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Lexington-Fayette Urban County Planning Commission
Lexington-Fayette Urban County Government
101 East Vine Street
Lexington, KY 40507

Zone Map Amendment Request for 763 Newtown Pike

Dear Members of the Planning Commission:

We represent 763 Newtown, LLC (“Newtown” or “Applicant”) and on its behalf have filed a zone change request for the property know as 763 Newtown Pike (the “Property”). The portion of the Property subject to the zone map amendment consists of 0.911 net (1.163 gross) acres. The Property itself is currently split-zoned between Highway Business (B-3) and Wholesale and Warehouse Business (B-4) zone. The Applicant’s request is to rezone the B-3 portion of the Property to Wholesale and Warehouse Business (B-4) zone to allow for the same type of flex space that occupies the B-4 portion of the site. This request will eliminate a split-zoned parcel and ensure that the same type of use occurs on the entirety of the parcel.

The Property is located on the western side of Newtown Pike across from Lexmark and the FedEx shipping facility, just south of the mobile home development on Earl Court. The proposed development consists of a single structure with 4 bays of flex space, each consisting of approximately 2,340 square feet. This size of bay is essentially the same as the existing bays in the rear flex space structure that is fully occupied. The surrounding area is overwhelmingly zoned either Industrial (I-1) or B-4, however the actual use makeup is varied. As referenced, the Property is adjacent to FedEx, Lexmark, and a mobile home development. Also, William Wells Brown Elementary is to the rear of the Property, with self-storage, gas supply facility, a gas station, and other industrial uses also in close proximity. The proposed development is consistent with existing flex space that already occurs on the Property and for which Lexington has seen a rise in demand in the past few years to allow for contractors, machinists, painters, or other type of local small businesses to thrive.

The B-4 zone map amendment application includes the following proposed conditional zoning restrictions: The following uses would be prohibited:

- a) Ice Plants.
- b) Tire re-treading and re-capping.
- c) Outdoor storage and display of equipment and inventory associated with establishments and lots for rental, repair or sale of automobiles, trucks, mobile homes, recreational vehicles, motorcycles or boats.
- d) Truck terminals and freight yards.

- e) Automobile service stations.
- f) Establishments for the display and sale of pre-cut, pre-fabricated, or shell homes.
- g) Circuses and carnivals.
- h) Pawn shops.
- i) Mining.
- j) Kennels and animal hospitals.
- k) The northernmost unit of Building B shall not have major or minor automobile and truck repair.
- l) Parking lots and structures as principal uses.

This request is in agreement with the Comprehensive Plan for the multitude of reasons outlined below. Primarily, the Zone Map Amendment Request offers a chance to develop existing vacant land inside the Urban Service Area for a use that focuses on small businesses and job creation along a major corridor in a manner that ensures it will assimilate into the surrounding structures. This is an ideal property for the proposed flex space as the use is in great demand in our market and already occurs on the Property today ensuring the location allows the use to thrive without altering the surrounding area. The development will not put undue strain on the surrounding infrastructure as it only represents a building square footage increase of the very use that is occurring today. We are not proposing to alter the existing access points on Newtown or change any of the existing landscape buffering that protects the Property's neighbors. This project upholds the Urban Service Area preservation strategy, is appropriate infill in an area that already has demonstrated the ability to host the very use requested, and, offers additional land to a use that truly generates jobs for our community as encouraged by our Comprehensive Plan. The site layout is designed to ensure that it is respectful of its neighbors with existing conditional zoning restrictions governing uses and landscape buffering.

In summary, this well-designed project upholds the Urban Service Area preservation strategy, is appropriate development of a vacant portion of a parcel, provides an in-demand jobs creating use, all while respecting its neighbors and protecting the environment with landscaping buffers and greenspace. As such, it is quite clear that the proposed zone change is in compliance with the 2018 Comprehensive Plan. As outlined above, the proposed project meets the following Goals and Objectives of the Comprehensive Plan:

Theme A - Growing Successful Neighborhoods

Goal 2: Support infill and redevelopment throughout the Urban Service Area as a strategic component of growth.

Objectives:

- a. Identify areas of opportunity for infill, redevelopment, adaptive reuse, and mixed-use development.
- b. Respect the context and design features of areas surrounding development projects and develop design standards and guidelines to ensure compatibility with existing urban form.
- c. Incorporate adequate greenspace and open space into all development projects, which serve the needs of the intended population.

Goal 3: Provide well-designed neighborhoods and communities.

Objectives:

- a. Enable existing and new neighborhoods to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expand options for mixed-use and mixed-type housing throughout Lexington-Fayette County
- 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.
- c. Minimize disruption of natural features when building new communities.
- d. Promote, maintain, and expand the urban forest throughout Lexington.

Theme C - Creating Jobs and Prosperity

Goal 1: Support and showcase local assets to further the creation of a variety of jobs.

Objectives:

- a. Strengthen efforts to develop a variety of job opportunities that lead to prosperity for all.

Goal 2: Attract the world's finest jobs, encourage an entrepreneurial spirit, and enhance our ability to recruit and retain a talented, creative workforce by establishing opportunities that embrace diversity with inclusion in our community.

Objectives:

- a. Prioritize the success and growth of strategically-targeted employment sectors (healthcare, education, high-tech, advanced manufacturing, agribusiness, agritourism, and the like), and enable infill and redevelopment that creates jobs where people live.
- b. Improve opportunities for small business development and workers who rely on personal technology.

Theme E - Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land

Goal 1: Uphold the Urban Service Area concept.

Objectives:

- b. Ensure all types of development are environmentally, economically, and socially sustainable to accommodate the future growth needs of all residents while safeguarding rural land.
- c. Emphasize redevelopment of underutilized corridors.
- d. Maximize development on vacant land within the Urban Service Area and promote redevelopment of underutilized land in a manner that enhances existing urban form and/or historic features.

Goal 3: Maintain the current boundaries of the Urban Service Area and Rural Activity Centers; and create no new Rural Activity Centers. To ensure Lexington is responsive to its future land use needs, this Goal shall be superseded and no longer in effect upon completion of Theme E, Goal 4, Objective D.

Placebuilder

The Property is located off Newtown Pike and in an industrial area. While it is located on an arterial, given the proposed use and surrounding zones, we believe the natural Place Type is Industry & Production Center and the Development Type is Industrial & Production Non-Residential. We submit that this classification is appropriate due to the location of the Property outside the downtown core and the surrounding 2nd tier urban neighborhoods, and the proposed use is adding a flex space structure to an existing flex space site surrounded by industrial zoned property. While the B-4 zone is not a suggesting zoning category in the Comprehensive Plan, the existing B-3 zone is not a suggested zoning category either. The Wholesale and Warehousing B-4 zone is a natural fit in the Industry & Production Center PlaceType as it allows for economic development, job creation, and the uses tend to be “located on major corridors to facilitate efficient and affordable shipping and transportation of goods throughout the region while minimizing the impact on the traffic infrastructure through the rest of the community” as Placebuilder describes this PlaceType. The proposed development certainly fits this description and meets all of the Site Priorities listed, except that we are not proposing intense industrial uses. Instead, we are simply adding more square footage to the exact type of use that is occurring today in a manner that allows it to be naturally assimilated into the site and surrounding area.

Also submitted with the Zone Map Amendment Request is the color-coded reflection of how the proposed project addresses the design criteria for the selected Development Types. Items highlighted in green are represented graphically on the submitted preliminary development plan; items in yellow are addressed in this letter, and items highlighted in red are not applicable to this development.

Standards That Are Applicable to Our Proposal

SITE DESIGN, BUILDING FORM, & LOCATION

- B-SU11-1 Green infrastructure should be implemented in new development. (E-GR3)
This is being done already on the site with the existing detention basin.
- C-DI1-1 Consider flexible zoning options that will allow for a wide range of jobs. The purpose of this zone change is to allow for a structure to increase the wide range of jobs available on the site.
- C-PS8-1 Opportunities for industry and special trade employment should be increased. The purpose of this zone change is to allow for industry and special trade employment.
- C-PS10-3 Over-parking of new developments should be avoided. (B-SU5) This development is not overparked.
- D-PL7-1 Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application. A neighborhood zoom meeting has been scheduled.

TRANSPORTATION & PEDESTRIAN CONNECTIVITY

- D-CO2-1 Safe facilities for all users and modes of transportation should be provided. The Property has adequate multi-modal infrastructure that exists today.
- D-CO2-2 Development should create and/or expand a safe, connected multimodal

transportation network that satisfies all users' needs, including those with disabilities. The Property has adequate multi-modal infrastructure that exists today that satisfies all users' needs.

GREENSPACE & ENVIRONMENTAL HEALTH

- A-DS4-3 Development should work with the existing landscape to the greatest extent possible, preserving key natural features. The proposed development does not involve substantial earthwork as the site is ready to be developed.
- B-PR2-2 Dividing floodplains into privately owned parcels with flood insurance should be avoided. This is being done.
- B-PR7-2 Trees should be incorporated into development plans, prioritize grouping of trees to increase survivability. We have existing conditional zoning restrictions protecting the tree lines.
- B-PR7-3 Developments should improve the tree canopy. We are improving tree canopy.
- B-RE1-1 Developments should incorporate street trees to create a walkable streetscape. There are street trees on Newtown.

Standards Not Applicable

SITE DESIGN, BUILDING FORM, & LOCATION

- B-PR9-1 Minimize disturbances to environmentally sensitive areas by utilizing the existing topography to the greatest extent possible. There are no environmentally sensitive areas on the Property.
- C-DI5-1 In Opportunity Zones with a clearly defined local context, consider adaptive reuse to enhance the existing context. This is not located in an Opportunity Zone with a defined local context.
- C-PS3-1 Development potential in the Rural Activity Centers should be maximized. (E-ST5) This is not located in a RAC.
- C-PS10-2 Developments should explore options for shared and flexible parking arrangements for currently underutilized parking lots. There is no need for parking arrangements for this site or adjacent properties.
- D-PL9-1 Historically significant structures should be preserved. There are no existing structures.
- D-SP3-1 Adequate right-of-way, lease areas and easements for infrastructure, with emphasis on wireless communication networks should be provided to create reliable service throughout Lexington. This is not applicable.
- D-SP3-2 Cellular tower antennae should be located to minimize intrusion and negative aesthetic impacts, and stealth towers and landscaping should be used to improve the visual impact from the roadway and residential areas. This is not applicable.
- E-GR4-1 Developments should incorporate reuse of viable existing structures. There are

no existing structures.

- E-GR5-1 Structures with demonstrated historic significance should be preserved or adapted. There are no existing structures.

TRANSPORTATION & PEDESTRIAN CONNECTIVITY

- C-PS10-1 Flexible parking and shared parking arrangements should be utilized. There is no need for parking arrangements for this site or adjacent properties.
- D-CO1-1 Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type. The development is not proposing any alterations to Newtown Pike
- D-CO4-1 Dead-end streets and Cul-de-sacs should be discouraged except where connections are not topographically or environmentally feasible. The development does not involve any new streets.
- D-CO4-2 Roadway capacity should be increased by providing multiple parallel streets, which alleviate traffic and provide multiple route options, in lieu of additional lanes. This is a small commercial tract of land without the need for multiple streets.
- D-CO4-3 Street pattern and design should consider site topography and minimize grading where possible. The development does not involve any new streets.
- D-CO5-1 Streets should be designed with shorter block lengths, narrower widths, and traffic calming features. The development does not involve any new streets.
- E-ST3-1 Development along major corridors should provide for ride sharing pick up and drop off locations along with considerations for any needed or proposed park and ride functions of the area. (E-GR10, E-GR7). This is a small commercial tract of land without the need for ride sharing options. There is sufficient room on site for any type of pick-up or drop-off.

GREENSPACE & ENVIRONMENTAL HEALTH

- A-EQ7-3 Community open spaces should be easily accessible and clearly delineated from private open spaces. There is no private or community open space as this is a small commercial tract.
- B-PR2-1 Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site. There are no environmentally sensitive areas on the Property.
- B-PR2-3 Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them. There is no floodplain on the Property
- B-PR7-1 Connections to greenways, tree stands, and stream corridors should be provided. There is no adjacent greenway, tree stand, or stream corridor adjacent to the Property.
- B-RE2-1 Green infrastructure should be used to connect the greenspace network. There isn't an adjacent greenspace network.

- E-ST5-1 Increased intensity in the Rural Activity Centers should not negatively impact surrounding rural areas. This is not in a RAC.
- E-GR3-1 Physical and visual connections should be provided to existing greenway networks. There isn't an adjacent greenspace network.
- E-GR3-2 New focal points should emphasize geographic features unique to the site. There isn't a proposed focal point.

It is also the Applicant's position that a split-zoned parcel that is B-3/B-4 is inappropriate and consolidating the entirety of the parcel to the occupied B-4 zone is appropriate. The site has clearly demonstrated that the B-4 zone is successful in this location and not a detriment to the surrounding properties. As Lexington maintains a policy that it will not approve any new split-zoned properties, the existing split-zoning is inappropriate for the site. Authorizing the entire site to be able to function as a single use with multiple structures is an appropriate remedy for the split-zoned status of the Property and the success B-4 zone is more appropriate to utilize considering the surrounding industrial zoning and users than the B-3 portion of the Property that has historically remaining frequently vacant.

We will be at the May public hearing in order to make a complete presentation of this application and request your favorable consideration.

Sincerely,

Stoll Keenon Ogden PLLC



Nick Nicholson

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