

3. **RED DRAW DEVELOPMENT, LLC ZONING MAP AMENDMENT AND PLEASANT RIDGE SUBDIVISION, LOT 127 DEVELOPMENT PLAN**

- a. **PLN-MAR-24-00004: RED DRAW DEVELOPMENT, LLC**– a petition for a zone map amendment from a Single Family Residential (R-1B) to Medium Density Residential (R-4) zone, for 2.462 net and gross acres for property located at 766 Paradise Lane.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2045 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 to expand a proposed multi-family residential development. The applicant is proposing to increase the total number of dwelling units from 168 to 216, and increase the number of three-story multi-family residential buildings from seven (7) to nine (9). The residential density of the site is proposed to slightly decrease, from 22.3 units per acre to 21.6 units per acre. The applicant is also proposing to increase the overall number of parking spaces in the development from 203 spaces to 333 spaces.

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 provide information on compliance with the following Policies of the 2045 Comprehensive Plan.
 - a. Ensure proper road connections are in place to enhance service times and access to public safety, waste management, and delivery services for all residences (Theme A, Design Policy #2)
 - b. Multi-family residential development must comply with the Multi-Family Design Standards (Theme A, Design Policy #3).
3. The zone change application should remove references to the 2018 Comprehensive Plan.
4. The zone change application for the subject properties does not address the correct criteria for zone change within the Enhanced Neighborhood Place Type, and the Medium Density Residential Development Type within the 2045 Comprehensive Plan.
5. The applicant should provide information relating to the increase in the parking rate relative to their previous development plan at this location.

- b. **PLN-MJDP-24-00008: PLEASANT RIDGE SUBDIVISION, LOT 127** (5/5/24)* - located at 2156, 2176, 2184 LIBERTY ROAD, & 766 PARADISE LANE, LEXINGTON, KY.

Council District: 7

Project Contact: Vision Engineering

Note: The purpose of this plan is to depict apartments, parking, & community open space in support of the requested zone change from a Single Family Residential (R-1B) zone to a Medium Density Residential (R-4) zone.

The Subdivision Committee Recommended: Approval, subject to the following 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. Depict all boundary lines with bearings and distance.
8. **Denote:** This property to be consolidated prior to certification of the final development plan.
9. Complete vicinity map including property to be rezoned.

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

10. Addition of sanitary sewer easement, Book 3627, Page 675, with LFUCG.
11. Discuss terminus for Paradise Lane and pedestrian connection.
12. Discuss Placebuilder criteria.

Staff Presentation – Mr. Daniel Crum presented the supplemental staff report and recommendations 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 Single Family Residential (R-1B) to Medium Density Residential (R-4) zone, for 2.462 net and gross acres for property located at 766 Paradise Lane. Mr. Crum stated that the applicant is seeking to expand a proposed multi-family residential development using the Enhanced Neighborhood Place Type and the Medium Density Residential Development Type. Mr. Crum indicated that Staff was in agreement with those selections.

Mr. Crum stated that the applicant had applied for a zone change on the neighboring property that was approved in the past year, and are looking to add this property to the site. Mr. Crum also noted that this property was originally brought to the Planning Commission with a different applicant that was looking to build about 20 townhomes, but staff recommended disapproval at the time due to a lack of adequate facilities and limited access on Paradise Lane.

Mr. Crum highlighted the development plan, noted the primary access on Liberty Road, and the expansion from the original 168 units to 216, with a corresponding increase in parking. Mr., Crum stated that while the Comprehensive Plan changed in since the time of the previous development and this application was reviewed using the 2045 Comprehensive Plan. This application would bring in different housing types to an area that has predominantly single-family residential uses. Additionally, Mr. Crum showcased renderings and noted that the applicant is using the same designs from a zone change that was approved a year ago.

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

*There was a robust discussion between the Planning Commission, Staff, and the applicant about an incorrect development plan that was uploaded to Granicus. Staff stated that the development plan presented to the Planning Commission was the correct plan and to ignore the one uploaded to Granicus.

Development Plan Presentation – Ms. Cheryl Gallt oriented the Planning Commission to the location and characteristics of the subject property. Ms. Gallt noted the addition of two apartment buildings, the former property line along Paradise Lane, as well as the typical sign-offs and conditions associated with the plan. Other conditions included correcting references to Placebuilder Criteria on the development plan and the inclusion of a complete vicinity map.

Ms. Gallt concluded her presentation stating that Staff is recommending 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. Depict all boundary lines with bearings and distance per plat E-686.
8. ~~Denote: This property to be consolidated prior to certification of the final development plan.~~
8. 9-Complete vicinity map including property to be rezoned.
10. ~~Addition of sanitary sewer easement, Book 3627, Page 675, with LFUCG.~~
11. ~~Resolve terminus for Paradise Lane, pedestrian connection, street improvements, and emergency access.~~
9. Correct references to Placebuilder design criteria on plan.
10. ~~13.~~ Discuss Placebuilder criteria.

Commission Questions – Mr. Owens asked if the 30 significant trees on the development plan are being kept and Ms. Gallt referred Mr. Owens to the tree legend on the development plan that showed the difference between existing trees and proposed trees.

Mr. Michler asked if there would be language on the conditions to have a buffer for tree protection and Ms. Galt stated that they could ask the applicant. Mr. Tom Martin chimed in and stated that a request like that is more appropriate at the next stage in consultation with the Urban Forester.

Applicant Presentation – Matt Carter, engineer for the applicant, stated that he apologized for the confusion and stated that this project is an expansion of a previously approved project. Mr. Carter stated that most of the parking is in the interior of the property and not located behind the buildings and there would be 333 parking spaces. Additionally, Mr. Carter indicated that the applicant had been working with Water Quality to remove a pump station on the site that the city wanted to take offline and will work with them to make a gravity sewer tied into existing facilities. Finally, in terms of a second access road, the applicant's preference is to use Wilderness Trace, where the pump station is currently located, but Paradise Lane is an option, but needs considerable improvements.

Mr. Carter indicated that they are in agreement with Staff's recommendations and can answer any questions from the Planning Commission.

Commission Questions – Mr. Owens asked if the second access would be public and Mr. Carter indicated that it would not.

Public Comment – Kevin Fredrick, 716 Wilderness Road, stated that he completely opposed this development and favored having single-family homes with a cul-de-sac because it would be safer.

John Brenock, 711 Wilderness Road, is against the development and said it was a bait and switch and had grave concerns about safety and the character of the neighborhood.

Commission Questions and Comments – Mr. Michler asked Captain Lengal about having access from either Paradise Lane or Wilderness Trail and Captain Lengal stated that Paradise Lane is a sub-standard street and would need improvements, as would Wilderness Trace. Captain Lengal also stated that the Division of Fire and Emergency Services were not opposed to having a public access on Liberty Road as well.

Mr. Nicol asked if what is being proposed is a main entrance and exit on Liberty Road, and emergency access onto Paradise Lane. Captain Lengal stated that it was and that Wilderness Trace was in better condition than Paradise Lane at the moment and the Division of Fire and Emergency Services is not against any emergency access as long as the roads can handle the emergency vehicles. Captain Lengal also reiterated the need for proper improvements on Paradise Lane and if the applicant should help with those Improvements.

Mr. Michler asked Mr. Filiatreau of the Division of Traffic Engineering if this was an opportunity to give Wilderness Trace another access point, especially a signalized one and Mr. Filiatreau indicated that it was.

Mr. Owens stated that his questions had been addressed and was in favor of a second public access to alleviate his concerns.

Mr. Michler concurred with Mr. Owens point and would like to craft language included in the conditions to find the best access with Staff.

Mr. Wilson stated that if there is not a second access point, he cannot support this.

Mr. Nicol stated that the best practice here is to have a second access, but we are in a situation where the neighbors do not want an additional access with lead to the development using neighborhood streets, but the emergency access is needed. Mr. Nicol stated he is in favor of this development with the access only being used in emergencies to accommodate the neighbor's request.

Action – A motion was made by Mr. Michler, seconded by Mr. Owens and carried 9-0(Forester and Johnathon Davis absent) to approve PLN-MAR-24-00004: RED DRAW DEVELOPMENT, LLC for reasons provided by Staff.

Action – A motion was made by Mr. Nicol, seconded by Ms. Worth and carried 8-1 (Nicol opposed)(Forester and Johnathon Davis absent) to approve PLN-MJDP-24-00008: PLEASANT RIDGE SUBDIVISION, LOT 127 with the 9 revised conditions recommended by Staff with the additional conditions that the plan approved is the plan that was shown to the Planning Commission and not the one on Granicus, and that a second public access point to either Paradise or Wilderness Trace be on the final development plan.