

## **STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT**

### **PLN-MAR-17-00039: ANDERSON LURADANE, LLC**

#### **DESCRIPTION**

**Zone Change:** From a Single Family Residential (R-1D) zone  
To a High Density Apartment (R-4) zone

**Acreage:** 0.916 net (1.058 gross) acres

**Location:** 112, 114, 116 & 118 Burley Avenue; and 135, 137 & 139 American Avenue

#### **EXISTING ZONING & LAND USE**

<b><u>Properties</u></b>	<b><u>Zoning</u></b>	<b><u>Existing Land Use</u></b>
Subject Properties	R-1D	Single-Family Residential
To North	R-1D	Single-Family Residential
To East	R-1D & R-1T	Single-Family Residential & Townhouses
To South	R-1D	Single-Family Residential
To West	R-1D	Single-Family Residential

#### **URBAN SERVICES REPORT**

**Roads** – Burley and American Avenues are both local streets in a neighborhood that is situated south and west of the arterial roadways of South Broadway (US 68) and Virginia Avenue. Both roadways intersect South Broadway to the northwest of the subject properties, and terminate near the Norfolk-Southern railroad tracks to the southeast of the site. Burley and American Avenues are sub-standard local streets, built many decades ago before street standards were in effect, and improvements will be necessary along the subject properties' frontage. Access for this residential development is currently proposed from Burley Avenue only.

**Curb/Gutter/Sidewalks** – No urban improvements have been made along the subject properties' frontage along Burley or American Avenues. Other local streets in the vicinity are also lacking improvements due to the age of the subdivision, except where redevelopments have occurred. Curbing, gutters and sidewalks are typically required for existing public streets when redevelopment or new residential infill development occurs. These improvements would also be appropriate at this location.

**Storm Sewers** – The subject properties are located within the Wolf Run watershed. Currently, a regional detention basin exists on the University Village property (downstream of the subject property). A significant area on the east side of the railroad, including a portion of the University of Kentucky campus, drains into the basin. No storm sewers exist within the right-of-way of either street; therefore, stormwater management may be required to occur on this site. Any improvements would be required to adequately contain stormwater impacts created by the proposed redevelopment. Although the subject properties have no known recent flooding problems, flooding has been documented by the Division of Water Quality along South Broadway, between Burley and Simpson Avenues.

**Sanitary Sewers** – The subject properties are located in the Wolf Run sewershed and are served by the Town Branch Wastewater Treatment Facility, located on Lisle Industrial Avenue, inside of New Circle Road. Sanitary sewer lines in the area may need to be moved, replaced or repaired to ensure adequate sanitary sewer capacity for the proposed residential use of the subject property. Overall, the sanitary sewer bank currently has over one million gallons per day of available capacity.

**Refuse** – The Urban County Government serves this residential area with refuse collection on Mondays.

**Police** – The subject properties are located within the Division of Police's West Sector; however, the closest police station is the main police headquarters, located approximately one and one-half miles to the northeast, on East Main Street.

Fire/Ambulance – Fire Station #11 is located approximately two-thirds of a mile to the southwest on Harrodsburg Road, near its intersection with Clays Mill Road.

Utilities – All utilities, including gas, electric, water, phone, and cable TV currently serve the area and could be either reconfigured or improved to serve the proposed residential development on the subject properties.

### **COMPREHENSIVE PLAN AND PROPOSED USE**

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The Plan's mission statement notes that 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.

Related to the proposed rezoning, the 2013 Comprehensive Plan Goals and Objectives recommend expanding housing choices (Theme A., Goal #1); supporting infill and redevelopment as a strategic component of growth, including compact and contiguous growth (Theme A., Goal #2 and Theme E., Goal #1b); providing for well-designed neighborhoods and communities (Theme A., Goal #3); reducing Lexington's carbon footprint (Theme B, Goal #2); and improving a desirable community by working to achieve an effective and comprehensive transportation system (Theme D., Goal #1). *Chapter 7: Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land* of the 2013 Plan also address specific recommendations for Infill and Redevelopment within Lexington-Fayette County.

The applicant proposes redeveloping the subject properties with a combination of single-family residences and multi-family dwelling units, as well as associated off-street parking. The corollary development plan depicts 26 dwelling units, with 31 bedrooms, which represents a density of 28.38 dwelling units per net acre. Numerous dimensional variances are requested in conjunction with the requested zone change for the subject properties.

### **CASE REVIEW**

The petitioner has requested a zone change from a Single Family Residential (R-1D) zone to a High Density Apartment (R-4) zone for 0.916 acres of property located between Burley and American Avenues.

The site is comprised of seven properties, four of the parcels have frontage along Burley Avenue (directly across from its intersection with Prospect Avenue), and three parcels have frontage along American Avenue (near its intersection with Camden Avenue). All seven properties are contiguous and generally share rear property boundaries. Burley Avenue and American Avenue run parallel to each other in a southeast direction from South Broadway, and terminate at the Norfolk-Southern Railroad. Prospect and Camden Avenues, among others, are cross streets within the subdivision that connect Burley and American Avenues and allow for access through the neighborhood. The site is located within the Sullivan Park and Devereux Subdivisions which were originally built in the 1920s. Due to the proximity to the University of Kentucky, the neighborhood has experienced redevelopment pressure, both in terms of replacement of single-family residences and densification around the edges (closer to South Broadway and Virginia Avenue). The site is bound on three sides by R-1D zoning, and on the fourth side by R-1T zoning. Both are single-family residential zoning categories, but one allows attached dwelling units, and the other only allows detached units.

The petitioner proposes R-4 zoning for the subject properties in order to redevelop the site with a mixture of single-family residences (maintain two units) and multi-family dwelling units (24 dwelling units), with off-street parking to the rear of the units. A total of 26 dwelling units are proposed, which would result a residential density of 28.38 dwelling units per net acre. The corollary development plan depicts one multi-family structure with 16 dwelling units oriented toward American Avenue, and four structures oriented

toward Burley Avenue (two single-family homes with substantial additions to convert them to multi-family structures, and two single-family homes to remain unchanged).

The applicant contends that the requested rezoning from R-1D to R-4 is in agreement with the 2013 Comprehensive Plan. Past Comprehensive Plans have generally recommended that this neighborhood remain residential at a density of 5-10 dwelling units per acre; however, since 2012 several rezoning have occurred that have allow for density increases beyond that recommended by previous plans.

The 2013 Comprehensive Plan Goals and Objectives recommend expanding housing choices (Theme A., Goal #1); supporting infill and redevelopment as a strategic component of growth, including compact and contiguous growth (Theme A., Goal #2 and Theme E., Goal #1b); providing for well-designed neighborhoods and communities (Theme A., Goal #3); reduce Lexington carbon footprint (Theme B, Goal #2); and improving a desirable community by working to achieve an effective and comprehensive transportation system (Theme D., Goal #1). *Chapter 7: Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land* of the 2013 Plan also address specific recommendations for Infill and Redevelopment within Lexington-Fayette County, and discusses the concept of the Urban Service Area to encourage compact, contiguous and/or mixed-use sustainable development (Theme E).

In reviewing the proposed rezoning and development in relation to the 2013 Comprehensive Plan, the staff had several concerns about the proposal and if the development could meet the requirements of the Zoning Ordinance. While encouraging infill and redevelopment is one of the principles of the 2013 Comprehensive Plan, for several reasons, the Plan also emphasizes the importance of providing context sensitive development that respect's the immediate area's design features. In essence, it is important to ensure that a proposal to densify at any given location is in keeping with the scale, massing, land use patterns and infrastructure of the neighborhood. The available infrastructure within this 1920's neighborhood and the addition of multi-family dwelling units (and R-4 zoning) in a leapfrog manner, toward the rear of the neighborhood. The streets within the neighborhood are narrow, no sidewalks are available, storm sewers are not available, and on-street parking crowds the streets.

The petitioner opines in their justification that more density near the University of Kentucky campus is appropriate, because it will reduce Lexington's carbon footprint by allowing students to live close enough to campus to ride a bicycle, walk or utilize transit; and that additional density will also be more "consistent with the development of the existing neighborhood." In a more general sense, additional density has been added to the edges of the neighborhood with an apartment development building on Simpson Avenue, two multifamily/townhouse developments on Burley Avenue near South Broadway, and a townhouse development on Burley Avenue at the railroad tracks. However, R-4 zoning has not crossed to the south side of Burley Avenue, nor does it exist on American Avenue; therefore, the proposed density may not be in the right location, or perhaps not at this time, as the development does not truly appear to be consistent with the existing neighborhood, especially its immediate surroundings.

On the other hand, the corollary development plan depicts that most of the dwelling units are oriented to the public street, with on-site parking to the rear, substantially hidden from the street-view, which is a positive design aesthetic. In addition, the structures appear to be limited to 2-stories in height, although the R-4 zone allows buildings in excess of 35 feet.

*Chapter 7* of the 2013 Plan also addresses specific recommendations for Infill and Redevelopment within Lexington-Fayette County, including consideration of multi-modal transportation and open space (pg. 101), and respecting the context and character of a neighborhood (pg. 102). The transportation needs of the neighborhood must be adequately addressed with street improvements and sidewalks in order to achieve an effective and comprehensive transportation system, as recommended by Theme D., Goal #1 of the Plan. Given the higher than average number of pedestrians and students residing in the neighborhood, this is vitally important.

The staff has in the past made a recommendation that Burley Avenue be a physical boundary for land use separation of single family residential (to the southwest and toward American Avenue) and multi-family residential (to the northeast toward Virginia Avenue). Holding to this divide could preserve the lower density character of the area in the future, especially in light of the limited infrastructure.

In light of the possible compliance issues with the corollary development plan (Articles 8, 9, 15, and 18) possible additional variances needed, and the compatibility of the proposed zone at this location, the staff would like to meet with the petitioner to ensure the most compatible development for this neighborhood.

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

1. Currently, the proposed corollary development plan is a hybrid between a group residential development and individual R-4 zoned lots. This creates a myriad of regulatory compliance issues that must be addressed for both types of plans. The staff would like to explore other options with the petitioner to create a plan that supports the 2013 Comprehensive Plan's policy statements, goals and objectives.
2. The compatibility of the High Density Apartment (R-4) zone for the subject property should be further discussed with the petitioner, especially in light of the limited infrastructure within the neighborhood, the need to achieve an effective and comprehensive transportation system, the land use patterns of the neighborhood and the desire to provide context sensitive development that respect's the immediate area's design features.

TLW/TAM/dw

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