

1. **JOYLAND CROSSING, LLC ZONING MAP AMENDMENT AND JONES/COTTRELL PROPERTY AND JOYLAND CROSSING, LLC PROPERTY (JOYLAND CROSSING APARTMENTS) DEVELOPMENT PLAN**

- a. **PLN- MAR-23-00018: JOYLAND CROSSING, LLC** (12/31/23)* – a petition for a zone map amendment from a Highway Service Business (B-3) zone and Single Family Residential (R-1B) zone to a Medium Density Residential (R-4) zone, for 5.24 net (7.71 gross) acres for properties located at 2200 Old Paris Road and 2324 Paris Pike.

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 is proposing a multi-family residential development consisting of 165 dwelling units spread across six structures, for a density of 31.49 units per acre. The residential structures are four stories tall, most of which feature a first floor parking garage. The request incorporates a number of accessible units, which have rear attached garage space. The center of the site consists of a one-story clubhouse with a community pool and open space. A total of 198 parking spaces are proposed between the surface lots, parking structures, and garages.

The Zoning Committee Recommended: Postponement

The Staff Recommends: Postponement, for the following reasons:

1. The applicant should provide information relating to their public outreach efforts.
2. The applicant should address the following Goals and Objectives of the 2045 Comprehensive Plan
 - a. Prioritize multi-modal options that de-emphasize single-occupancy vehicle dependence (Theme B, Goal #2.d).
 - b. Expand the network of accessible transportation options for residents and commuters, which may include the use of mass transit, bicycles, walkways, ride-sharing, greenways, and other strategies (Theme D, Goal #1.b).
 - c. Strive for positive and safe social interactions in neighborhoods, including, but not limited to neighborhoods that are connected for pedestrians and various modes of transportation (Theme A, Goal #3.b).
3. The application should provide information on compliance with the following Policies of the 2018 Comprehensive Plan.
 - a. Multi-family residential development must comply with the Multi-Family Design Standards (Theme A, Design Policy #3).
4. The zone change application for the subject properties, as proposed, does not completely address the development criteria for zone change within the Corridor Place-Type, and the Medium Density Residential Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
 - b. A-DS5-4: Development should provide a pedestrian oriented and activated ground level.
 - c. A-DS-7: Parking structures should activate the ground level.
 - d. A-DS-1: Mass transit infrastructure, such as seating and shelter should be provided/enhanced along transit routes.
 - e. A-DS-1: Direct pedestrian linkages to transit should be provided.
 - f. B-PR7-3: Developments should improve the tree canopy.

- b. **PLN-MJDP-23-00054: JONES/COTTRELL PROPERTY & JOYLAND CROSSING, LLC PROPERTY (JOYLAND CROSSING APARTMENTS)** (12/31/2023)* - located at 2324 PARIS PIKE & 2200 OLD PARIS ROAD, LEXINGTON, KY

Council District: 12
Project Contact: Vision Engineering

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

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

Note: The purpose of this plan is to depict a multi-family development with 165 dwelling units, in support of the requested zone change from a Highway Service Business (B-3) zone and a Single Family Residential (R-1B) zone to a Medium Density Residential (R-4) zone.

Note: The applicant submitted a revised plan on October 31, 2023. Based on that submittal, staff can offer the following revised conditions.

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

1. Provided the Urban County Council approves the zone change to R-4; 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.
6. Department of Environmental Quality's approval if environmentally sensitive areas.
7. United States Postal Service Office's approval of kiosk locations or easement.
8. Submit exhibit demonstrating compliance with Article 20 open space requirements.
9. Denote: Sanitary sewer service to the property shall be resolved at the time of Final Development Plan.
10. Denote: Proposed access shall be resolved at the time of Final Development Plan.
11. Denote parking structures shall comply with Article 16-11 of the Zoning Ordinance.
12. Resolve Landscape buffer adjacent to Residential/Farm property and along Paris Pike frontage.
13. Discuss Placebuilder criteria.
 - a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
 - b. A-DS5-4: Development should provide a pedestrian oriented and activated ground level.
 - c. A-DS-7: Parking structures should activate the ground level.
 - d. A-DS-1: Mass transit infrastructure, such as seating and shelter should be provided/enhanced along transit routes.
 - e. A-DS-1: Direct pedestrian linkages to transit should be provided.
 - f. B-PR7-3: Developments should improve the tree canopy

Staff Presentation – Mr. Daniel Crum presented the staff report and recommendation for the zone change application. He displayed photographs of the subject property and the general area. He stated that the applicant was seeking a zone map amendment from a Highway Service Business (B-3) zone and Single Family Residential (R-1B) zone to a Medium Density Residential (R-4) zone, for 5.24 net (7.71 gross) acres for properties located at 2200 Old Paris Road and 2324 Paris Pike. Mr. Crum stated that the applicant is seeking to construct a multi-family residential development using the Corridor Place-Type and the Medium Density Residential Development Type and that Staff is in agreement with both. Additionally, Mr. Crum indicated that the applicant had met with representatives from the nearby neighborhoods, and stated that the neighbors had various concerns. Those concerns being the traffic, screening, height of the structures, and access to public services.

Mr. Crum noted that this application was brought before the Paris Pike Corridor Commission, and the commission echoed some of the same concerns voiced by the neighborhoods, and the Commission recommended disapproval. Additionally, Mr. Crum indicated there were concerns about traffic, and the applications connections to multi-modal forms of transportation and the lack of pedestrian access near the property. Mr. Crum conveyed that the applicant was willing to provide funds for the construction of a transit stop near the property, but Lex Tran was not willing to add a stop along this portion of Paris Pike.

Mr. Crum continued his presentation, highlighting the development plan and noting there would be first floor parking, with three floors of residential above. Mr. Crum stated that there were a total of 165 units and highlighted the emergency access from Old Paris Road that would severely limit the access to this property, and was a point of discussion from the neighborhoods. Mr. Crum also noted the trees screening the east side of the property from residential properties, and Mr. Crum stated that the Planning Commission could place any additional landscape requirements that they saw fit.

Mr. Crum reiterated that the development was in agreement with the Place-Type and Development Type that the applicant had applied with, and that this application was in keeping with the goals and objectives of the Comprehensive Plan. Those goals and objectives included the accommodation for housing in Lexington, prioritizing higher density and the mixture of housing types, safe and affordable housing, and the location of higher density development along higher capacity roadways.

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

Commission Questions – Ms. Worth commented that in the Subdivision Committee, they discussed that the landscaping should be consistent with Paris Pike Corridor and they recommended additional buffering next to that landscaping zone.

Mr. Owens asked Mr. Crum if there was a map showing the park going next to the property and Mr. Crum highlighted the location on a map of the property.

Development Plan Presentation – Mr. Tom Martin oriented the Planning Commission to the location and characteristics of the subject property. Mr. Martin noted that there were six buildings, with a total of 165 units along Paris Pike. He also noted that there is an existing 30 foot water line easement along Paris Pike. Mr. Martin indicated that the applicant is building pedestrian facilities inside the property, and will have a total of 198 parking spaces.

Mr. Martin mentioned the landscape on the east side of the property, and the 20 foot buffer, and that there is a condition that this must be resolved at the time of the final development plan. Additionally, Mr. Martin indicated there had been a discussion for the inclusion of a horse fence on the Paris Pike side of the property along with some trees. Mr. Martin further indicated that at the time of the final development plan, he was confident that the applicant would work with Staff and find a solution that would reflect the character of the Paris Pike Corridor.

Mr. Martin stated that the access being aligned with Rogers Road was generally a good idea, but mentioned that there might be some safer alternatives to help residents enter and exit the property.

Mr. Martin concluded his presentation stating that Staff is recommending approval and could answer any questions from the Planning Commission.

Commission Questions – Mr. Michler commented that he thought horse fences next to apartments did not look very natural. Additionally, Mr. Michler asked how many lanes of traffic would a resident have to cross to go towards Lexington. Mr. Martin indicated that they would have to go through at least four.

Mr. Michler asked if there was any discussion about opening up the Old Paris Road entry point for residents and Mr. Martin indicated that there was not. Furthermore, Mr. Martin indicated that at that access there are bad angles, a bad intersection during rush hour, and that the traffic light does not have primacy over the Paris Pike/ N Broadway traffic movement and flow.

Mr. Michler continued, asking if that option was worse than crossing four lanes of traffic to exit, and Mr. Martin indicated that it may be, and there may not be any good alternatives to that.

Mr. Michler stated he had concerns about the left hand turn out of the property and was looking for other alternatives to that.

Finally, Mr. Michler asked if the area northeast of the property, shown on the map, could ever potentially be a new access point, if the infrastructure were to come. Mr. Martin stated he thought that question would be great at the time of the final development plan.

Applicant Presentation – Dick Murphy, attorney for the applicant, stated that he represented an applicant with a zone change at this property in 2017, but the western portion with the proposed stormwater basin was not part of the zone change at that time. Mr. Murphy indicated that at that time, the applicant was told they would not have access to Old Paris Road, and all access would have to come through the adjoining property, which is where the main access for this application will be.

Mr. Murphy re-emphasized what Mr. Crum's presentation covered. This application will have 165 units for workforce housing, with management on site, and recreational amenities. Mr. Murphy showcased the boundaries of the property, and indicated there was a single family residence to the east of the property, as well as a horse farm.

Mr. Murphy noted the landscape along Paris Pike, calling it a "graduated grass land" to act as a buffer from the arterial road. Mr. Murphy repeated Staff's conclusion that this application is in line with the Comprehensive Plan and will create greater density along this corridor.

Mr. Murphy stated that the applicant met with the neighborhood, and the biggest concern was traffic. He indicated that the access to Old Paris Road had to be closed and the Paris Pike access was the only access point they could have. Additionally, Mr. Murphy indicated that the final configuration of the access would be up to the Division of Traffic Engineering and the Kentucky Transportation Cabinet. Whatever those departments concluded, is what the applicant would do, even contributing to a traffic light to ensure resident safety. Mr. Murphy also stated that having a right turn only, and then making a U-turn was a possibility.

Mr. Murphy showcased a traffic calculation that showed the traffic generation of this property, would be about 20% of a comparable B-3 property with various restaurants and convenience stores.

Mr. Murphy stated that there is a Lex Tran stop near the property, but confirmed that inquiries into putting a stop on the property itself, were denied by Lex Tran. Additionally, Mr. Murphy indicated that property adjacent to the property was recently sold at auction, and there would be further development of this area. Although, the applicant is not affiliated with the adjoining property.

Mr. Murphy stated that the applicant was willing to help with the costs of any kind of pedestrian connections to provide greater connection for the residents and laying the foundation for future connectivity and development in this area.

Mr. Murphy concluded his presentation by stating he thought this was an excellent plan given the constraints of the property and agrees with Staff's recommendations.

Commission Questions – Mr. Michler asked if the access on Paris Pike was ever discussed as an entry only point. Mr. Murphy indicated that he was aware that the access was an issue when he represented this property in 2017, and stated that he had not questioned the access point on Old Paris Road because he understood that was a non-starter.

Mr. Michler also questioned if connection to the adjoining properties was something they would consider and explore and Mr. Murphy indicated that it was.

Public Comment – Katherine Perkins, 258 Swigert Ave, stated she was not against the application, but stated she thought there should be conditions on the preliminary development plan and on the zone. Those conditions include continuous buffering of 20 feet around the property and a traffic light at the intersection.

Patty Draus, 608 Allen Ct, stated she did not object to this application, but was concerned about the automobile and pedestrian traffic.

Blake Hall, 36 Richmond Ave, stated that burdening an already difficult site with additional conditions was not the right move here.

Mike Slone, 151 Strawberry Fields Rd, stated he was concerned with the height and the density proposed for the property, as well as its proximity to the Urban Service Area.

Janet Ehrmantrout, 1977 Laclede Ct, stated that she was deeply concerned about the traffic and those issues should be figured out before the development goes forward.

Amy Clark, 628 Kastle Rd, stated that she was against this application because of the inadequate connectivity for pedestrians and drivers, and that she does not believe it will successfully develop and serve its purpose.

Adrienne Gleeson, 224 Preakness Drive, stated that this intersection is one of the deadliest in the state and is tremendously dangerous.

Applicant Rebuttal – Mr. Murphy stated that a lot of the concerns mentioned by the public and Staff were why the applicant met with Staff before they applied, and why they have the buffer, pedestrian connections, and the access point. Mr. Murphy indicated they are trying to plan ahead and that they have been agreeable to all of the suggestions from Staff.

Mr. Murphy stated he understood why Lex Tran had some hesitation about putting a stop there, but that does not mean they should ignore it or not anticipate a day when Lex Tran changes their mind. Additionally, Mr. Murphy acknowledges the traffic issues but insisted this development would bring in much less traffic than a B-3 alternative which is allowed with the current zoning.

Mr. Murphy ended by stating he hoped the Planning Commission would approve this development.

Mr. Fred Eastridge, engineer for the applicant, asked the Planning Commission to remove the United States Postal Service sign-off condition because the postal service does not have a person in the needed position and it will take a significant amount of time to get a sign-off.

Commission Questions – Mr. Michler asked Mr. Filiatreau if the railroad tracks were a boundary for future connections on Paris Pike. Mr. Filiatreau indicated that it was, and getting any kind of connection there would be difficult and expensive. Additionally, Mr. Michler asked if Traffic Engineering thought that the access onto and off the site was adequate. Mr. Filiatreau indicated that there would need to be improvements to the surrounding area here, but Paris Pike could handle this amount of traffic.

Mr. Michler asked what Staff's thoughts were on the future tying together of properties on Paris Pike, or would each have their own access. Mr. Martin indicated that you could, and that there are Land Subdivision regulations that any development along an arterial require a service road. Mr. Martin indicated that a service road would not be required on the property at this time.

Ms. Meyer asked if there were any options for requiring a traffic study here and Ms. Traci Wade indicated that this application did not generate enough trips to warrant a traffic study, but one could be discussed during the final development plan.

Ms. Worth asked what it would take to get cross-access at this point, and is it something that could be placed on the property now. Mr. Martin indicated that the Planning Commission could require one of the drive aisles extended and stub to the adjoining property. Additionally, Ms. Wade indicated there are two places on the property where you could do that. One at the back, and one at the front.

Mr. Owens asked if there was any discussion of a right-in only onto Paris Pike and Mr. Filiatreau indicated that it was only very briefly discussed.

Action – A motion was made by Mr. Michler, seconded by Ms. Barksdale and carried 9-0 to approve PLN-MAR-23-00018: JOYLAND CROSSING, LLC, for reasons provided by Staff.

Action – A motion was made by Mr. Michler, seconded by Mr. Pohl and carried 9-0 to approve PLN-MJDP-23-00054: JONES/COTTRELL PROPERTY & JOYLAND CROSSING, LLC PROPERTY (JOYLAND CROSSING APARTMENTS), with the conditions proposed by Staff, removing #7 and #13 and adding the plan denote cross-access to the east.