

1. ROSE HOLDINGS LEXINGTON, LLC ZONING MAP AMENDMENT AND LANE ALLEN PARK, LOTS 2 AND 3 DEVELOPMENT PLAN

- a. **PLN-MAR-24-00017: ROSE HOLDINGS-LEXINGTON, LLC** (4/24/25)* – a petition for a zone map amendment from a Single Family Residential (R-1A) zone to a Planned Neighborhood Residential (R-3) zone, for 11.587 net (11.924 gross) acres for property located at 1899 Parkers Mill Road.

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 proposes the rezoning of the subject property to the Planned Neighborhood Residential (R-3) zone to construct a single-family residential development.

The Zoning Committee Recommended: Postponement.

The Staff Recommends: Postponement for the following reasons:

1. The applicant should conduct a flood study to determine the extent of the flood hazard areas present on the property prior to the consideration of the proposed zone change to substantially increase the allowable density on the subject property.
2. The applicant should address the following Goals, Objectives, and Criteria of the 2045 Comprehensive Plan:
 - a. Theme D, Goal #1.a: Implement the Complete Streets policy, prioritizing a pedestrian-first design that also accommodates the needs of bicycle, transit and other vehicles;
 - b. Theme D, Connectivity Policy #2: Create multi-modal streets that satisfy all user needs and provide equitable multi-modal access for those who do not drive due to age, disability, expense, or choice.
 - c. Theme D, Goal #3.b: Incentivize the renovation, restoration, development and maintenance of historic residential and commercial structures;
 - d. Theme D, Goal #3.c: Develop incentives to retain, restore, preserve and continue use of historic resources such as historic sites, rural settlements and urban and rural neighborhoods;
 - e. Theme D, Growth Policy #5: Identify and preserve Lexington's historic assets, while minimizing unsubstantiated calls for preservation that can hinder the city's future growth
 - f. Theme B, Protection Policy #2: Conserve and protect environmentally sensitive areas, including sensitive natural habitats, greenways, wetlands and water bodies;
 - g. Theme B, Protection Policy #9: Respect the geographic context of natural land, encourage development to protect steep slopes, and locate building structures to reduce unnecessary earth disruption.
3. The applicant should address the following development criteria for the Enhanced Neighborhood Place-Type, and Low Density Residential Development Type.
 - a. E-ST8-2: Development should provide community oriented places and services.
 - b. A-DS4-1: A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided
 - c. B-PR2-1 Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site;
 - d. B-RE5-1: Dividing floodplains into privately owned parcels with flood insurance should be avoided;
 - e. B-RE5-2: Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them
 - f. A-DS9-1: Development should provide active and engaging amenities within neighborhood focused open spaces.
 - g. C-LI8-1: Development should enhance a well-connected and activated public realm.
 - h. E-GR4-1: Developments should incorporate reuse of viable existing structures
 - i. E-GR5-1: Structures with demonstrated historic significance should be preserved or adapted.

- b. **PLN-MJDP-24-00081: LANE ALLEN PARK, LOTS 2 & 3** (4/24/25)* – located at 1899 PARKERS MILL ROAD, LEXINGTON, KY

Council District: 10

Project Contact: Vision Engineering

* - 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 lotting layout for 25 single-family homes, in support of the requested zone change from a Single Family Residential (R-1A) zone to a Planned Neighborhood Residential (R-3) zone.

The Subdivision Committee Recommends: Postponement. There are questions regarding the need for a floodplain study to identify the extent of the floodplain.

Should this plan be approved, the following requirements should be considered:

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. Department of Environmental Quality's approval if environmentally sensitive areas.
6. Correct plan title to match staff report.
7. Include Note 22 and all site statistics from previous plan dated November 5, 2024.
8. Remove date and correct typing in Commission Certification.
9. Depict all lines and symbology to be clearly reproducible in black and white.
10. Provide floodplain study in compliance with the stormwater manual to document the floodplain.
11. Denote proposed right-of-way dedication for Parkers Mill Road in cross-section CC.
12. Correct Note #21 to include Lots 5, 6, 22, & 23 per "calculated floodplain".
13. Discuss Placebuilder criteria.

Staff Presentation – Mr. James Mills presented the staff report and revised 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 Single Family Residential (R-1A) zone to a Planned Neighborhood Residential (R-3) zone, for 11.587 net (11.924 gross) acres for property located at 1899 Parkers Mill Road. Mr. Mills indicated that the applicant is seeking to develop 30 single family residential lots using the Low Density Residential Development Type and the Enhanced Neighborhood Place-Type. Mr. Mills noted the residential zoning in the area and highlighting that most properties around the development are R-1A, R-1B, and R-1C. Mr. Mills discussed the reasons for the initial postponement recommendation stating that there were concerns with the floodplain on the property, the impact of environmentally sensitive areas, the destruction of a historic home and significant trees on the property, as well as issues with connectivity and the sidewalk network.

In response to those concerns Mr. Mills indicated that the applicant had performed a flood study and made changes to the development plan based on those findings. Those changes included creating new lotting patterns, reducing road crossings, and designating lots in the flood plain as "non-buildable." Additionally, Mr. Mills indicated that after the destruction of significant trees, there were only 10 left on the property and to mitigate this, Staff was recommending additional plantings.

Mr. Mills concluded by stating that Staff was recommending approval because the application increases residential density, while minimizing disruption of environmentally sensitive features and areas, and respects the scale of the adjoining development. Mr. Mills stated he could answer any questions from the Planning Commission.

Development Plan Presentation – Mr. Chris Chaney oriented the Planning Commission to the location and characteristics of the subject property. Mr. Chaney showcased the layout of the 30 proposed lots and the change in the pattern, which resulted in a lotting pattern, which resulted in a reduction in the number of crossings of the floodplain since the last development plan. Mr. Chaney indicated that the applicant had met the initial conditions and noted that they had also fulfilled the latest conditions recommended by Staff. Mr. Chaney stated that at the time of the final development plan, the applicant will have to do an additional study for how the post development floodplain would look. Mr. Chaney concluded by stating that Staff was recommending approval based on Staff's conditions and could answer any questions from the Planning Commission.

Applicant Presentation – Mr. Bruce Simpson, attorney for the applicant, stated that he was pleased with Staff's recommendation of approval and gave a summary of the 11-acre parcel. Mr. Simpson stated that they

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were seeking to make sure that these homes and the prices of these homes are in line with what is already in the surrounding neighborhood. Mr. Simpson noted that they had meetings with the neighborhood, most recently on Monday, and that they had given access to the various studies and other documents so they can see exactly how it would affect this area. Mr. Simpson also stated that the neighborhood was concerned with the R-3 zoning because it allowed for a mix of housing types but noted the applicant's commitment to single-family housing and limiting it to 30 homes.

Mr. Simpson stated that at this time, only 22 of the 30 lots are buildable due to the retention basin and floodplain issues and that as stated previously, additional study would be required by FEMA and the Army Corp of Engineers to determine the best way to build and deal with the floodplain. Additionally, Mr. Simpson discussed the destruction of a historic home and stated that it was dilapidated and that the cost of updating it would have far exceeded its justification. Mr. Simpson concluded by stating again that he appreciated Staff's recommendation and asked for approval.

Commission Questions and Comments – Mr. Robin Michler stated his concern for the significant trees being removed before the committee meeting and that there seemed to be some confusion on how many trees are needed to mitigate what was removed. Mr. Michler asked what Mr. Simpson was going to do to mitigate that. Mr. Simpson stated he had not been asked about that, but it could be figured out at the time of the final development plan.

Mr. Michler stated that when dealing with single-family developments, that it might not help with the density goals, but an applicant should do what they can to help maintain existing tree canopy and preserving historic homes, even at a high cost. Mr. Michler asked Mr. Simpson what happened to the goals and objectives of the Comprehensive Plan while this was being developed. Mr. Simpson responded, stating that the goals Mr. Michler are talking about are important, but there has to be common sense when dealing with economic issues. Mr. Simpson stated he thought they had done their due diligence with this development and that the cost of updating the historic house did not make sense for the development. Additionally, Mr. Simpson stated that this development would increase the density by 300% if they did not ask for a zone change, but built in the zoning currently in place.

Mr. Nicol asked if Mr. Simpson had met the objective requirements stated in Staff's conditions. Mr. Simpson stated that they had and they had worked with and met with the Staff many times to do so.

Ms. Molly Davis asked Mr. Simpson to point out which houses would be built first. Mr. Dan Rose, applicant, stated that there was not a prioritized lot, but #15 was owned by his brother and he intended to build on it. Mr. Rose also explained that he would be working with a custom home builder and the homes would be prioritized from there as they are bought.

Ms. Davis noted that there were comments from a Mr. Ken Cooke about his concerns for the property and she asked if the applicant had met with him. Mr. Rose indicated that they had and had listened to Mr. Cooke's concerns. Mr. Rose indicated that they eliminated a portion of the road over the floodplain shown on the original development plan that was of concern to Mr. Cooke after that meeting.

Ms. Davis asked who made the decision to take down 84 significant trees on the property and Mr. Rose stated that when they demolished the historic house there were a lot of trees around there that they decided to take down. Mr. Rose stated that it was his intention to have very nice landscaping, plants, and greenspace to make up for the trees being taken down.

Mr. Jihad Hillany provided more clarity and stated that some of the trees were damaged and that at the time of the final development plan they will put in 40% tree canopy to mitigate the old trees.

Public Comment – Peter Ecabert, attorney for a neighbor, stated his clients concern regarding traffic on Parkers Mill Road and asked for a postponement to review Mr. Simpson's filings.

Claude Wagner, 1894 Parkers Mill Road, stated his support for this plan and his opinion that the applicant would do a good job with the development.

Nasim Khan, 1911 Parkers Mill Road, stated her and her husband's support for the development and would help people looking for nice homes.

Janice Rosebrook, St. Raphael's Episcopal Church, stated that the church was not opposed to the development.

Harold Janes, 1886 Parkers Mill Road, stated his support for the development and stated that he did not think that there were 84 significant trees on the site before.

Jim Goodman, 1212 Cape Cod Circle, stated his support for this project and that he did not want apartments in this development due to the increased traffic it would cause.

Carin Lovell, 1280 Colonial Drive resident, stated that she was against this proposal and alleged that the applicant had not told them correct information and that the applicant was going to take out another significant tree on the property.

Applicant Rebuttal – Mr. Simpson stated that the project has significant neighborhood and church support. He stated that he understood the issues with the trees that were taken down, but that they would come up with a significant tree mitigation plan to make up for it. Mr. Simpson contended that the applicant had done their homework, and they will continue to do so to get this approved here and at the time of the final development plan. Additionally, Mr. Simpson stated that he was sympathetic to the neighbor's concerns about the 30 units, but that they would restrict the property to 30 single family dwelling units.

Mr. Simpson concluded by stating that he thought this project was an excellent fit for this area, the applicant has done a lot of work on it, and he would appreciate a vote of approval.

Public Rebuttal – Harold Janes, 1886 Parkers Mill Road, stated that concerns with higher density developments coming here do not make sense because the layout of the roads here would never allow for them.

Peter Ecabert, attorney for a neighbor, respectfully asked for a postponement again to look over the changes made by Mr. Simpson.

Commission Questions and Comments – Mr. Michler asked for clarification on the assertion that the current R-1 zoning only allows for one house per acre. Mr. Daniel Crum stated that the current zoning could allow for 1 acre lots, but given the chosen Place Type, R-3 was a recommended zone. Additionally, Mr. Crum stated that Staff is against any conditions proposed by Mr. Simpson because they would be at odds with what the goals and objectives of the Comprehensive Plan call for in the proposed zone. Ms. Wade clarified that R-1A zoning prior to the 1994 does require one acre lots.

Mr. Michler asked if there was any discussion on connecting this development to other subdivisions in the area as is asked for in the Comprehensive Plan. Mr. Crum stated that there were environmental constraints to this site, as well as no opportunity that made sense to put in stub streets and provide greater connections. Mr. Michler asked if this was approved, would the Planning Commission be approving it with the original tree protection plan and original tree surveying. Mr. Crum indicated that the application is currently in the tree inventory stage and that the applicant would have to update their plan to reflect the current layout and trees.

Ms. Davis asked if there were any fines when an applicant takes down trees like happened here. Mr. Crum stated that actions like this would be handled with the Urban Forester and they would figure out a tree mitigation plan.

Ms. Davis asked why the applicant did not go with an R-2 zone and Mr. Crum stated that the R-2 zone has a maximum lot size and the project in its current configuration would exceed that.

Mr. Owens stated that it did not seem like Staff wanted the zoning restrictions proposed by the applicant and he asked if with the R-3 zone, someone could buy this property and build more dense housing. Mr. Crum indicated that was the case.

Mr. Penn asked if deed restrictions could prohibit building more dense housing projects. Ms. Tracy Jones, Department of Law, stated that we do not get involved with private agreements, but that Staff is not for these restrictions because it basically makes the R-3 zone into a R-1 zone and that is not a recommended zone with the Place Type they have chosen.

Action – A motion was made by Mr. Frank Penn and seconded by Ms. Barksdale and carried 10-1 (M. Davis opposed) to approve PLN-MAR-24-00017: ROSE HOLDINGS-LEXINGTON, LLC for reasons provided by Staff.

Action – A motion was made by Mr. Frank Penn and seconded by Ms. Barksdale and carried 9-2 (M. Davis and Michler opposed) to approve PLN-MJDP-24-00081: LANE ALLEN PARK, LOTS 2 & 3 with the six conditions recommended by Staff, deleting condition #6 and adding a condition to limit the number of single family units to 30 as a development plan note.