

3. **LIBERTY PARK DEVELOPMENT LLC ZONING MAP AMENDMENT & ROSE H. BRIGDEN & MARK MCCLURE PROPERTY, TRACT A ZONING DEVELOPMENT PLAN**

- a. **PLN-MAR-22-00027: LIBERTY PARK DEVELOPMENT LLC** (2/26/2023)* – a petition for a zone map amendment from a Single Family Residential (R-1D) zone, to a Planned Neighborhood Residential (R-3) zone, for 0.97 net (1.15 gross) acres, for property located at 2819 Liberty Road.

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.

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

The Zoning Committee Recommended: Postponement.

The Staff Recommends: Postponement, for the following reasons:

1. The zone change application should describe in greater detail how they meet the Goals, Objectives and Policies, specifically those regarding the orientation of the structures, parking, and the proposed improvements to multi-modal connectivity.
 2. The zone change application for the subject property, as proposed, does not completely address the development criteria for a zone change within the Enhanced Neighborhood Place-Type, and the Low Density Residential Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. A-DS5-3 Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
 - b. A-DS5-2 Roadways should provide a vertical edge, such as trees and buildings.
 - c. D-CO2-2 Development should create and/or expand a safe, connected multi-modal transportation network that satisfies all users' needs, including those with disabilities.
- b. **VARIANCE** - As part of their application, the petitioner is also seeking a dimensional variance, requesting relief from the required rear setback from the adjoining Agricultural Urban (A-U) zone, as regulated in Article Fifteen of the LFUCG Zoning Ordinance.

The Zoning Committee Recommended: Approval.

The Staff Recommends: Approval for the following reason:

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

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

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

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

- c. **PLN-MJDP-22-00080: ROSE H. BRIGDEN & MARK MCCLURE PROPERTY, TRACT A** (2/26/23)* - located at 2819 LIBERTY ROAD, LEXINGTON, KY
Council District: 6
Project Contact: Vision Engineering

Note: The purpose of this plan is to depict a townhome development in support of the requested zone change from Single-Family Residential (R-1C) zone to Planned Neighborhood Residential (R-3) zone.

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

1. Provided the Urban County Council approves the zone change to R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Urban Forester's approval of tree preservation plan.
5. Greenspace planner's approval of the treatment of greenways and greenspace.
7. United States Postal Service Office's approval of kiosk locations or easement.
8. Correct landscape buffer notations to building line on plan face and note #15.
9. Delete parking requirements from site statistics.
10. Dimension sidewalks.
11. Addition of access easement cross-section.
12. Denote existing and proposed easements.
13. Provided the Planning Commission makes a finding on the access easement.
14. Discuss compliance with parking requirements of Article 16 of the Zoning Ordinance.
15. Discuss Placebuilder criteria.

Staff Presentation – Mr. Daniel Crum presented a revised staff report and recommendation for the zone change application. He directed the Planning Commission to the revised report in the Granicus system and available to the public in the back of the Council Chambers. He displayed photographs of the subject property and the general area. He stated that the applicant was seeking a zone map amendment from a Single Family Residential (R-1D) zone to a Planned Neighborhood Residential (R-3) zone, for 0.966 net (1.151 gross) acres, for property located at 2819 Liberty Road. The applicant is seeking to build a townhouse residential development. Mr. Crum conveyed that the applicant is seeking the Enhanced Neighborhood Place-Type and a Low Density Residential Development Type and that Staff was in agreement that these are appropriate.

Mr. Crum highlighted the various zones around the area and noted the Liberty Trail adjacent to the subject property. Mr. Crum indicated that there was once a single family residence at this location, but that when Liberty Road was widened, the home was demolished and the site was allowed to overgrow. Mr. Crum stated that in the applicant's first plan, there were 13 homes, but were able to reorganize and increase the amount of homes to 14. Additionally, Mr. Crum noted that the parking from the initial plan has been relocated internally in the property. Additionally, the applicant proposes to front the northern most townhomes onto the trail system, which removes the need for a variance, but requires a waiver of the Land Subdivision Regulations.

Mr. Crum concluded his presentation stating that Staff was now recommending approval and could answer any questions from the Planning Commission.

Staff Development Plan Presentation – Mr. Martin oriented the Planning Commission to the location of the subject property and highlighted the revised conditions. Mr. Martin reiterated Mr. Crum's point regarding the reorganization of the structures on the property. The changes allowed for an additional dwelling unit than originally proposed and for the parking to be located interior to the site. Additionally, Mr. Martin stated that the applicant was seeking an access easement between the townhomes, in lieu of a public street.

Mr. Martin also indicated that there is a waiver and a finding associated with their ability to drop their variance request and instead use their new orientation towards the Liberty Trail as their frontage. Mr. Martin concluded his presentation stating that Staff was recommending approval of the development plan and the associated front orientation waiver.

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Commission Questions – Mr. Penn asked if these townhomes would be sold as individual units, and Mr. Martin indicated that they would be sold individually.

Mr. Michler asked if there was discussion on Lot 4's backyard adjacency to Liberty Road and if there are design regulations about that. Mr. Martin indicated that the applicant might have to explain their rationale, but a lot of it has to do with the relocation of the parking.

Applicant Presentation – Dick Murphy, attorney for the applicant, indicated that they are in agreement with Staff's findings and that he was withdrawing the variance request, but did need the waiver and the finding for the access easement.

Action – A motion was made by Mr. Penn, seconded by Mr. de Movellan and carried 8-0 (Bell, Nicol, and Pohl absent) to approve PLN-MAR-22-00027: LIBERTY PARK DEVELOPMENT LLC for reasons provided by Staff.

Action – A motion was made by Mr. Penn, seconded by Mr. de Movellan and carried 8-0 ((Bell, Nicol, and Pohl absent) to approve PLN-MJDP-22-00080: ROSE H. BRIGDEN & MARK MCCLURE PROPERTY, TRACT A with the 15 revised Staff conditions.

Action – A motion was made by Mr. Penn, seconded by Mr. Davis and carried 8-0 ((Bell, Nicol, and Pohl absent) to approve the waiver and findings for PLN-MJDP-22-00080: ROSE H. BRIGDEN & MARK MCCLURE PROPERTY, TRACT A with conditions.