

**R O S E**  
**G R A S C H**  
**C A M E N I S C H**  
**M A I N S**

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September 7, 2022

Mr. Larry Forester  
Chairperson, Lexington Fayette Urban County Planning Commission  
c/o Hal Baillie, Planning Staff  
101 East Vine Street, 7<sup>th</sup> Floor  
Lexington, Kentucky 40507

Re: *Zone Map Amendment Justification for the rezoning of 507 South Limestone*

Dear Chairperson Forester,

I represent Dutch Bros, LLC in this zone map amendment application for property located at 507 South Limestone. The subject property is currently split zoned, B-1 (Neighborhood Business) and R-3 (Planned Neighborhood Residential) with the B-1 portion occupying slightly more than ½ of the area of the property which consists of .41 of an acre. This property had been used as an Arby's restaurant with a drive thru since 1997. However, Arby's closed several years ago and the building has set vacant since. The proposed use of this property will be a coffee shop with a drive thru. The requested zone change is to eliminate the split zoning and to make the entire subject property zoned B-1. The subject property is bordered to the north by property zoned B-4 (Wholesale and Warehouse Business) and owned by the University of Kentucky and the Lexington Fayette Urban County Government which uses its property for Fire Station No. 6. The property to the east of the subject property and across South Limestone is zoned R-4 (High Density Apartment) but has been used by the University of Kentucky as part of its main campus for decades. The property to the south of the subject property is also zoned B-1 and R-3. The property located to the west of the subject property is zoned R-1E (Single Family Residential). The subject property is located at the corner of Colfax Street and South Limestone Street. The subject property currently has one point of ingress and egress to South Limestone and two points of ingress and egress off Colfax. The accompanying preliminary development plan proposes to close the access point to South Limestone but continues with the two access points to Colfax with some slight modifications. This will provide a much safer traffic management plan for the use of the subject property and the existing traffic on South Limestone.

The proposed zone map amendment request is in compliance with the following Themes, Goals and Objectives of the 2018 Comprehensive Plan:

THEME A  
GROWING SUCCESSFULL NEIGHBORHOODS

Goal 2. Support Infill and redevelopment throughout the Urban Services Area as a strategic component of growth.

Goal 3. Provide well-designed neighborhoods and communities.

As to this theme and goals, the Comprehensive Plan states, “Successful neighborhoods are the building blocks of a desirable community. Lexington’s neighborhoods, and more importantly the neighbors themselves, make up the foundation of the city. Creating diversity within these neighborhoods is key to their long-term sustainability and success. Diversity within housing types, housing affordability, land uses, transportation options, and recreational opportunities is crucial, as is creating welcoming spaces for people of all races, ethnicities, and age groups.” Maintaining the general land use of the subject property which has existed for many years provides the existing neighborhood with a continuation of a similar use which will ensure that the character of the nearby neighborhood will not change. The proposed coffee shop located in close proximity to predominantly student-oriented housing and employees of the University of Kentucky will continue to provide these citizens with a viable neighborhood business use that is also accessible to significant pedestrian traffic. Additionally, by closing the property’s access to South Limestone, this application complies with Design Policy #1 which is to Utilize a People-First Design. This ensures that roadways are moving people efficiently and providing pedestrian infrastructure that places pedestrians, bicycle riders and mass transit users on the same level as automobiles. The subject property is located along one of Lexington’s major corridors which has mass transit. The preliminary development plan provides safe pedestrian and bicycle access to the proposed coffee shop.

The Comprehensive Plan recognizes that, “In many neighborhoods developed decades ago, the commercial areas designated to serve as neighborhood focal points have become poorly utilized or have slowly deteriorated and need additional investment.” The proposed coffee shop will replace a vacant Arby’s restaurant that has not be in use for several years. Vacant and unused commercial buildings generally have an adverse impact on the surrounding neighborhood. They become attractive nuisances for loitering and vandalism. The proposed coffee shop will eliminate this adverse impact on the existing neighborhood and improve the sustainability of the neighborhood’s mixed use character along South Limestone.

THEME C  
CREATING JOBS AND PROSPERITY

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

By revitalizing the subject property with a neighborhood business use, new jobs will be created for students who live near the site as well as others seeking employment near the University of Kentucky campus. The subject property is currently being under-utilized and has no employees.

THEME D  
IMPROVING A DESIRABLE COMMUNITY

Goal 1. Work to achieve an effective and comprehensive transportation system.

Goal 2. Support a model of development that focuses on people-first to provide accessible community facilities and services to meet the health, safety and quality of life needs of Lexington-Fayette County's residents and visitors.

The proposed coffee shop will accommodate both motor vehicles and pedestrians which has been the case for years. As mentioned, closing the motor vehicle access to South Limestone will enhance traffic safety. The previous pedestrian connections will be maintained and enhanced via the proposed preliminary development plan.

THEME F  
IMPLEMENTING THE PLAN FOR LEXINGTON-FAYETTE COUNTY  
AND THE BLUEGRASS

Goal 1. Engage and educate the residents of Lexington-Fayette County in the planning process

Goal 2 Implement the 2018 Comprehensive Plan

At least one neighborhood meeting will be held before the Technical Review Committee meeting. Additionally, information about the proposed coffee shop will be sent to all property owners and renters within 500 feet of the subject property. Although not required, written notice is also being mailed to homes believed to be occupied by renters as it is believed there are numerous students and University of Kentucky employees who live within the notification area but who do not own property within this area. We want to make sure they are also aware and knowledgeable of the proposed land use change. The culmination of this application will be to further the implementation of the Comprehensive Plan by having a zone map amendment that is in compliance with the plan and its Placebuilder elements.

COMPLIANCE WITH PLACEBUILDER CRITERIA:  
CORRIDOR/MEDIUM DENSITY NON RESIDENTIAL MIXED USE

This application is consistent with the development criteria set out in Placebuilder's Corridor/Medium Density Non Residential Mixed Use. This is because the subject property is oriented towards South Limestone, one of Lexington's busiest corridors. Although, the Comprehensive Plan calls for increasing density for properties along these corridors, the lot size of the subject property, at .41 of an acre severely limits the ability to intensify the historical commercial use while also being compatible with the existing neighborhood. This zone change will, of course, increase intensity of the existing use which is nonexistent. Also, eliminating the existing access point to South Limestone will enhance the viability and improve the safety of the mass transit bus line which serves this busy corridor in general and the subject property in particular. This is one of the goals of the Corridor place type. Likewise, another goal of the Corridor place type is to redevelop underutilized property. The most suitable development type

for the subject property is medium density nonresidential mixed use. The proposed coffee shop use will provide a continuation of a nonresidential use which has complimented the existing residential neighborhood for years and will eliminate the attractive nuisances associated with a vacant building being located next to the neighborhood. Similarly the proposed B-1 rezoning is one of the recommended zoning classifications for a Corridor/Non-residential rezoning.

The Development Criteria for Medium Density Non Residential Mixed Use are addressed in this application as follows:

A-DS3-1 There will not be any residential uses on the subject property but the subject property is directly adjacent to an existing residential neighborhood. This proposed zoning will reactivate a commercial use which has complimented this neighborhood for years.

A-DS4-2 The proposed coffee shop building will be designed so that it is context sensitive to the surrounding neighborhood.

A-DS5-3 The proposed building will be oriented towards South Limestone Street just like the Arby's restaurant has been with ample pedestrian connections to accommodate the residents who live in the area and the students attending the University of Kentucky.

A-DS5-4 This development as reflected on the preliminary development plan provides a concerted focus on pedestrian accessibility at the ground level from South Limestone.

A-DS7-1 The focus of the proposed coffee shop is to pedestrians and persons in motor vehicles. The parking spaces which are provided will be appropriately landscaped and screened from the streetscape view and adjacent properties as provided for in the zoning ordinance.

A-DS7-2 See above.

A-DS7-3 There are no parking structures

A-DS8-1 There are no residential units.

A-DS10-1 This does not apply. There are no residential units proposed.

A-DS11-1 This criterion does not apply as no parks or schools or public uses are being proposed.

A-DN2-1 This criterion does not apply.

A-DN2-2 The proposed development will be designed in a context sensitive form and proposed elevations will be tendered to the Planning staff prior to the Technical Review Committee meeting.

A-DN3-1 There are existing sidewalks from the neighborhood which will be safely connected to the proposed development as set out on the preliminary development plan.

A-DN3-2 This criterion does not apply as there are no residential units other than the existing neighborhood. The proposed coffee shop will be designed in such a style that is context sensitive.

A-EQ7-1 This criterion does not apply as no school sites are proposed.

B-PR9-1 This criterion does not apply. There are no environmentally sensitive areas on the subject property.

B-SU11-1 Green infrastructure will be considered but at this time no commitment can be made.

C-DI1-1 Due to the limited size of the property and its historical use, the B-1 zone provides the best employment options. Currently, there is no employment on the site.

C-DI5-1 This criterion does not apply.

C-LI2-2 This criterion does not apply.

C-LI2-3 This criterion does not apply except that the design of the coffee shop will enhance the property and be context sensitive.

C-LI2-4 This criterion does not apply. The only signs will be those permitted by the zoning ordinance.

C-LI6-1 This criterion does not apply except that this coffee shop will provide walkable access to a neighborhood asset.

C-LI7-1 This application will continue to provide a mixed use neighborhood that has been stalled for several years. Safe pedestrian access will be provided as depicted on the preliminary development plan.

C-PS9-2 This criterion does not apply. There are no offices proposed.

C-PS10-2 This criterion does not apply as there are no opportunities for shared parking and there will be no excessive parking.

- C-PS10-3 There will be over-parking.
- D-PL7-1 Stakeholders will be consulted, including renters before the Technical Review Committee
- D-PL9-1 There are no historic structures on the property.
- D-PL-10-1 There are no planned public art easements, but this the applicant is open to suggestions.
- D-SP3-1 There is adequate right of way, lease areas and easements to address wireless communication needs of the public and the employees.
- D-SP3-2 There will be no cellular towers on the property.
- D-SP9-1 This criterion does not apply as housing units are not proposed for the subject property. We will be integrating into the existing residential neighborhood.
- E-GR5-1 There are no historic structures on the property.
- E-GR9-1 This criterion does not apply as no residential units are proposed but there will be a live/work option created for the existing neighborhood.
- E-GR0-4 This application will intensify the use of the underutilized site significantly.
- E-GR10-2 The proposed coffee shop will provide walkable service to the nearby neighbors and students attending the University of Kentucky
- E-GR10-3 This criterion does not apply as there is no shared common space.
- A-DS1-1 There are no plans for a shelter at this time. There are multiple other nearby businesses which could join together to fund such a structure and the applicant would be pleased to equitably participate.
- A-DS1-2 Direct pedestrian connection to mass transit will be provided.
- A-DS4-1 Nicholasville Road is planned for multimodal improvements in the future which will be adjacent to the subject property.
- A-DS5-2 There will be compliance with the zoning requirements for street scape in this area.
- A-DS10-2 This criteria does not apply since it is only a .41 of acre site.
- A-DS13-1 This criterion does not apply. There are no stub streets.

A-EQ3-2 The proposed use is consistent with its historical use as a small commercial site along the corridor and will be internally walkable. Mass transit is available now.

A-EQ7-2 Multimodal transit is scheduled to be provided along the corridor in the future.

B-SU4-1 This criterion does not apply to this .41 of an acre site.

C-PS10-1 This criterion does not apply to this small site.

D-CO1-1 This criterion does not apply.

D-CO2-1 There will safe pedestrian and motor vehicle access per the preliminary development plan.

D-CO4-2 This criterion does not apply to this small site.

D-CO5-1 This criterion does not apply to this small site.

D-SP1-3 This criterion does not apply to this small site. Mass transit is currently available.

E-ST3-1 This criterion does not apply to this small site.

A-DS4-3 The proposed development will try and keep as much as the existing landscape as practical and then enhance it with additional landscape features.

A-EQ7-3 This criterion does not apply to this small site.

B-PR2-1 There are no environmentally sensitive areas on the property or nearby that this development will impact.

B-PR2-2 There are no floodplains on the property.

B-PR2-3 See above

B-PR7-1 There are no greenways, tree stands, stream corridors near the subject property.

B-PR7-2 Trees will be incorporated into the development as provided by the zoning ordinance.

B-PR7-3 The tree canopy will be in compliance with the zoning ordinance.

B-RE1-1 Street trees will be provided per the zoning ordinance.

B-RE2-1 This criterion does not apply to this property.

D-SP2-1 This criterion does not apply to this property.

D-SP2-2 This criterion does not apply to this property.

E-GR3-1 This criterion does not apply to this property.

E-GR3-2 This criterion does not apply to this small property.

In light of the justification set forth above, I respectfully request the Planning Commission to recommend approval of this rezoning application. I look forward to presenting the full application to you at the appropriate time.

Thank you,

A handwritten signature in blue ink that reads "T. Bruce Simpson". The signature is written in a cursive, flowing style.

T. Bruce Simpson, Jr.

TBS/skh