

Rec'd by _____
Date: _____

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

IN RE: PLN-MAR-23-00002: DUTCH BROS, LLC - a petition for a zone map amendment from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone, for 0.57 net (0.90 gross) acres, for property located at 1008 South Broadway. (Council District 10)

Having considered the above matter on **March 23, 2023**, at a Public Hearing, and having voted **7-1** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **DISAPPROVAL** of this matter for the following reasons.

1. The requested rezoning to the Neighborhood Business (B-1) zone is not in agreement with the 2018 Comprehensive Plan for the following reasons:
 - a. The requested rezoning is not in agreement with the Goals, Objectives, and Policies of the 2018 Comprehensive Plan.
 1. The proposed development does not seek to construct at a density or intensity that might be reflective of a major corridor in Lexington, and is out of context with the surrounding area (Theme A, Goal #2.b). The applicant's proposal is 52.5 times less dense than the adjacent development, and is 8.75 times less dense than the minimum requirements of the nearby B-6P zone.
 2. The proposed development does not provide a pedestrian first design and development (Theme D, Goal #1.a) and reduces the effectiveness of the overall transportation system by introducing additional vehicular conflicts along Virginia Avenue (Theme D, Goal #1).
 3. The low density and single-user vehicle focus detract from the effectiveness of mass transit in this area (Theme D, Goal #1.c).
 4. The application encourages the use of single-occupancy vehicles and will increase greenhouse gas emissions at this location (Theme B, Goal #2.d).
 - b. The proposed development does not meet the intent of the Medium Density Non-Residential / Mixed Use Development Type as established on page 272 of the Comprehensive Plan.
 - c. The requested rezoning is not in agreement with the Development Criteria of the 2018 Comprehensive Plan. The following Development Criteria are not being met with the proposed rezoning.
 1. A-DS4-2: New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.
 2. E-GR-9-4: Development should intensify underutilized properties and develop vacant and underutilized gaps within neighborhoods.
 3. A-DS7-3: Development should create context-sensitive transitions between intense corridor development and existing neighborhoods
 4. C-L17-1 Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.
 5. C-LI6-1: Developments should incorporate multi-family housing and walkable commercial uses into development along arterials/corridors.
 6. A-EQ3-2 Development on corridors should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities).

7. D-CO2-1: Safe facilities for all users and modes of transportation should be provided.
 8. D-CO2-2: Development should create and/or expand a safe, connected multi-modal transportation network that satisfies all users' needs, including those with disabilities.
 9. B-RE1-1: Developments should incorporate street trees to create a walkable streetscape.
2. There have been no major unanticipated changes of an economic, social or physical nature in the area of the subject property since the adoption of the 2018 Comprehensive Plan.
 3. The applicant has not provided sufficient evidence as to why the current zoning is inappropriate, addressing the historical establishment of the zone, and why the proposed zoning is appropriate for this location. The Professional Office (P-1) zone is still appropriate due to the complex intersection of South Broadway and Virginia Avenue / Red Mile Road and the need to limit high turnover traffic entering and exiting the site.

ATTEST: This 5th day of April, 2023.



 Secretary, Jim Duncan

LARRY FORESTER
 CHAIR

K.R.S. 100.211(7) requires that the Council take action on this request by June 21, 2023.

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

OBJECTORS

- Amy Clark, 628 Kastle Road

OBJECTIONS

- Concerned about the hazard this presents to pedestrians in this near campus location.

VOTES WERE AS FOLLOWS:

AYES:	(7)	Barksdale, Bell, Forester, Michler, Meyer, Pohl, and Worth
NAYS:	(1)	Nicol
ABSENT:	(3)	Davis, de Movellan, and Penn
ABSTAINED:	(0)	
DISQUALIFIED:	(0)	

Motion for **DISAPPROVAL** of **PLN-MAR-23-00002** carried.

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