

Rec'd by _____

Date: _____

RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: **PLN-MAR-22-00008: DF LEXINGTON PROPERTIES II, LLC.** - a petition for a zone map amendment from a Neighborhood Business (B-1) zone to a Highway Service Business (B-3) zone, for 1.90 net (2.78 gross) acres, for property at 3440, 3450 and 3454 Richmond Road.

Having considered the above matter on **June 23, 2022**, at a Public Hearing, and having voted **9-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL** of this matter for the following reasons:

1. A restricted Highway Service Business (B-3) zone is in agreement with the 2018 Comprehensive Plan's Goals, Objectives, and Policies, for the following reasons:
 - a. The proposed project will increase the number of higher paying job opportunities than those traditionally associated with the current retail operations on site (Theme C, Goal #1.a), and will aid in the retention and expansion of a large employer in Lexington (Theme C, Goal #2.a).
 - b. The proposed project will increase access to electrified vehicles and the electrical vehicle charging stations that will assist Lexington in reducing emissions and its carbon footprint (Theme B, Goal #2).
 - c. The proposed development will provide greater connectivity throughout the area by adding new pedestrian access and improved options for all users (Theme A, Density Policy #1; Theme B, Sustainability Policy #1 and Restoration Policy #4; Theme D, Connectivity Policy #3; Theme D, Goal #1.b)
 - d. The proposed development will increase the tree canopy coverage to help off-set the impacts of the heat island effect caused by the proposed development and paved areas on-site (Restoration Pillar III, Protection Policy #7).
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site creates a safer development that supports pedestrian mobility to and from the proposed development.
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity through the inclusion of safe facilities for the potential users, through the incorporation of enhanced pedestrian facilities along the property's frontages and leading to the service road and along the southern portion of the properties.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will increase tree canopy coverage, include street trees, and establish green infrastructure that will help alleviate the impact on the surrounding development and the stormwater system.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning:

- a. The following uses shall be prohibited:
 - i. Adult entertainment establishments, adult bookstores, and adult video stores.
 - ii. Drive-through windows accessory to restaurants.
 - iii. Billboards.
 - iv. Outdoor loud speakers or music.

These restrictions are appropriate and necessary to reduce the potential impact of the allowable uses on the neighboring development, while also protecting Richmond Road, which is an identified gateway into Lexington.

- 4. This recommendation is made subject to approval and certification of PLN-MJDP-22-00028: Collins & Orrell Property (DF Lexington), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

ATTEST: This 29th day of July, 2022.



 Secretary, Jim Duncan

LARRY FORESTER
 CHAIR

Note:The corollary development plan, PLN-MJDP-22-00028: Collins & Orrell Property (DF Lexington), was approved by the Planning Commission on June 23, 2022 and certified on July 7, 2022.

K.R.S. 100.211(7) requires that the Council take action on this request by September 21, 2022.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Brandon Gross, attorney.**

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (9) Barksdale, Bell, Davis, de Movellan, Michler, Nicol, Penn, Pohl, and Worth

NAYS: (0)

ABSENT: (2) Forester, Meyer

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-22-00008** carried.

Enclosures: Application
 Justification
 Legal Description
 Plat
 Staff Report
 Applicable excerpts of minutes of above meeting

