

# STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-23-00018 JOYLAND CROSSING, LLC

## DESCRIPTION OF ZONE CHANGE

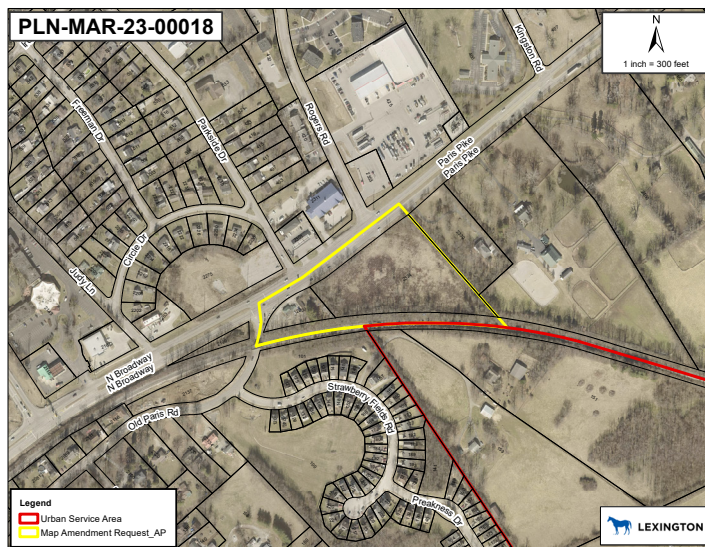
Zone Change: From a Highway Service Business (B-3) and a Single Family Residential (R-1B) zone  
To a Medium Density Residential (R-4) zone

Acreage: 5.24 net ( 7.71 gross) acres

Location: 2200 Old Paris Road  
2324 Paris Pike

## EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	R-1B/ B-3	Vacant
To North	B-3	Commercial
To East	R-1B/R-1D	Residential
To South	A-R/R-3	Railroad
To West	R-1B/ B-3	Commercial



## URBAN SERVICE REPORT

**Roads** - Paris Pike (US 27/US 68), which is categorized as a major arterial roadway, is a four-lane highway with center left turn lanes in the area of the subject site, and becomes a divided highway north and south of the site. It connects Paris, in Bourbon County, to downtown Lexington. Paris Pike was the subject of numerous studies and highway plans, which were implemented in the late 1990s and early 2000s to protect a significant scenic highway. Old Paris Road, which is a two-lane collector level roadway, is the western boundary of the subject site. The RJ Corman Railroad overpass crosses Old Paris Road as the road enters the single-family area to the south. The primary access point for the site is proposed to be on Paris Pike, located across from Rogers Road, with an emergency access point located on Old Paris Road.

**Curb/Gutter/Sidewalks** - Curb and gutter is present in the immediate area, but is not present along the subject properties' road frontage. There are no sidewalk facilities in the immediate vicinity.

**Storm Sewers** - The subject properties are located within the Cane Run watershed. Stormwater improvements may be required to address both water quantity and water quality. Any such improvements shall be designed and constructed in accordance with the LFUCG Engineering Manuals. There are no known flooding issues on the subject properties.

**Sanitary Sewers** - The properties will be serviced by the Town Branch Wastewater Treatment Facility, located on Lisle Industrial Avenue inside New Circle Road between Leestown Road and Old Frankfort Pike. Sanitary sewers have been constructed within the area and should be able to be extended to serve redevelopment of the site. A force main is available at the southwest corner of the site, but the ability to provide sewers to the site may be a challenge. Sanitary sewer capacity will need to be verified prior to certification of a final development plan for the proposed change of land use at this location.

**Utilities** - All utilities, including natural gas, electric, water, phone, and cable television are available in the area, and are available to serve the proposed development.

**Refuse** - The Urban County Government serves residences in this portion of the Urban Service Area with collection on Tuesdays.

**Police** - The nearest police station is located near the Eastland Shopping Center at the Central Sector Roll Call Center, on Goodwin Drive just off Winchester Road, about 1½ miles south of the subject properties

**Fire/Ambulance** - Fire Station #8 is the nearest station to the subject property. It is located on N. Broadway, approximately one mile southwest of the site.

**Transit** - Lextran services the area north of Paris Pike with the #17 route, which has a stop on Parkside Drive approximately 300 feet north of the subject property; however, there are no pedestrian facilities that facilitate the movement of pedestrians across Paris Pike to reach this transit stop.

**Parks** - The subject properties are located approximately 1/4 of a mile south of Mary Todd Park.

## SUMMARY OF REQUEST

The petitioner has requested a zone change from a Single Family Residential (R-1B) zone and Highway Service Business (B-3) zone to a Medium Density Residential (R-4) zone order to establish a multi-family residential development.

## PLACE-TYPE

CORRIDOR

Lexington's major roadways focused on commerce and transportation. The overriding emphasis of Imagine Lexington is significantly overhauling the intensity of the major corridors. The future of Lexington's corridors lies in accommodating the shifting retail economic model by incorporating high density residential and offering substantial flexibility to available land uses. Adding a mix of land uses to support the existing retail will provide a built-in customer base, create a more desirable retail experience, and allow a greater return on investment for landholders. Additional focus is on increasing the viability of enhanced mass transit, thereby reducing the reliance on single-occupancy vehicles and improving Lexington's overall transportation efficiency.

## DEVELOPMENT TYPE

MEDIUM DENSITY RESIDENTIAL

### Primary Land Use, Building Form, & Design

Primarily attached and multi-family units. Multi-family units should complement and enhance existing development through quality design and connections.

### Transit Infrastructure & Connectivity

Nearby commercial/employment uses and greenspaces should be easily accessible, and bicycle and pedestrian modes should be maximized to connect residents to destinations.

### Quality of Life Components

These developments should include intentional open space designed to fit the needs of area residents, and a variety of neighborhood-serving commercial/ employment uses.

## PROPOSED ZONING



The intent of this zone is to provide for medium to medium-high density multi-family dwellings and supporting uses. This zone should be located in areas of the community where services and facilities are/ will be adequate to serve the anticipated population. The medium to medium-high density residential uses should be located along collector and arterial streets. Where lower density development occurs in this zone, it should be located along local streets. Adequate multi-modal connections should be available to all residents. Development should be in areas of the community where necessary services and facilities will be adequate to serve the anticipated population. Medium to medium-high density multi-family dwellings should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

## PROPOSED USE



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

## APPLICANT & COMMUNITY ENGAGEMENT



The applicant has not indicated that any public outreach or engagement has occurred at this time. The applicant should provide further information on how they plan to engage with the surrounding area.

## PROPERTY & ZONING HISTORY



The subject properties were zoned Single Family Residential (R-1B) prior to the 1969 Comprehensive Rezoning of the city and county. In 2015, the property at 2324 Paris Pike was rezoned to a restricted Highway Service Business (B-3) zone in order to accommodate a restaurant development (MAR-17-00019). The Urban County Council approved the zone change, but placed a conditional zoning restriction on the property that included the following conditional zoning restrictions:

Prohibited Uses

- a. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, and mobile homes.
- b. Cocktail lounges and nightclubs
- c. Car wash establishments,
- d. Pawn shops
- e. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
- f. Advertising signs, also known as billboards, as regulated by Article 17 of the zoning ordinance

Buffer Restrictions:

- a. A twenty foot landscape buffer shall be established along the northeast property boundary. Trees shall be planted every thirty feet (30') within the buffer, and selected from the large species list of the planting manual.

*These restrictions are necessary and appropriate for the subject property in order to restrict the most intense land uses on the property that could have a negative impact on adjacent agricultural and residential land uses and the aesthetic condition of the Paris Pike corridor.*

The proposed restaurant uses were never developed at this location.

Despite having residential zoning, the property at 2200 Old Paris Pike contained a bar use, auto repair shop, and house, which have since been discontinued. This property was attempted to also be rezoned to the Highway Service Business (B-3) zone in 2018 (MAR-18-00003); however, the request was withdrawn after concerns were raised regarding the safety of the proposed access point.

## PARIS PIKE CORRIDOR COMMISSION



The proposed zone change is located within the jurisdictional review area of the Paris Pike Corridor Commission, a nine-member citizen commission established to implement the Paris Pike Corridor Small Area Plan (adopted by the Planning Commission in 1995).

The Paris Pike Corridor Commission met on October 11th, 2023 to discuss the proposal. At that meeting, the commission members expressed concerns with the site's proposed access points, and the impact of additional traffic in the area. Based on those concerns, the commission recommended disapproval of the request.

## COMPREHENSIVE PLAN COMPLIANCE



### GOALS, OBJECTIVES, AND POLICIES

The 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 compliance with the adopted Goals and Objectives of the 2045 Comprehensive Plan. The applicant states that the proposal to include multi-family in this location helps to accommodate the demand for housing in Lexington responsibly, prioritizing higher density housing types (Theme A, Goal #1.b). The applicant also opines that the proposal supports infill and redevelopment, as the proposal will add a significant number of residential units to aid in the redevelopment of an underutilized corridor (Theme E, Goal #1.d). The applicant indicates that the proposal will meet the needs of Lexington's aging and disabled population by providing dedicated accessible units (Theme A, Goal #1.c). Staff agrees that these Goals and Objectives can be met with this request; however, there were several Goals and Objectives that require further discussion:

*Prioritize multi-modal options that de-emphasize single-occupancy vehicle dependence (Theme B, Goal #2.d); 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); 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).*

The applicant states that the proposal is providing meaningful access to transit service, and providing other multi-modal connections. While there is an existing transit stop in the vicinity, it is located on the opposite side of a six-lane major arterial roadway without a dedicated pedestrian crossing. The applicant indicates that additional residential units along the corridor contributes to increased demand that may generate a stop at the subject properties; however, this has not yet materialized, and the plan does not show any accommodations to host a transit stop in the future. Similarly, while pedestrian facilities are proposed along the subject properties' frontage, these facilities do not provide any connection outside of the development, as this portion of Paris Pike and Old Paris Road lack pedestrian infrastructure. The applicant should provide further information on how the site will safely provide for connections to the surrounding area.

The applicant opines that their request also meets several policies of the 2018 Comprehensive Plan, particularly policies relating to providing increased residential density along major corridors (Theme A, Density Policies #1, 2, and 4). The applicant also opines that the request provides for adequate greenspace and focal points within the development (Theme A, Design Policy #10). While staff agrees that these policies are being met with this request, one of these policies require further discussion:

*Multi-family residential development must comply with the Multi-Family Design Standards (Theme A, Design Policy #3).*

The applicant states that they are meeting the Multi-Family Design Standards, but does not provide sufficient information or justification to demonstrate compliance. The renderings submitted with the application also do not appear to match the development shown on the corresponding plan.

### PLACE TYPE, DEVELOPMENT TYPE, AND ZONE

In an effort to allow for the greatest contextual development of Lexington's Urban Service Area, applicants are asked to identify a Place-Type based on the location of the subject properties. Within each Place-Type there are recommended Development Types based on the form and function of the proposed development. Based on the Place-Type and Development Type there are also several recommended zones that are most

appropriate based on the Goals, Objectives, and Policies of the Comprehensive Plan. While these zones are the ideal zoning categories to develop within a specified area, other zones may be considered, provided there is an appropriate justification addressing the unique situation and provided the development is able to adequately meet the associated Development Criteria.

The applicant indicates that the project is located within the Corridor Place-Type, and is a Medium Density Residential Development Type. The Corridor Place-Type focused on providing ample commercial opportunities and adequate transportation infrastructure. The overriding emphasis of the Comprehensive Plan is to allow for greater flexibility of available land uses along the major arterial roadways, and a focus on increased housing opportunities. The Medium Density Residential Development Type should avoid homogeneous neighborhoods and should be supplemented by a variety of uses and housing options to create sustainable places.

Based on the property's location along Paris Pike, a major arterial corridor identified within the 2018 Comprehensive Plan, staff finds the applicant's choice in Place-Type appropriate. The applicant's chosen Medium Density Residential Development Type is a recommended Development Type within the Corridor Place-Type, and can be appropriate at this location. The applicant's choice in zone, the Medium Density Residential (R-4) zone is a recommended zone for the chosen Place-Type and Development Type.

### **DEVELOPMENT 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 members of the Lexington-Fayette Urban County community in hopes of developing a better built environment. The criteria are refined by the applicant based on the proposed place-type and development type.

#### 1. Site Design, Building Form and Location

While staff agrees with some of the justification provided by the applicant, there are several areas of concern as to how the applicant has applied or not applied the criteria.

*A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.*

The applicant does not provide a discussion of the relevant Multi-Family Design Standards within their letter of justification. In addition, while some renderings have been provided, the renderings do not match the layout of the current iteration of the development plan.

*A-DS5-4 Development should provide a pedestrian oriented and activated ground level; A-DS-7 Parking structures should activate the ground level.*

The applicant has not indicated how the parking areas will interact with the surrounding pedestrian context. In addition, the ordinance provides specific requirements for structured parking, such as requiring 60% of the ground level to be transparent windows or openings, as well as use and open space requirements. The applicant should provide information on how these requirements are being met and how their development will impact the pedestrian and resident experience.

#### 2. Transportation and Pedestrian Connectivity

*A-DS-1 Mass transit infrastructure, such as seating and shelter should be provided/enhanced along transit routes; A-DS-1 Direct pedestrian linkages to transit should be provided.*

While the applicant notes that the geography of the site does limit direct pedestrian linkages to existing transit stops, the applicant has not provided any facilities to accommodate new transit stops.

#### 3. Greenspace and Environmental Health

*B-PR7-3 Developments should improve the tree canopy*

The applicant should provide information relating to the current amount of tree canopy coverage on-site and the relative amount of tree canopy that is currently proposed.



### **PARKING DEMAND MITIGATION STUDY**

Under the requirements of the newly adopted Parking and Landscaping Zoning Ordinance Text Amendment, all “Significant Developments,” or developments with over 5,000 square-feet of building coverage that require a Zoning Map Amendment, shall provide a Parking Demand Mitigation Study for the project that details the following information:

1. Review of national best practices for parking calculations for the project, including the current ITE Manual Parking ranges or the ranges produced by the ITEParkGen Report;
2. The anticipated parking demand for the project;
3. How the anticipated parking demand will be satisfied on-site or off-site;
4. The methods and strategies to be implemented in order to reduce vehicle trips by site users;
5. The methods and strategies to be implemented in order to promote transportation options by site users;
6. The projected mode share by site users from the utilization of the study’s strategies.

Within the applicant’s review of the parking demand, they have provided specific calculations based on the ITE manual for the proposed residential multi-family use. Based on the provided square footage, the ITE manuals indicate that the typical multi-family residential development with no direct access to transit development would need approximately 212 parking spaces, which exceeds the 198 proposed spaces for this development. The proposal includes dedicated bike parking facilities; however, dedicated bike lanes do not exist along this portion of Paris Pike or Old Paris Road.

### **STAFF RECOMMENDS: **POSTPONEMENT**, FOR THE FOLLOWING REASON:**



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