-1T

4145 Harrodsburg Road
Lexington, Fayette County, Kentucky

ALL THAT TRACT OR PARCEL OF LAND SITUATED ON THE NORTHWESTERLY SIDE OF THE HARRODSBURG ROAD, SOUTHWEST OF PALOMAR BOULEVARD, IN LEXINGTON, FAYETTE COUNTY, KENTUCKY AND MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS, TO-WIT:

Beginning at a point in the center line of the Harrodsburg Road, said point being in line with the northwesterly property line extended of Ethington & Ethington; thence N56°42'32"W 226.1 feet to a point; thence N31°50'55"E 78.7 feet to a point; thence N58°09'05"W 151.7 feet to a point; thence N31°50'55"E 121.3 feet to a point; thence S58°09'05"E 176.05 feet to a point; thence S37°08'48"E 228.86 feet to a point in the aforesaid center line of the Harrodsburg Road; thence with said center line of the Harrodsburg Road S36°12'11"W 121.83 feet to the beginning, containing a gross area of 1.28 acres and a net area of 0.95 acre.