

ORDINANCE NO. 028 - 2022

AN ORDINANCE CHANGING THE ZONE FROM AN AGRICULTURAL URBAN (A-U) ZONE TO A PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE, FOR 3.88 NET AND GROSS ACRES, AND FROM AN AGRICULTURAL URBAN (A-U) ZONE TO A HIGHWAY SERVICE BUSINESS (B-3) ZONE, FOR 7.88 NET (9.245 GROSS) ACRES, FOR PROPERTY LOCATED AT 4085 HARRODSBURG ROAD (HARRODSBURG ROAD, LLC; COUNCIL DISTRICT 9).

---

WHEREAS, at a Public Hearing held on January 27, 2022, a petition for a zoning ordinance map amendment for property located at 4085 Harrodsburg Road from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 3.88 net and gross acres, and from an Agricultural Urban (A-U) zone to a Highway Service Business (B-3) zone, for 7.88 net (9.245 gross) acres was presented to the Urban County Planning Commission; said Commission recommending disapproval of the zone change by a vote of 8-0; and

WHEREAS, this Council disagrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for property located at 4085 Harrodsburg Road from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 3.88 net and gross acres, and from an Agricultural Urban (A-U) zone to a Highway Service Business (B-3) zone, for 7.88 net (9.245 gross) acres, being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 – That under the provisions of Article 6-7 of the Zoning Ordinance, the granting of this zone change is made subject to the following use and buffering conditional zoning restrictions:

1. The R-3 portion of the zone change shall be limited to not more than 7 single family homes and not more than 14 townhome units.
2. There shall be vehicular connectivity between the B-3 portion of the zone change and the Palomar Hills Neighborhood, the specific layout of which shall be determined by the Planning Commission on a development plan.
3. Screening and buffering provision shall be as described and depicted on the

preliminary development plan.

4. Existing trees bordering the subject property shall be preserved except for deceased or dying trees and those trees which and adjoining property owner agrees to be removed.

5. The following uses shall be prohibited:

- a. Pawnshops
- b. Adult Arcades
- c. Massage parlors
- d. Adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments and sexual entertainment centers
- e. Athletic club facilities greater than 6,000 square feet
- f. Mining of nonmetallic minerals
- g. Nightclubs
- h. Tattoo parlors
- i. Carnivals, special events, festivals and concerts
- j. Self-service laundry
- k. Billiard or pool halls; dancing halls, skating rinks; miniature golf or putting courses and bowling alleys
- l. Establishments and lots for the display and rental, sale, service, repair, minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes or supplies for such items, except that there may be permitted an electric car dealership

These restrictions are appropriate and necessary to ensure the adjoining single family neighborhood is not adversely impacted by the most intense highway services businesses.

Section 3 - That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

Section 4 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: April 12, 2022



\_\_\_\_\_  
MAYOR

ATTEST:



\_\_\_\_\_  
CLERK OF URBAN COUNTY COUNCIL

Published: April 19, 2022-1t

207-22:TWJ:X:\Cases\PLANNING\22-LE0003\LEG\00751228.DOCX

## MOTION FOR FINDINGS OF FACT TO SUPPORT APPROVAL OF ZONE CHANGE

I move to adopt the following Findings of Fact in support of Approval of zone change request PLN-MAR-21-00016, Harrodsburg Road, LLC located at 4085 Harrodsburg Road. The requested zone change to the Highway Services Business (B-3) zone and the Planned neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan, for the following reasons:

1. The requested zone change would allow for infill of a vacant property or underutilized site by adding residential and commercial land uses, which will also include pocket parks for use by future residential properties. This supports Theme A, Goal #2, Objective a, to identify areas for infill, and Objective c, to incorporate adequate greenspace and open space into the development for the intended population.
2. The requested zone change will create connectivity between residential and commercial developments both by pedestrian and vehicular access that connect to a major corridor. This supports Theme A, Goal #3, Objective b, to strive for positive and safe social interaction, including connections for pedestrians and various modes of transportation; and Theme A, Goal #4, Objective c, to establish and promote road network connections in order to reduce police, fire and EMS response time. Connections between adjacent land uses are also supported by Theme D, Goal #1 to work to achieve an effective and comprehensive transportation system.
3. The requested zone change creates additional single family homes, townhomes and commercial businesses on a property that previously only contained one home, connects the neighborhood to the new commercial development, and will provide goods and services both to the nearby residential neighborhoods and for commuters along the Harrodsburg Road corridor. This supports Theme E, Goal #1 Objective c, to emphasize redevelopment of under-utilized corridors and Objective d, to maximize development of vacant land within the Urban Service Area.

4. The proposed development is context sensitive to the adjoining properties because it creates a transition in the intensity of land use, with the most intense commercial uses along the Harrodsburg Road corridor and the lower density single family dwelling units adjacent to the existing single family homes in the Palomar Hills neighborhood, which supports Density Policy #2 (A-DN2). The proposed commercial area will continue the existing neighborhood-serving commercial development along Harrodsburg Road, which supports Design Policy #12 (A-DS12).

(After vote of findings of fact, conditional zoning restrictions motion and vote)

I move to place the following use and buffering conditional zoning restrictions on the property, pursuant to Article 6-7 of the Zoning Ordinance:

1. The R-3 portion of the zone change shall be limited to not more than 7 single family homes and not more than 14 townhome units.
2. There shall be vehicular connectivity between the B-3 portion of the zone change and the Palomar Hills Neighborhood, the specific layout of which shall be determined by the Planning Commission on a development plan.
3. Screening and buffering provision shall be as described and depicted on the preliminary development plan.
4. Existing trees bordering the subject property shall be preserved except for deceased or dying trees and those trees which and adjoining property owner agrees to be removed.
5. The following uses shall be prohibited:
  - a. Pawnshops
  - b. Adult Arcades

- c. Massage parlors
- d. Adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments and sexual entertainment centers
- e. Athletic club facilities greater than 6,000 square feet
- f. Mining of nonmetallic minerals
- g. Nightclubs
- h. Tattoo parlors
- i. Carnivals, special events, festivals and concerts
- ~~j. Commercial farm markets and market gardens~~
- j. Self-service laundry
- k. Billiard or pool halls; dancing halls, skating rinks; miniature golf or putting courses and bowling alleys
- l. Establishments and lots for the display and rental, sale, service, repair, minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes or supplies for such items, except that there may be permitted an electric car dealership
- ~~n. Gasoline pumps available to the public with or without an attendant on site~~

These restrictions are appropriate and necessary to ensure the adjoining single family neighborhood is not adversely impacted by the most intense highway services businesses.

After the conditions are attached then the original ordinance would need to be voted on and a yes vote on the ordinance would be for approval.

## MOTION FOR FINDINGS OF FACT TO SUPPORT APPROVAL OF ZONE CHANGE

I move to adopt the following Findings of Fact in support of Approval of zone change request PLN-MAR-21-00016, Harrodsburg Road, LLC located at 4085 Harrodsburg Road. The requested zone change to the Highway Services Business (B-3) zone and the Planned neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan, for the following reasons:

1. The requested zone change would allow for infill of a vacant property or underutilized site by adding residential and commercial land uses, which will also include pocket parks for use by future residential properties. This supports Theme A, Goal #2, Objective a, to identify areas for infill, and Objective c, to incorporate adequate greenspace and open space into the development for the intended population.
2. The requested zone change will create connectivity between residential and commercial developments both by pedestrian and vehicular access that connect to a major corridor. This supports Theme A, Goal #3, Objective b, to strive for positive and safe social interaction, including connections for pedestrians and various modes of transportation; and Theme A, Goal #4, Objective c, to establish and promote road network connections in order to reduce police, fire and EMS response time. Connections between adjacent land uses are also supported by Theme D, Goal #1 to work to achieve an effective and comprehensive transportation system.
3. The requested zone change creates additional single family homes, townhomes and commercial businesses on a property that previously only contained one home, connects the neighborhood to the new commercial development, and will provide goods and services both to the nearby residential neighborhoods and for commuters along the Harrodsburg Road corridor. This supports Theme E, Goal #1 Objective c, to emphasize redevelopment of under-utilized corridors and Objective d, to maximize development of vacant land within the Urban Service Area.

4. The proposed development is context sensitive to the adjoining properties because it creates a transition in the intensity of land use, with the most intense commercial uses along the Harrodsburg Road corridor and the lower density single family dwelling units adjacent to the existing single family homes in the Palomar Hills neighborhood, which supports Density Policy #2 (A-DN2). The proposed commercial area will continue the existing neighborhood-serving commercial development along Harrodsburg Road, which supports Design Policy #12 (A-DS12).

(After vote of findings of fact, conditional zoning restrictions motion and vote)

I move to place the following use and buffering conditional zoning restrictions on the property, pursuant to Article 6-7 of the Zoning Ordinance:

1. The R-3 portion of the zone change shall be limited to not more than 7 single family homes and not more than 14 townhome units.
2. There shall be vehicular connectivity between the B-3 portion of the zone change and the Palomar Hills Neighborhood, the specific layout of which shall be determined by the Planning Commission on a development plan.
3. Screening and buffering provision shall be as described and depicted on the preliminary development plan.
4. Existing trees bordering the subject property shall be preserved except for deceased or dying trees and those trees which and adjoining property owner agrees to be removed.
5. The following uses shall be prohibited:
  - a. Pawnshops
  - b. Adult Arcades

- c. Massage parlors
- d. Adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments and sexual entertainment centers
- e. Athletic club facilities greater than 6,000 square feet
- f. Mining of nonmetallic minerals
- g. Nightclubs
- h. Tattoo parlors
- i. Carnivals, special events, festivals and concerts
- ~~j. Commercial farm markets and market gardens~~
- j. k. Self-service laundry
- k. l. Billiard or pool halls; dancing halls, skating rinks; miniature golf or putting courses and bowling alleys
- l. m. Establishments and lots for the display and rental, sale, service, repair, minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes or supplies for such items, except that there may be permitted an electric car dealership
- ~~n. Gasoline pumps available to the public with or without an attendant on site~~

These restrictions are appropriate and necessary to ensure the adjoining single family neighborhood is not adversely impacted by the most intense highway services businesses.

After the conditions are attached then the original ordinance would need to be voted on and a yes vote on the ordinance would be for approval.



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


IN RE: **PLN-MAR-21-00016: HARRODSBURG ROAD, LLC** - a petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 3.88 net and gross acres; and from an Agricultural Urban (A-U) zone to a Highway Service Business (B-3) zone, for 7.88 net (9.245 gross) acres, for property at 4085 Harrodsburg Road. (Council District 9)

Having considered the above matter on **January 27, 2022**, at a Public Hearing, and having voted **8-0** 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 Highway Service Business (B-3) zone and the Planned Neighborhood Residential (R-3) are not in agreement with the 2018 Comprehensive Plan for the following reasons:
  - a. The requested zones are not recommended zones within the proposed Place-Type of the Comprehensive Plan and the applicant has not provided sufficient information as to how the zones fit the proposed Place-Type or Development Type.
  - b. The requested rezoning is not in agreement with the Goals, Objectives, and Policies of the 2018 Comprehensive Plan.
    1. The proposed development is not an integrated mixed-use development, it does not adaptively reuse the existing structure, nor does the proposed development seek to construct at a density or intensity that might be reflective of a major corridor in Lexington (Theme A, Goal #2, Theme A, Goal #2.a).
    2. The proposed development does not indicate the context and design features that they are seeking to promote; commercial opportunities actually represent a decrease in intensity and density of use compared to the neighboring commercial development (Theme A, Goal #2.b).
    3. The application does not indicate what forms of jobs might be created that will support and showcase local assets to create a variety of jobs (Theme C, Goal #1).
    4. The proposed development does not incorporate safe and integrated pedestrian facilities into the proposed development; nor is the proposed development pedestrian-oriented (Theme D, Goal #1.a).
    5. The proposed rezoning and associated development does not improve traffic operation strategies (Theme D, Goal 1.d).
  - c. The proposed development does not meet the intent of the Medium Density Non-Residential / Mixed Use Development Type as established on page 271 of the Comprehensive Plan.
  - d. 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. A-DS5-3: Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
    3. A-DS5-4: Development should provide a pedestrian-oriented and activated ground level.
    4. A-DS7-1: Parking should be oriented to the interior or rear of the property for nonresidential or multi-family developments.
    5. A-DN3-1: Pedestrian-oriented commercial opportunities should be incorporated within residential neighborhoods.

7. C-D11-1: Consider flexible zoning options that will allow for a wide range of jobs.
  8. C-LI6-1: Developments should incorporate multi-family housing and walkable commercial uses into development along arterials/corridors.
  9. C-LI7-1: Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.
  10. C-PS10-3: Over-parking of new developments should be avoided. (B-SU5)
  11. D-PL9-1: Historically significant structures should be preserved.
  12. D-PL10-1: Activate the streetscape by designating public art easements in prominent locations.
  13. E-GR4-1: Developments should incorporate reuse of viable existing structures.
  14. E-GR9-4: Development should intensify underutilized properties and develop vacant and underutilized gaps within neighborhoods. (E-GR6)
  15. E-GR10-2: Developments should provide walkable service and amenity-oriented commercial spaces.
  16. A-DS1-2: Direct pedestrian linkages to transit should be provided.
  17. A-DS5-1: Adequate multi-modal infrastructure should be provided to ensure vehicular separation from other modes of transport.
  18. A-DS5-2: Roadways should provide a vertical edge, such as trees and buildings,
  19. A-DS13-1: Stub streets should be connected. (D-CO4)
  20. A-EQ3-2: Development on corridors should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities). (B-SU3)
  21. D-CO1-1: Rights-of-way and multi-modal facilities should be designed to reflect and promote the desired place-type.
  22. D-CO2-1: Safe facilities for all users and modes of transportation should be provided.
  23. 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.
  24. 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.
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 evidence as to why the current zoning is inappropriate and the proposed zoning is the appropriate zone for this location.

ATTEST: This 18<sup>th</sup> day of February, 2022.

  
 Secretary, Jim Duncan

LARRY FORESTER  
 CHAIR

Note: The corollary development plan, PLN-MJDP-21-00016: HARRODSBURG ROAD, LLC was indefinitely postponed by the Planning Commission on January 27, 2022.

K.R.S. 100.211(7) requires that the Council take action on this request by April 27, 2022.

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

**OBJECTORS**

- None

**OBJECTIONS**

- None

VOTES WERE AS FOLLOWS:

AYES: (8) Bell, Davis, de Movellan, Meyer, Michler, Nicol, Penn, and Worth

NAYS: (0)

ABSENT: (3) Barksdale, Forester, Pohl

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for DISAPPROVAL of PLN-MAR-21-00016 carried.

Enclosures: Application  
Justification  
Plat  
Development Snapshot  
Staff Report  
Supplemental Staff Report  
Traffic Impact Study Staff Report  
Applicable excerpts of minutes of above meeting

## MAP AMENDMENT REQUEST (MAR) APPLICATION

**1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)**

<b>Applicant:</b> HARRODSBURG ROAD LLC, 250 W MAIN ST STE 3000, LEXINGTON, KY 40507
<b>Owner(s):</b> HARRODSBURG ROAD LLC, 250 W MAIN ST STE 3000, LEXINGTON, KY 40507
<b>Attorney:</b> T. BRUCE SIMPSON, 300 WEST VINE STREET, LEXINGTON, KY 40507

**2. ADDRESS OF APPLICANT'S PROPERTY**

4085 HARRODSBURG ROAD, LEXINGTON, KY 40513
--

**3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY**

Zoning	Existing		Requested		Acreage	
		Use	Zoning	Use	Net	Gross
A-U		VACANT	R-3	SINGLE FAMILY RESIDENTIAL	3.88	3.88
A-U		VACANT	B-3	COMMERCIAL	7.88	9.245

**4. COMPREHENSIVE PLAN**

a. Utilizing Placebuilder, what Place-Type is proposed for the subject site?	CORRIDOR
b. Utilizing Placebuilder, what Development Type is proposed for the subject site? If residential, provide the proposed density	MEDIUM DENSITY NON-RESIDENTIAL / MIXED-USE

**5. EXISTING CONDITIONS**

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
b. Have any such dwelling units been present on the subject property in the past 12 months?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
c. Are these units currently occupied by households earning under 40% of the median income? If yes, how many units? If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing.	<input type="checkbox"/> YES <input type="checkbox"/> NO

**6. URBAN SERVICES STATUS (Indicate whether existing, or how to be provided)**

Roads:	LFUCG
Storm Sewers:	LFUCG
Sanity Sewers:	LFUCG
Refuse Collection:	LFUCG
Utilities:	<input checked="" type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas <input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable





**T. BRUCE SIMPSON, JR.**  
DIRECT DIAL: (859) 231-3621  
DIRECT FAX: (859) 259-3521  
bruce.simpson@skofirm.com

300 WEST VINE STREET  
SUITE 2100  
LEXINGTON, KY 40507-1801  
MAIN: (859) 231-3000  
FAX: (859) 253-1093

September 7, 2021

Mr. Larry Forrester  
Chairperson, Lexington-Fayette Urban County Planning Commission  
c/o Hal Baillie  
101 East Vine Street  
Lexington, Kentucky 40507

Re: Zone Map Amendment Request for Approximately 11.75 Acres of Property Located at 4083 Harrodsburg Rd From Agricultural Urban (A-U) to (R-3) Planned Residential Neighborhood (Single Family Homes) and a Restricted Highway Service Business (B-3)

Dear Chairperson Forrester,

I represent Harrodsburg Rd LLC in connection with this zone map amendment application for approximately 11.75 acres of property Located at 4083 Harrodsburg Rd from (A-U) Agricultural Urban to (R-3) Planned Residential Neighborhood (Single Family Homes) and a Restricted Highway Service Business (B-3). The subject property was used for many years by the Masonic Lodge for meetings and community type dinners. This proposal is to make available neighborhood type commercial businesses and single-family home as reflected on the preliminary development plan filed in connection with this application. These uses are consistent with the previous land uses approved by the Planning Commission and the Urban County Council for nearby properties. In particular the Planning Commission and the Urban County Council approved a similar commercial and residential zone map amendment request in 2016 for the property located nearby at 4235 Harrodsburg Rd. Additionally, in close proximity to the subject property the Planning and the Urban County Council in 2018 approved the rezoning of the property located at 3995, 3901 and 3801 Harrodsburg Rd for neighborhood commercial businesses via a restricted (B-3) Highway Service Business zone.

The proposed application is in conformity with the 2018 Comprehensive Plan by meeting the following Themes, Goals, Objectives and Placebuilder Criteria:

## **1. THEME A GROWING SUCCESSFUL NEIGHBORHOODS**

### **Goal 1. Expand Housing Choices**

Objective a. Pursue incentives and regulatory approaches that encourage creativity and sustainability in housing development.

Objective b. Accommodate the demand for housing in Lexington responsibly and prioritizing higher density and mixture of housing types.

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

Objective a. Identify areas of opportunity for infill, redevelopment, adaptive reuse and mixed-use development.

Objective 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.

Goal 3. Provide well designed neighborhoods and communities.

Objective 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.

Objective 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.

## **2. THEME C CREATING JOBS AND PROSPERITY**

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

## **3. THEME D IMPROVING A DESIRABLE COMMUNITY**

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 residents and visitors.

## **4. THEME E URBAN AND RURAL BALANCES**

Goal 1. Uphold the Urban Services Area Concept

September 7, 2021

Page 3

**5. THEME F IMPLEMENTING THE PLAN FOR LEXINGTON FAYETTE COUNTY AND THE BLUEGRASS**

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

Approval of this application will provide the local neighborhood commercial uses within walking distance of the location and will also provide safe and efficient access to the motoring public to a new business in Lexington which will provide new employment opportunities. This is also an infill development located along a major corridor which is also consistent with the development principles embodied in the 2018 Comprehensive Plan. The scale of this new eatery is compatible in size with the existing buildings and the surrounding neighborhood.

Although this application has a low-density housing component, the closest Placebuilder classification for this application is Corridor, Medium Density Non Residential Mixed Use in which the following criteria are met:

We believe that this application will be complimentary to the existing neighborhood with significant buffering and screening between the residential and commercial uses. Commercial uses are much in need for this area of Lexington.

I look forward to amplifying on this application before the Planning Commission.

Sincerely,



T. Bruce Simpson, Jr.,

The following description is intended for zoning purposes only. The description represents information depicted on documents of record found in the Fayette County Clerk's office. This description does not represent a boundary survey and should not be used for real estate conveyance or transfer.

**Harrodsburg Road, LLC Property  
Zone Change from A-U to R-3  
4085 Harrodsburg Road  
Lexington, KY 40513**

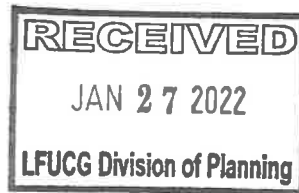
A tract of land adjoining the north side of Harrodsburg Road, within the City of Lexington, County of Fayette, Commonwealth of Kentucky and more particularly described as follows:

Commencing at a point on the northern right of way line or Harrodsburg Road (U.S. 68), said point being on the existing R-1D Zone delineation and being the southeast corner of Lot 1 of South Elkhorn Subdivision, Unit 1A, Block C of record at Plat Cabinet H, Slide 476 of the Fayette county Clerk's records; thence with said R-1D Zone delineation and Lots 1, 2, 3 and 5 of said South Elkhorn Subdivision for one (1) call:

1. North 38°40'05" West a distance of 407.52 Feet to a corner of the southern right of way line of Syringa Drive as depicted on said South Elkhorn Subdivision, Unit 1A, the Point of Beginning; thence continuing with the R-1D Zone delineation, the line of said Syringa Drive right of way and Lot 1 of Block D of said South Elkhorn Subdivision, Unit 1-A for one (1) call:
2. North 38°40'05" West a distance of 207.95 Feet to a point on the line of Lot 7 of South Elkhorn Subdivision, Unit 6, Block D of record at Plat Cabinet I, Slide 90; thence continuing with R-1D Zone delineation and the lines of Lots 7-12 of said South Elkhorn Subdivision for one (1) call:
3. North 22°49'49" East a distance of 441.75 Feet to a corner of the R-3 Zone delineation, said point being a corner of Lot 15 of Palomar Hills Townhomes Subdivision, Phase II, Section 2-B of record at Plat Cabinet J, Slide 207; thence with the R-3 Zone delineation and the lines of Lots 15-9 of said Palomar Hills Townhomes Subdivision and the line of Lot 2 and 3 of Palomar Cove Subdivision of record at Plat Cabinet M, Slide 173 for one (1) call:
4. South 68°33'51" East a distance of 422.85 Feet; thence severing the existing A-U Zone for three (3) calls:
5. South 21°36'13" West a distance of 176.88 Feet;
6. South 63°26'06" West a distance of 326.89 Feet;
7. Along a curve turning to the right having an arc length of 131.24', a radius of 276.00', a chord bearing of South 36°37'37" West, and a chord length of 130.01' to the Point of Beginning, containing 3.880 Acres Gross and 3.880 Acres Net.



ROSE  
GRASCH  
CAMENISCH  
MAINS



T. Bruce Simpson, Jr.  
[bruce.simpson@rgcmllaw.com](mailto:bruce.simpson@rgcmllaw.com)  
Office: 859-721-2100  
Cell: 859-721-2862

12:09 pm

January 27, 2022

Mr. Larry Forester, Chairperson  
Lexington Fayette Urban County Planning Commission  
c/o Mr. Hal Baillie, Division of Planning  
101 East Vine Street  
Lexington, Kentucky 40507

Re: Supplemental Justification for Zone Map Amendment (Former Masonic  
Lodge Property, 4085 Harrodsburg Rd)

Dear Chairperson Forester,

This is a supplemental justification for the zone map amendment request that will be considered today by the Planning Commission for the property located at 4085 Harrodsburg Road. I and my colleagues met with the Planning staff on several occasions since the filing of this request. As always, they have been most professional, cordial, and responsive to our requests and questions. Even before filing this request, we sought the staff's input and recommendation as to the kind of development which should take place on the subject property. As always, we appreciate their recommendations because we know that the Planning Commission values their assessment, this is as it should be. As an attorney for both developers and neighborhoods who appear before the Planning Commission, one of my goals is always to try and obtain the staff's recommendation which is consistent with my respective client's position. Every other planning and zoning attorney does likewise.

Regrettably, from the outset, it was clear that what we were proposing with this zone map amendment request was not going to receive the staff's recommendation of approval. This is because there were three major differences between us as regards how our proposed development complied with the 2018 Comprehensive Plan. These differences centered around the proposed density of the development, the development's interconnectivity with Syringa Drive and the development's access to Harrodsburg Rd. While there may be some other differences, these are the main one's, as we understand it that prevent the staff from moving towards supporting this zone change request.

This supplemental justification will, in principal part address two place types in the Placebuilder section of the Comprehensive Plan which the staff suggested should be expanded

upon. These two place types are, "Enhanced Neighborhood" and "Corridor." Although we believe that our initial submittal/justification was sufficient to warrant approval for this zone map amendment request, this supplemental justification addresses how our application complies with these two place types. However, to be perfectly candid, this supplemental justification will not likely persuade the staff to recommend approval of this zone change. We clearly have two different views about the approvability of this zone map amendment request.

As a prelude to this supplemental justification, there can be no dispute that our team engaged the existing neighborhood which surrounds this 11.6-acre site several times before the zone map amendment request was filed and several times after it was filed. All totaled, we had 7 meetings with the Palomar Neighborhood board and the neighbors. We also invited the staff to attend one of these neighborhood meetings where they shared their position as regards our request and they also responded to questions. From the very first meeting until the last neighborhood meeting, which was held, this past Tuesday, January 25<sup>th</sup>, the neighbors have been resolute as regards their position on the development of the subject property. That is to say, they viewed the construction of apartments as being wholly incompatible with their single-family neighborhood. This neighborhood was developed between the late 1980's and 2000. Indeed, the subject property is surrounded on three sides by single family homes. Secondly, the neighborhood was adamant that the connection of the Syringa Drive stub street should be restricted to only the residential component of this development. This is because, Palomar Boulevard which connects to Harrodsburg Rd has, over the years, become inundated with excess cut through traffic to and from Harrodsburg Road and Man O War Boulevard. Additionally, the streets in the Palomar Neighborhood were designed with brick pavers at various locations throughout the neighborhood. These brick pavers are maintained, repaired, and replaced by the neighborhood association from the mandatory assessments paid by Palomar homeowners. The added cut through traffic has increased repairs and maintenance of these pavers.

The proposed zoning is from Agricultural Urban (A-U) to Highway Service Business (B-3) and Planned Neighborhood Residential (R-3). As was noted in the initial submittal and development plan, the request is for commercial on the front part of the property facing Harrodsburg Rd, the B-3 segment with townhomes and single-family homes towards the rear of the property. The proposed townhomes and single-family homes are next to the existing single-family homes in the surrounding neighborhood. There are 9 single family houses in the surrounding neighborhood which are next to the proposed commercial uses. However, there is significant separation between the proposed commercial buildings and 6 of these nine houses. The entire site, as reflected on our amended preliminary development plan will have an 8-foot-tall opaque wood fence with intermittent brick columns as well as additional plantings of trees and other vegetation. For the 9 houses closest to the commercial section there will be enhanced screening and buffering. The specific details of this screening and buffering will be finalized with the adjoining neighbors at the final development plan stage.

**CORRIDOR PLACE TYPE (MEDIUM DENSITY NON RESIDENTIAL MIXED USE) AND CONDITIONAL ZONING**

The commercial element of this proposed amendment consists of 7.43 acres. Although the proposed zoning is B-3, there will be no pawn shops or adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers. The site priorities for the Corridor Place Type are, (1) transit-oriented development, (2) high density residential, (3) community gathering spaces, and (4) redevelopment of underutilized property. The proposed site has a bus route along Harrodsburg Rd. A bus shelter will be provided on Harrodsburg Road in coordination with Lextran as well as stopping points in the interior of the retail component. The residential component will be medium to low density so as to be context sensitive both in size of the proposed new residential homes and the surrounding single family residential uses. There are community gathering spaces in both the commercial and residential areas. The proposed zone change will also redevelop the subject property from its past use as an underutilized Masonic Lodge. The proposed B-3, Highway Service Business zone is an appropriate zoning category for the commercial uses which front Harrodsburg Rd.

One of the staff's concerns about the proposed commercial segment of this proposed zone change is that the commercial uses as outlined on the preliminary development plan are not dense enough. To increase the density of the proposed commercial component, the applicant would have to add an additional story or more to the buildings shown on the plan. Very simply, there is no market for constructing multi-story retail. There is little to no demand for commercial spaces above the ground level. To be sure, if there were a demand for multistory retail, the applicant would develop such a project.

**Development Criteria for Medium Density Non Residential Mixed Use**

The following development criteria are reflected on the amended preliminary development plan and discussed below:

A-DS3-1 Multi-family residential development should comply with the Multi-family Design Standards in Appendix 1

**Response:** There is no multifamily development on the property.

A-DS4-2 New construction should be at an appropriate scale to respect the context of the neighborhood structures; however, along corridors it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.

**Response:** The new construction as will be reflected during the presentation before the Planning Commission will be of an appropriate scale to respect the context of the neighboring structures

and will also be in compliance with the compatibility polices set out in Imagine Lexington to preserve the character of the neighborhoods which surround the subject property.

A-DS5-3 Building orientation should maximize connections with the surrounding area and create a pedestrian friendly atmosphere.

Response: As reflected on the development plan and the renderings shown during the hearing, there are two pedestrian walkways from the proposed residential section to the proposed retail shops. These pedestrian connections are clearly delineated and include mini parks or public gathering spaces for the residents and the general public who will visit the retail shops.

A-DS5-4 Development should provide a pedestrian oriented and activated ground level.

Response: See above.

A-DS7-1 Parking should be oriented to the interior or rear of the property for nonresidential or multi-family developments.

Response: There is no multifamily development proposed. The parking for the retail shops is oriented to the interior of the property with pedestrian paths to provide safety for the customers who park in the retail parking area.

A-DS7-2 Any non-residential or multifamily parking not buffered by a building should be screened from the streetscape view of adjacent properties.

Response: As reflected on the preliminary development plan, the entire perimeter of the subject property will be screened by an 8-foot-tall fence with enhanced landscaping.

A-DS7-3 Parking structures should activate the ground level.

Response: There are no parking structures.

A-DS8-1 At the individual street level, medium density housing should be interspersed with single family detached units and should be context sensitive

Response: As reflected on the preliminary development plan, the proposal is for a mixture of townhomes and single-family homes that will be context sensitive as will be shown during hearing.

A-DS10-1 Residential units should be within a reasonable walking distance of a focal point.

Response: As reflected on the preliminary development plan and which will be depicted during the hearing, there are three green space gathering areas on the preliminary development plan which will be used as focal points.

A-DS11-1 Common public uses that serve as neighborhood focal points, such as parks and schools should be on single loaded streets.

Response: The relatively small focal points for the proposed development are all internal to the development and are accessed by pedestrian connections along streets which serve the residential units. Single loaded streets would be counter-productive to the scale of this proposed development.

A-DN2-1 Infill residential density should aim to increase density.

Response: The proposed townhome and single-family homes do increase density on the subject property which only had one home. Moreover, the proposed density is compatible and context sensitive the surrounding single-family neighborhoods.

A-DN2-2 Development should minimize significant contrasts in scale, massing and design, particularly along the edge of historic areas and neighborhoods.

Response: As depicted on the preliminary development plan the proposed townhomes and single family homes are compatible in scale, massing and design with the homes in the surrounding single family neighborhood.

A-DN3-1 Pedestrian oriented commercial opportunities should be incorporated within the residential neighborhoods.

Response: As reflected on the preliminary development plan, these pedestrian connections exist and lead to focal points.

A-DN3-2 Developments should incorporate residential units in commercial centers with context sensitive design.

Response: As reflected on the preliminary development plan, there are townhomes adjacent to the retail shops with pedestrian connections.

A-EQ3-1 Development should create context sensitive transitions between intense corridor development and existing neighborhoods.

Response: Since the proposed development is surrounded on three sides by single family neighborhoods, the proposed development will have significant screening and buffering along the border and the transition from the commercial to the residential component will be context sensitive and compatible with the existing neighborhoods.

A-EQ7-1 School sites should be appropriately sized.

Response: No schools are proposed.

B-PR9-1 Minimize disturbances to environmentally sensitive areas by utilizing the existing topography to the greatest extent possible.

Response: There are no environmentally sensitive areas nearby. The existing topography will be used to develop the site except where necessary.

C-DI1-1 Consider flexible zoning options that will allow for a wide range of jobs.

Response: The proposed B-3 zoning will allow for a variety of businesses to be constructed along the Harrodsburg Road corridor which needs more commercial uses. Approximately 98% of the existing retail buildings from the Beaumont development to the Bellerive development in northern Jessamine County are occupied.

C-DI5-1 In opportunity zones with a clearly defined local context, consider adaptive reuse to enhance the existing context.

Response: The subject property is not in an opportunity zone.

C-LI2-2 Nonagricultural uses at or near potential or existing gateways, as mapped in the Rural Land Management Plan, should be buffered.

Response: This criterion does not apply to the subject property. It is not identified as a gateway as mapped in the Rural Land Management Plan.

C-LI2-3 Design should create a positive gateway character at existing and proposed gateways as identified in the Rural Land Management Plan.

Response: See above response.

C-LI2-4 Setback's signage and screening should compliment the iconic Bluegrass landscape along historic turnpikes, scenic byways, turnpikes and other scenic roads listed in the Rural Land Management Plan.

Response: See above response. This is an urban area of Lexington.

C-LI6-1 Development should incorporate multifamily housing and walkable commercial uses into development along arterials/corridors.

Response: The proposed development provides for a mixture of residential housing, increases density above the current use but does not include multifamily housing in order to be compliant with the context of the surrounding single-family neighborhoods, where such density and its height would be incongruous with the single family oriented neighborhood.

C-LI7-1 Developments should increase mixed use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.

Response: This proposal provides all these elements as reflected on the preliminary development plan.

C-PS9-2 Modify current office space to include complimentary uses.

Response: This criterion does not apply as there is no current offices space.

C-PS10-2 Developments should explore options for shared and flexible parking for currently underutilized parking lots.

Response: This criterion does not apply as there are no parking lots on the subject property.

C-PS10-3 Over parking of new developments should be avoided.

Response: The proposed development as reflected on the preliminary development plan is not over parked.

D-PL7-1 Stakeholders should be consulted site opportunities and constraints prior to submitting an application.

Response: The stakeholders, being the surrounding neighbors, were consulted several times prior to filing this zone map amendment request. They have also been consulted on four different occasions after this request was filed.

D-PL9-1 Historically significant structures should be preserved.

Response: There are no historically significant structures on the property. However, there are four historic trees which have been identified and these trees will be preserved.

D-PL10-1 Activate the streetscape by designating public art easements in prominent locations.

Response: While there are no specific plans for such easements, they will be considered should the zone map amendment request be approved.

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.

Response: Easements for necessary infrastructure will be provided.

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.

Response: No cell towers will be located on the subject property.

D-SP9-1 Encourage co-housing, shared housing environments, planned communities and accessory dwelling units for flexibility and affordability for senior adults and people with disabilities

Response: The subject property is relatively small and there is more emphasis on context sensitive development uses and scale to be compatible with the surrounding neighborhoods and provide what these neighbors would like to see developed.

E-GR4-1 Developments should incorporate reuse of viable existing structures.

Response: The former single-family home which is on the property will be assessed for how its components can be used for the proposed development and elsewhere.

E-GR5-1 Structures with demonstrated historical significance should be preserved or adapted.

Response: The existing house on the property is not of historical significance. It is also in great disrepair. Vandals have significantly damaged the house.

E-GR9-1 Live/work units should be incorporated into residential developments.

Response: The proposed development with its pedestrian connections will provide the opportunity for future residents to walk to work should they gain employment at one of the future businesses.

E-GR-9-4 Development should intensify underutilized properties and develop vacant and underutilized gaps within neighborhoods.

Response: The proposed development will intensify the vacant property but will also be contextually sensitive to the single-family neighborhoods which surround the property.

E-GR-10-2 Development should provide walkable service and amenity-oriented commercial spaces

Response: The proposed developments has a significant focus on pedestrian connectivity to the commercial spaces.

A-DS1-1 Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes

Response: A shelter will be provided along with appropriate seating within the interior of the commercial areas.

A-DS1-2 Direct pedestrian linkages to transit should be provided.

Response: These pedestrian linkages will be provided at the time of final development plan approval.

A-DS4-1 A plan for connected multimodal network to adjacent neighborhoods, greenspaces, developments, and complimentary uses should be provided.

Response: Pedestrian and bicycle linkages will be provided to the designated greenspaces, public gathering areas.

A-DS10-2 New focal points should be designated with multimodal connections to the neighborhood.

Response: The pedestrian and bike paths are directed towards the three focal points in this proposed development.

A-DS13-1 Stub streets should be connected.

Response: The Syringa stub street will be connected to the new residential section. Due to excessive cut through traffic in the Palomar neighborhood from Harrodsburg Rd and Man O War, there will be no connection of Syringa Drive to the commercial area of the new development. There will be pedestrian and bicycle linkages to the commercial area.

A-EQ3-2 Development on corridors should be transit oriented (dense and intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure and facilities.)

Response: A shelter will be created on Harrodsburg Rd. The entire development will be walkable internally and connected to adjacent neighborhoods. Seating will be provided for those persons using mass transit within the commercial development.

A-EQ7-2 Multimodal transportation options for healthcare and social service facilities should be provided.

Response: To the extent any such services are located on the subject property, the same multimodal options discussed above will be available.

B-SU4-1 Where greenspace/community centers are not located within walking distance of a new development, applicants should attempt to incorporate these amenities.



Response: As referenced above the greenspace areas will be accessible by residents via pedestrian and bicycle paths.

C-PS10-1 Flexible parking and shared parking should be utilized

Response: The parking for the commercial uses will be limited to the commercial uses based on the zoning requirements for required parking.

D-CO1-1 Rights of way and multimodal facilities should be designed to reflect and promote the desired place type.

Response: The rights of way and multimodal facilities as reflected on the preliminary development plan reflect compliance with this criterion.

D-CO2-1 Safe facilities for all users and modes of transportation should be provided.

Response: The proposed pedestrian and bicycle linkages are not connected to vehicle paths. They are separate. The bus shelter will help protect bus riders from inclement weather.

D-CO2-2 Development should create and/or expand a safe, connected multimodal transportation network that satisfies all users needs, including those with disabilities.

Response: As referenced above, there will be safe pedestrian and bike paths, sheltered bus stops, seating for bus riders within the commercial site. The site will be developed to be in compliance with the American with Disabilities Act and other relevant statutes applicable for use by disabled citizens.

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.

Response: The subject property at only 11 acres is not large enough to have the room or need for multiple parallel streets.

D-CO5-1 Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.

Response: There is only one new street being added to access the new residential units. It is a relatively short street with a curve which will encourage vehicles to be drive slowly.

D-SP1-3 Developments should provide multimodal transportation infrastructure to school sites, including sidewalks, shared use paths, and roadways that can accommodate the bus and vehicle traffic associated with the site.

Response: As discussed above, multimodal elements will be provided to and from the development and within the development. However, there are no school sites nearby.

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.

Response: The subject property is too small to provide for park and ride functions and still be in compliance with the zoning ordinances governing required parking for the commercial spaces.

A-DS4-3 Development should work with existing landscape to the greatest extent possible, preserving key natural features.

Response: The plan is to work with the existing landscape, enhance it where necessary and to preserve the trees which need preserving.

A-EQ7-3 Community open spaces should be easily accessible and clearly delineated from private open spaces.

Response: As reflected on the preliminary development plan the community open spaces are clearly delineated from private open spaces.

B-PR2-1 Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.

Response: No environmentally sensitive areas will be impacted by this development.

B-PR2-2 Dividing floodplains into privately owned parcels with flood insurance should be avoided.

Response: There are no floodplains on the property.

B-PR2-3 Floodplains should be incorporated into accessible greenspace and additional protection should be provided to areas around them.

Response: See above response.

B-PR7-1 Connections to greenways, tree stands, and stream corridors should be provided.

Response: There are no nearby greenways or stream corridors. A significant tree stand will be protected.

B-PR7-2 Trees should be incorporated into development plans, prioritize grouping of trees to increase survivability.

Response: As reflected on the proposed preliminary development plan, and perimeter landscape plan, there will a significant number of trees planted on the subject property particularly along the perimeter.

B-PR7-3 Developments should improve the tree canopy.

Response: The proposed development will significantly improve the tree canopy as reflected on the proposed preliminary development plan and renderings of the proposed development.

B-RE1-1 Developments should incorporate street trees to create a walkable streetscape.

Response: Street trees will be installed as required by the zoning ordinance. Additional trees will be added in the mini park areas.

B-RE2-1 Green infrastructure should be used to connect the greenspace network.

Response: Green infrastructure will be used to the extent it is economically viable to do so.

D-SP2-1 Visible usable greenspace and other natural components should be incorporated into school site.

Response: There is no school site planned for the subject property.

D-SP2-2 Active and passive recreation opportunities should be provided on school sites.

Response: See response above.

E-GR3-1 Physical and visual connections should be provided to existing greenway networks

Response: There are no existing greenway networks adjacent to the subject property.

E-GR3-2 New focal points should emphasize geographic features unique to the site.

Response: The proposed focal points are relatively small but in the context of the proposed development they are significant areas where people can gather, socialize and in the larger mini park, the children can play.

### **ENHANCED NEIGHBORHOOD PLACE TYPE (LOW DENSITY RESIDENTIAL)**

The residential portion of the proposed development can best be assessed under the Enhanced Neighborhood (Low Density Residential) Place Type as referenced in the Placebuilder section of the 2018 Comprehensive Plan. This residential component will be integrated into an existing single-family neighborhood (Palomar Hills) which also has some townhomes located closer to the Man O War access point to the Palomar neighborhood. The proposed residential homes will be similar in scale to the homes in the existing neighborhood but will likely be more expensive. Access to this new residential area will be off Syringa Drive. There is also the prospect that this new residential section will become part of the formal Palomar neighborhood association. Below is a discussion of how the development criteria for this Place Type will be met with the proposed development. Many of these same development criteria also apply to the nonresidential component of this proposed development addressed above.

A-DS5-3 Building orientation should maximize connections with the surrounding area and create a pedestrian friendly atmosphere.

Response: As reflected on the development plan, there are two pedestrian walkways from the proposed residential section to the proposed retail shops. These pedestrian connections are clearly delineated and include mini parks or public gathering spaces for the residents and the general public who will visit the retail shops.

A-DS7-1 Parking should be oriented to the interior or rear of the property for nonresidential or multi-family developments.

Response: There is no multifamily development proposed. The parking for the retail shops is oriented to the interior of the property with pedestrian paths to provide safety for the customers who park in the retail parking area

A-DS7-2 Any non-residential or multifamily parking not buffered by a building should be screened from the streetscape view of adjacent properties.

Response: As reflected on the preliminary development plan, the entire perimeter of the subject property will be screened by an 8-foot-tall fence with landscaping.

A-DS10-1 Residential units should be within a reasonable walking distance of a focal point.

Response: As reflected on the preliminary development plan and which will be depicted during the hearing, there are three green space gathering areas on the preliminary development plan which will be used as focal points.

A-DS11-1 Common public uses that serve as neighborhood focal points, such as parks and schools should be on single loaded streets.

Response: The relatively small focal points for the proposed development are all internal to the development and are accessed by pedestrian connections along streets which serve the residential units. Single loaded streets would be counterproductive to the scale of this proposed development.

A-DN2-1 Infill residential density should aim to increase density.

Response: The proposed townhome and single-family homes do increase density on the subject property which only had one home. Moreover, the proposed density is compatible and context sensitive the surrounding single-family neighborhood.

A-DN6-1 Allow and encourage new compact single family housing types.

Response: The proposed residential development will have comparatively smaller lots than the existing neighborhood. These houses will be closer together than most of the homes in Palomar. The townhomes, of course, will be much smaller than the single family houses in Palomar, although likely as expensive as the single family homes in Palomar.

A-EQ7-1 School sites should be appropriately sized.

Response: No schools are proposed.

B-PR9-1 Minimize disturbances to environmentally sensitive areas by utilizing the existing topography to the greatest extent possible.

Response: There are no environmentally sensitive areas nearby. The existing topography will be used to develop the site except where necessary.

B-SU11-1 Green infrastructure should be implemented in new development.

Response: Green infrastructure will be considered during the development of the property, but its cost will be a major factor in determining whether it will be used.

C-LI6-2 ADU's and/or affordable housing options should be incorporated into existing and new single family residential development.

Response: The cost of the subject property at \$4.6 million dollars precludes the creation of affordable housing on this site unless government subsidies are made available.

C-LI7-1 Developments should increase mixed use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.

Response: This proposal provides all these elements as reflected on the preliminary development plan.

C-PS10-2 Developments should explore options for shared and flexible parking for currently underutilized parking lots.

Response: This criterion does not apply as there are no parking lots on the subject property.

C-PS10-3 Over parking of new developments should be avoided.

Response: The proposed development as reflected on the preliminary development plan is not over parked.

D-PL7-1 Stakeholders should be consulted site opportunities and constraints prior to submitting an application.

Response: The stakeholders, being the surrounding neighbors, were consulted several times prior to filing this zone map amendment request. They have also been consulted on four different occasions after this request was filed.

D-PL9-1 Historically significant structures should be preserved.

Response: There are no historically significant structures on the property. However, there are four historic trees which have been identified and these trees will be preserved.

D-SP1-1 Elementary and middle schools should be located within residential neighborhoods and high schools primarily along collector streets.

Response: There are no schools planned for the subject property.

D-SP1-2 An open and inviting school campus/locale should utilize frontage on single loaded streets (also true for other support facilities, like parks, community centers, social services, and healthcare)

Response: See response above. There are only mini parks planned for the subject property which are designed to serve the residents of this new subdivision.

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.

Response: Easements for necessary infrastructure will be provided.

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.

Response: No cell towers will be located on the subject property.

D-SP9-1 Encourage co-housing, shared housing environments, planned communities and accessory dwelling units for flexibility and affordability for senior adults and people with disabilities

Response: The subject property is relatively small and there is more emphasis on context sensitive development uses and scale to be compatible with the surrounding neighborhoods and provide what these neighbors would like to see developed.

E-GR4-1 Developments should incorporate reuse of viable existing structures.

Response: The former single-family home which is on the property will be assessed for how its components can be used for the proposed development and elsewhere.

E-GR5-1 Structures with demonstrated historical significance should be preserved or adapted.

Response: The existing house on the property is not of historical significance. It is also in great disrepair. Vandals have significantly damaged the house.

E-GR9-1 Live/work units should be incorporated into residential developments.

Response: The proposed development with its pedestrian connections will provide the opportunity for future residents to walk to work should they gain employment at one of the future businesses.

E-GR9-3 Less intense multifamily residence types (duplexes, four-plexes, courtyard apartments, etc.) should be incorporated into primarily single-family areas.

Response: Because single family homes surround the subject property on three sides, it is more context sensitive and compatible to have single family homes and townhomes, which is also what the stakeholders prefer.

E-GR-9-4 Development should intensify underutilized properties and develop vacant and underutilized gaps within neighborhoods.

Response: The proposed development will intensify the vacant property but will also be contextually sensitive to the single-family neighborhoods which surround the property.

A-DS1-1 Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes

Response: A shelter will be provided along with appropriate seating within the interior of the commercial areas.

A-DS1-2 Direct pedestrian linkages to transit should be provided.

Response: These pedestrian linkages will be provided at the time of final development plan approval.

A-DS4-1 A plan for connected multimodal network to adjacent neighborhoods, greenspaces, developments, and complimentary uses should be provided.

Response: Pedestrian and bicycle linkages will be provided to the designated greenspaces, public gathering areas.

A-DS5-1 Adequate multimodal infrastructure should be provided to ensure vehicle separation from other modes of transport.

Response: As reflected on the preliminary development plan, the pedestrian and bicycle paths are separated from vehicle use areas.

A-DS5-2 Roadways should provide a vertical edge such as trees and buildings.

Response: The proposed roadways in this development comply with this criterion.

A-DS10-2 New focal points should be designed with multimodal connections to the neighborhood.

Response: Pedestrian and bicycle paths are provided to the new focal points in the development.

A-DS13-1 Stub streets should be connected.

Response: The Syringa stub street will be connected to the new residential section. Due to excessive cut through traffic in the Palomar neighborhood from Harrodsburg Rd and Man O War, there will be no connection of Syringa Drive to the commercial area of the new development. There will be pedestrian and bicycle linkages to the commercial area.

B-SU4-1 Where greenspace/community centers are not located within walking distance of a new development, applicants should attempt to incorporate these amenities.

Response: As referenced above the greenspace areas will be accessible by residents via pedestrian and bicycle paths.

D-CO1-1 Rights of way and multimodal facilities should be designed to reflect and promote the desired place type.

Response: The rights of way and multimodal facilities as reflected on the preliminary development plan reflect compliance with this criterion.

D-CO2-1 Safe facilities for all users and modes of transportation should be provided.

Response: The proposed pedestrian and bicycle linkages are not connected to vehicle paths. They are separate. The bus shelter will help protect bus riders from inclement weather.

D-CO2-2 Development should create and/or expand a safe, connected multimodal transportation network that satisfies all user needs, including those with disabilities.

Response: As referenced above, there will be safe pedestrian and bike paths, sheltered bus stops, seating for bus riders within the commercial site. The site will be developed to be in compliance with the American with Disabilities Act and other relevant statutes applicable for use by disabled citizens.

D-CO4-2 Dead end streets and cul-de-sacs should be discouraged except where connections are not topographically or environmentally feasible.

Response: This development does incorporate a cul-de-sac with the Syringa Drive extension. The purpose of this is to keep the higher intensity commercial traffic from using

the streets in Palomar as a cut through path. There are bicycle and pedestrian connections from the Syringa cul-de-sac extension to the retail shops.

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.

Response: The subject property at only 11 acres is not large enough to have the room or need for multiple parallel streets.

D-CO5-1 Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.

Response: There is only one new street being added to access the new residential units. It is a relatively short street with a curve which will encourage vehicles to be drive slowly.

D-SP1-3 Developments should provide multimodal transportation infrastructure to school sites, including sidewalks, shared use paths, and roadways that can accommodate the bus and vehicle

Associated with the site.

Response: As discussed above, multimodal elements will be provided to and from the development and within the development. However, there are no school sites nearby.

A-DS4-3 Development should work with existing landscape to the greatest extent possible, preserving key natural features.

Response: The plan is to work with the existing landscape, enhance it where necessary and to preserve the trees which need preserving.

A-EQ7-3 Community open spaces should be easily accessible and clearly delineated from private open spaces.

Response: As reflected on the preliminary development plan the community open spaces are clearly delineated from private open spaces.

B-PR2-1 Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.

Response: No environmentally sensitive areas will be impacted by this development.

B-PR2-2 Dividing floodplains into privately owned parcels with flood insurance should be avoided.

Response: There are no floodplains on the property.

B-PR2-3 Floodplains should be incorporated into accessible greenspace and additional protection should be provided to areas around them.

Response: See above response.

B-PR7-1 Connections to greenways, tree stands, and stream corridors should be provided.

Response: There are no nearby greenways or stream corridors. A significant tree stand will be protected.



B-PR7-2 Trees should be incorporated into development plans, prioritize grouping of trees to increase survivability.

Response: As reflected on the proposed preliminary development plan, and perimeter landscape plan, there will a significant number of trees planted on the subject property particularly along the perimeter.

B-PR7-3 Developments should improve the tree canopy.

Response: The proposed development will significantly improve the tree canopy as reflected on the proposed preliminary development plan and renderings of the proposed development.

B-RE1-1 Developments should incorporate street trees to create a walkable streetscape.

Response: Street trees will be installed as required by the zoning ordinance. Additional trees will be added in the mini park areas.

B-RE2-1 Green infrastructure should be used to connect the greenspace network.

Response: Green infrastructure will be used to the extent it is economically viable to do so.

D-SP2-1 Visible usable greenspace and other natural components should be incorporated into school site.

Response: There is no school site planned for the subject property.

D-SP2-2 Active and passive recreation opportunities should be provided on school sites.

Response: See response above.

E-GR3-1 Physical and visual connections should be provided to existing greenway networks

Response: There are no existing greenway networks adjacent to the subject property.

E-GR3-2 New focal points should emphasize geographic features unique to the site.

Response: The proposed focal points are relatively small but in the context of the proposed development they are significant areas where people can gather, socialize and in the larger mini park, the children can play.

In summary the 2018 Comprehensive Plan, more so than any previous Comprehensive Plan devotes a great deal of emphasis on early neighborhood engagement and context sensitive development. The proposed development is the product of numerous meetings with the stakeholders with the result being that the proposed development is designed to be compatible with the as built single family neighborhood that surrounds the subject property on three sides. The 2018 plan also emphasizes the incorporation of greenspace within proposed new developments as well pedestrian, and bicycle connections to adjoining neighborhoods and new shopping venues. This proposed development provides for these features. There is approximately 58,000 square feet of open space in this development or 1.3 acres. The 2018 Comprehensive Plan urges the creation of focal points within new developments. In this development, though it is only 11.6

acres in size, there are three mini parks or public gathering spaces, two within the residential section and one in the commercial area. The 2018 Comprehensive Plan encourages increasing the tree canopy and this development will substantially increase the tree canopy should the zone map amendment be approved. This proposal complies with almost all the development criteria set out in Placebuilder. While there may be room for discussion on the amount of density being added and the Syringa Drive connection, all relevant planning criteria being considered as a whole, this proposal is substantially in conformance with the 2018 Comprehensive Plan.

This zone map amendment request can also be approved, pursuant to the provisions of KRS 100.213(1)(a) which provides that a zone map amendment can be approved if it is established that the existing zoning, in this case Agricultural Urban (A-U), is inappropriate and the proposed zoning, Highway Service Business (B-3) and Planned Neighborhood Residential (R-3) is appropriate. It is clear that the existing zoning of Agricultural Urban is not appropriate for the subject property which is inside the Urban Services Area and bounded on three sides by single family residential homes. As stated in the "Intent" section of this ordinance, the A-U zone is "intended to control the development of rural land within the Urban Service Area over a period of time so as to manage the growth of the community. In order to avoid premature or improper development, land should remain in this zone until public facilities and services are or will be adequate to serve urban uses." There is no dispute that public facilities and services are available to serve the subject property. Water, gas, electric, fiber optic cable, phone lines and sanitary sewers are available. In fact, a new public sanitary sewer line has been constructed to serve this development and other parcels which front along Harrodsburg Road from the intersection of Man O War Boulevard and Harrodsburg Road to the Villages at South Elkhorn. The subject property will be served by new sanitary sewer line and will not need to be connected to the Palomar neighborhood sewer system.

The principal uses in the A-U zone are also the same uses permitted in the Agricultural Rural (A-R) zone which is expressly devoted to land uses outside of the Urban Services Area. The two principal uses listed in the A-R zone are: "(1.) Land used solely for agricultural purposes, including small farm wineries and equine-related activities, as outlined in KRS 100 and (2.) single-family detached dwellings. The A-U zone also expressly permits "farm tours and hayrides." The subject property has not been used for agricultural purposes for more than 60 years. The Masons and Shriner's Hospital owned the subject property for 38 years until they sold it to the applicant in 2021. The Mason's used the property for their meetings and fish fry's to raise money for their organization. Prior their use the property was used only as a single-family home.

Urban development has surrounded the subject property and it has been ripe for urban development since the Palomar subdivision was first establish in the 1980's. Agricultural uses such as growing crops, raising cattle, breeding, boarding, and training horses are wholly incompatible when such uses are surrounded by single family subdivisions. No hayrides or farm tours will take place on the subject property. There is no farm to tour and there is no hay on the property for a hayride. The existing A-U zone is not appropriate given its location within the urban core of Lexington and surrounded by higher intensity urban uses. However, the proposed mixed-use zoning of B-3 and R-3, for commercial and residential uses, respectively is appropriate. The demand for residential housing has been high in Lexington for more than 2 years. Housing prices

Mr. Larry Forester  
January 27, 2022  
Page 19

have increased significantly. Similarly, there is a need for commercial uses in the Harrodsburg Road corridor. Approximately 98% of the existing zoned retail space between the Beaumont commercial center at the intersection of Harrodsburg Road and New Circle Rd and the Bellerive commercial development just across the Fayette County line in northern Jessamine County is fully leased. Within 560 feet of the subject property to south is a commercially zoned and residentially zoned property also fronting Harrodsburg Rd. This property known as the Ethington property is being developed in the same manner that is being proposed for the subject property, to wit: commercial, townhomes and single-family homes. The Fountains commercial development adjoins the subject property to the north along Harrodsburg Rd. The proposed zoning with its context sensitivity to the surrounding residential homes is more appropriate. Thus, this proposed zone change can most certainly be approved based on KRS 100.213(1)(a). (The existing zoning classification given to the subject property is inappropriate, and the proposed zoning classification for the subject property is appropriate.)

Best regards,

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

T. Bruce Simpson, Jr.

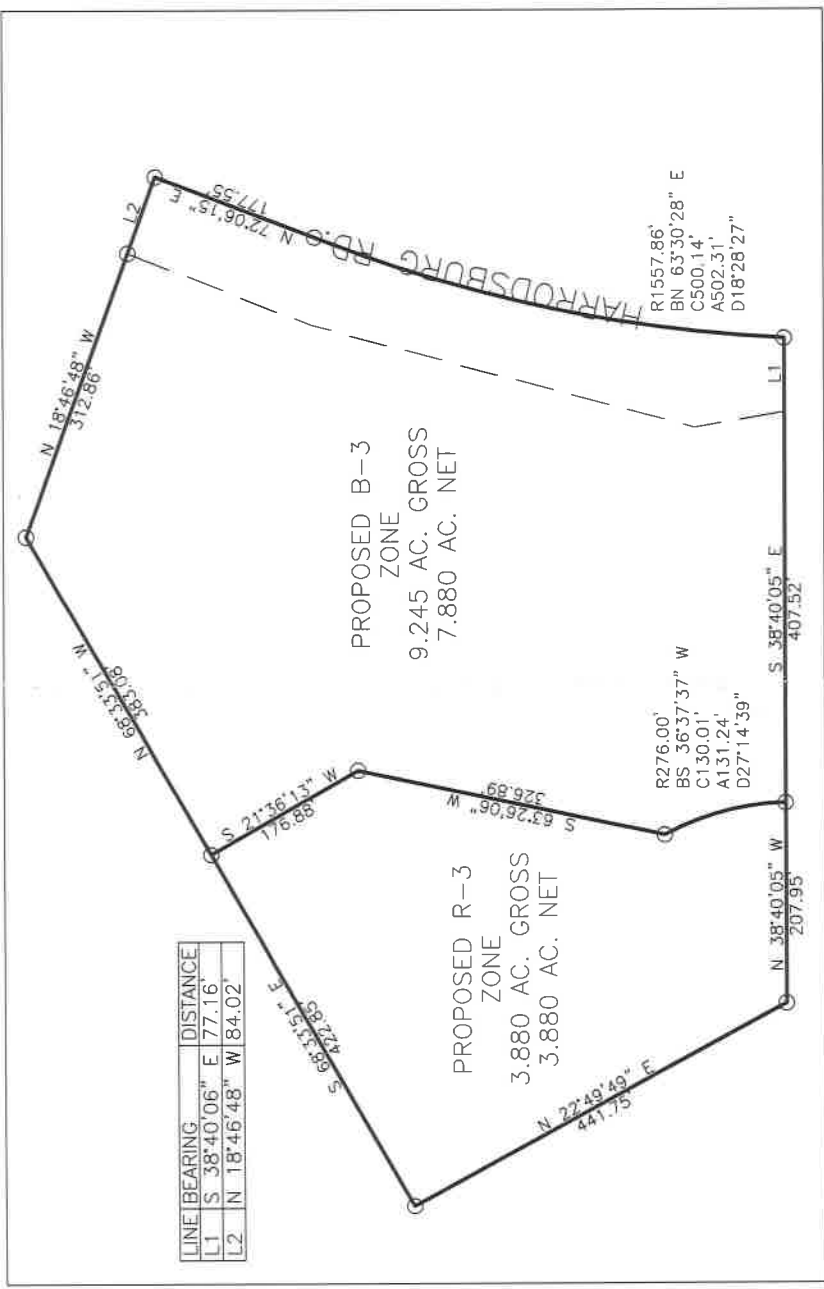
TBS/skh



**NOTIFICATION MAP**  
SCALE: 1" = 300'



**VICINITY MAP**  
SCALE: 1" = 2000'



**PROPERTY MAP**  
SCALE: 1" = 200'

ZOMAR: TITLE: 4085 HARRODSBURG ROAD

PROPERTY ADDRESS:	FROM	TO	GROSS	NET	
4085 HARRODSBURG ROAD	A-U	B-3	9,245	7,880	
4085 HARRODSBURG ROAD	A-U	R-3	3,880	3,880	
OWNER: HARRODSBURG ROAD, LLC					
250 WEST MAIN ST., STE. 3000					
LEXINGTON, KENTUCKY 40507					
PREPARED BY: VISION ENGINEERING, LLC					
DATE FILED OR AMENDED: SEPT 7, 2021					
TOTAL				13,125	11,760



# Harrodsburg Road, LLC (PLN-MAR-21-00016)

4085 HARRODSBURG ROAD

Rezoning the property to allow for the construction of a commercial center and single family dwelling units.

## Applicant/Owner

HARRODSBURG ROAD, LLC  
250 W. Main Street, STE, 3000  
Lexington, KY 40507  
bruce.simpson@skofirm.com



## Application Details

### Acreage:

Parcel 1: 7.88 net (9.245 gross) acres  
Parcel 2: 3.88 net and gross acres

### Current Zoning:

Parcel 1: Agricultural Urban (A-U) zone  
Parcel 2: Agricultural Urban (A-U) zone

### Proposed Zoning:

Parcel 1: Highway Service Business (B-3) zone  
Parcel 2: Planned Neighborhood Residential (R-3) zone

### Place-type / Development Type:

Corridor  
Medium Density Non-Residential/ Mixed Use  
*For more information about the Corridor Place-Type see Imagine Lexington pages 337-339. For more information about the Medium Density Non-Residential / Mixed Use Development Type see page 272.*

### Description:

The applicant is seeking to rezone the subject property in an effort to develop a commercial center along Harrodsburg Road that extends from the property located to east. Additionally, the applicant is seeking to extend the single family development along Syringa Drive, terminating in a cul-de-sac.



## Status

- Public Engagement
- Pre-Application Meeting
- Application Review
- Planning Staff Review
- Technical Review Committee
- Zoning/Subdivision Committee Meetings
- Planning Commission Hearing
- Urban County Council Meeting

## Public Engagement

- The applicant has not indicated that they have conducted any neighborhood engagement.

DISCLAIMER: Plans are subject to change. Visit the Accela Citizen Portal ([lexingtonky.gov/plans](http://lexingtonky.gov/plans)) or contact Planning for the latest information.

# Development Plan



**OWNER'S CERTIFICATION**  
 I, the undersigned, being the owner of the above described property, hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief.

**COMMISSIONER'S CERTIFICATION**  
 I, the undersigned, being the Commissioner of the above described property, hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief.

**GENERAL NOTES**

1. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
4. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
5. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
6. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
7. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
8. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
9. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
10. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
11. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
12. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
13. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
14. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
15. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
16. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
17. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.

**EXISTING TREE INVENTORY LIST**  
 A FIELD INSPECTION WAS PERFORMED DURING WHICH THE FOLLOWING TREES WERE IDENTIFIED AND MEASURED. THE TREE INVENTORY LIST IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE TREE INVENTORY LIST IS NOT TO BE USED AS A BASIS FOR ANY OTHER PURPOSES.

NO.	DATE	TYPE	HEIGHT	DBH	CONDITION
1	09/22/2021	Maple	12	4.5	Good
2	09/22/2021	Oak	10	3.8	Good
3	09/22/2021	Red Oak	8	3.2	Good
4	09/22/2021	White Oak	7	2.8	Good
5	09/22/2021	Black Oak	6	2.5	Good
6	09/22/2021	Red Oak	5	2.2	Good
7	09/22/2021	White Oak	4	2.0	Good
8	09/22/2021	Black Oak	3	1.8	Good
9	09/22/2021	Red Oak	2	1.5	Good
10	09/22/2021	White Oak	1	1.2	Good
11	09/22/2021	Black Oak	1	1.0	Good
12	09/22/2021	Red Oak	1	0.8	Good
13	09/22/2021	White Oak	1	0.7	Good
14	09/22/2021	Black Oak	1	0.6	Good
15	09/22/2021	Red Oak	1	0.5	Good
16	09/22/2021	White Oak	1	0.4	Good
17	09/22/2021	Black Oak	1	0.3	Good

**SITE STATISTICS**

ITEM	TOTAL	ZONE R.S.	LOT 1	LOT 2	LOT 3	LOT 4	LOT 5	LOT 6	LOT 7	LOT 8	LOT 9	LOT 10	LOT 11	LOT 12	LOT 13	LOT 14	LOT 15	LOT 16	LOT 17
TOTAL AREA	11.00	11.00	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50
PERMITTED SPACES REQUIRED	207	207	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
VEHICLE LANE AREA (SQ. FT.)	110,000	110,000	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500
VEHICLE LANE WIDTH (FEET)	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
VEHICLE LANE LENGTH (FEET)	110	110	110	110	110	110	110	110	110	110	110	110	110	110	110	110	110	110	110
VEHICLE LANE AREA (SQ. FT.)	110,000	110,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000
VEHICLE LANE WIDTH (FEET)	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
VEHICLE LANE LENGTH (FEET)	110	110	110	110	110	110	110	110	110	110	110	110	110	110	110	110	110	110	110

# STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-21-00016: HARRODSBURG ROAD, LLC

## DESCRIPTION OF ZONE CHANGE

Zone	A-U to B-3:	7.88 net (9.245 gross) acres
Change & Acreage:	A-U to R-3:	3.88 net (3.88 gross) acres
	Total:	11.76 net (13.125 gross) acres
Location:	4085 Harrodsburg Road	



## EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Properties	A-U	Vacant
To North	R-3	Single Family Residential
To East	B-3	Commercial Center
To South	R-1D / A-U	Single Family Residential / Right-of-Way
To West	R-1D	Single Family Residential

## URBAN SERVICE REPORT

**Roads** - The subject property is bordered to the south by Harrodsburg Road (US 68), a major four-lane, divided arterial roadway with two lanes dedicated for turning at Stedman Drive and Palomar Boulevard. Harrodsburg Road is one of two major commuter routes connecting Jessamine and Fayette Counties and becomes South Broadway as the roadway heads north towards downtown. While the proposed development is proposing full access along Harrodsburg Road, there are currently two access points associated with the Fountains at Palomar development: a right-in/right-out along Man O War Boulevard and a full signalized intersection on Harrodsburg Road approximately 1,000 feet south of it's intersection with Man O' War Boulevard. Additionally, there is a stub street, Syringa Drive, that abuts the subject property. Syringa Drive is a local roadway and is meant to provide access from Captains Court to the subject property.

**Curb/Gutter/Sidewalks** - Harrodsburg Road and Syringa Drive have curb, gutter, and sidewalks at this location. The internal street and pedestrian system would need to provide these facilities as well.

**Utilities** - All utilities, including natural gas, electric, water, phone, cable television, and internet are available in the area, and are available to serve the proposed development.

**Storm Sewers** - The subject property is located within the South Elkhorn watershed, and there are no known flooding issues in the immediate area. Storm sewers have been constructed along Harrodsburg Road and within adjacent developments.

**Sanitary Sewers** - The subject property is located within the South Elkhorn sewershed and is served by the West Hickman Wastewater Treatment Facility, located in northern Jessamine County. Sanitary sewer capacity will be verified by the Capacity Assurance Program (CAP) prior to certification of any final development plan.

**Refuse** - The Urban County Government serves this area with refuse collection on Thursdays. However, supplemental service by private refuse haulers is commonly utilized for commercial development due to the needed frequency of pick-up.

**Police** - The nearest police station is the West Sector Roll Call Center, located approximately four and a half miles to the northeast of the subject property on Old Frankfort Pike, near New Circle Road.

**Fire/Ambulance** - The nearest fire station (#20) is located near the corner of Harrodsburg Road and Arrowhead Drive, in the Indian Hills Subdivision, about ¼ mile to the northeast of the subject property.

**Transit** - LexTran transit route service is available along Wellington Way, approximately ½ mile north of the subject property, via the South Broadway Route (#13) and the Night Versailles Route (#58). There are no current plans to extend transit service south of Man O War Boulevard.

**Parks** - There are no public parks within close proximity of the development.

### SUMMARY OF REQUEST

The applicant is seeking to rezone a portion of the subject property from an Agricultural Urban (A-U) zone to the Highway Service Business (B-3) zone in an effort to construct a continuation of the commercial shopping center located at the corner of Man O War Boulevard and Harrodsburg Road. Additionally, the applicant is seeking to rezone the remaining portion of the subject property from an Agricultural Urban (A-U) zone to the Planned Neighborhood Residential (R-3) zone to develop a separate low density residential development with 14 single family residential lots.

### PLACE-TYPE

CORRIDOR

The Corridor Place-Type is Lexington's major roadways focused on commerce and transportation. The overriding emphasis of Imagine Lexington is significantly overhauling the intensity of the major corridors. The future of Lexington's corridors lies in accommodating the shifting retail economic model by incorporating high density residential and offering substantial flexibility to available land uses. Adding a mix of land uses to support the existing retail will provide a built-in customer base, create a more desirable retail experience, and allow a greater return on investment for landholders. Additional focus is on increasing the viability of enhanced mass transit, thereby reducing the reliance on single-occupancy vehicles and improving Lexington's overall transportation efficiency.

### DEVELOPMENT TYPE

MEDIUM DENSITY NON-RESIDENTIAL / MIXED USE

#### Primary Land Use, Building Form, & Design

Primarily community-serving commercial uses, services, places of employment, and/ or a mix of uses within mid-rise structures with a higher Floor Area Ratio. Mixed-use structures typically include more multi-family residential units and places of employment, and retail and commercial options generally draw from a larger geographic area. An activated and pedestrian-scale ground level should be provided. These developments may include more employment space for professional office and can include some larger entertainment spaces.

#### Transit Infrastructure & Connectivity

Though they draw more external users, they should still include multi-modal connections allowing for easy neighborhood access. Mass transit infrastructure is to be provided on par with that of other modes, and the higher-density housing types should be located in close proximity.

#### Parking

The buildings should be oriented to the street, and developments should avoid over-parking, with provided parking located internally.

### PROPOSED ZONING

B-3

This zone is intended to provide for retail and other uses, which are necessary to the economic vitality of the community but may be inappropriate in other zones. The Comprehensive Plan should be used to determine the locations for this zone. Special consideration should be given to the relationship of the uses in the zone to the surrounding land uses and to the adequacy of the street system to serve the traffic needs.

R-3

This zone is primarily for multi-family dwellings and other residential uses. This zone should be at locations and at the density (units/acre) recommended by the Comprehensive Plan, and in areas of the community where necessary services and facilities will be adequate to serve the anticipated population.

### PROPOSED USE



The petitioner proposes the rezoning of the subject property to the Highway Service Business (B-3) zone to allow for the continuation of the commercial shopping center located at the corner of Man O War Boulevard and Harrodsburg Road, known as the Fountain at Palomar. The continuation of the shopping center is proposed to include seven (7) out lots for retail sales. The development proposes to have access from an internal connection to the neighboring commercial center and full access to Harrodsburg Road. Additionally, the petitioner is seeking to rezone the rear of the property to the Planned Neighborhood Residential (R-3) zone to allow for the construction of 14 single family detached dwelling units. This residential development is proposed to be completely separate from the commercial development, with sole access from Syringa Drive.



## APPLICANT & COMMUNITY ENGAGEMENT



The applicant has not indicated that they have spoken with any stakeholders regarding outreach for the subject application.

## PROPERTY & ZONING HISTORY



The subject property have been zoned Agricultural Urban (A-U) since the comprehensive rezoning of the city and county in 1969. The property was originally part of an active farm before being sold to the Shriners Hospital in 1983. Not long after the purchase of the property, it was sold again to the Masonic Temple Association of Lexington, Ky in 1985. The property was operated as the Masonic Lodge until the early 2000s, when the Masons shifted their operation to 3112 Harrodsburg Road. Since that time the property has been vacant.

## COMPREHENSIVE PLAN COMPLIANCE



The 2018 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 applicant opines that the proposed rezoning for the subject property is in agreement with the 2018 Comprehensive Plan.

### GOALS & OBJECTIVES

The applicant opines that they are in agreement with the adopted Goals, Objectives, and Policies of the 2018 Comprehensive Plan. They opine that the project will expand housing choices (Theme A, Goal #1) by accommodating the demand for housing in Lexington responsibly and prioritizing higher density and mixture of housing types (Theme A, Goal #1.a). While the applicant is proposing the inclusion of fourteen (14) single family detached houses, the proposed development does not prioritize higher density, nor does the proposed development include a mixture of housing types in the area. The residential development west of Harrodsburg Road and south of Man O War Boulevard is comprised completely of low density residential options. The proposed development is not a deviation from such development nor does it propose a different form of single-family residential options.

The applicant also opines that the proposed development will support infill and redevelopment throughout the Urban Services Area as a strategic component of growth (Theme A, Goal #2) by identifying areas of opportunity for infill, redevelopment, adaptive reuse and mixed-use development (Theme A, Goal #2.a). The proposed development is not an integrated mixed-use development, it does not adaptively reuse the existing structure, nor does the proposed development seek to construct at a density or intensity that might be reflective of a major corridor in Lexington.

Additionally, the applicant indicates that the proposed development will respect the context and design features of areas surrounding development projects and develop design standards and guidelines to ensure compatibility with existing urban form (Theme A, Goal #2.b). The applicant does not expand upon the context and design features that they are seeking to promote. While the applicant is adding more commercial and residential opportunities to the area, the commercial opportunities actually represent a decrease in intensity and density of use compared to the neighboring Fountain at Palomar development.

The applicant further indicates that the proposed development will support and showcase local assets to further the creation of a variety of jobs (Theme C, Goal #1). The applicant has not provided information as to what forms of jobs might be created through the development of the subject property. Through review of the associated development plan, the applicant has indicated retail operations only.



Finally, the applicant indicates that the proposed development will improve a desirable community by supporting 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 residents and visitors. The applicant has not provided information regarding what facilities would be incorporated into the proposed development. Further, the proposed development is not pedestrian-oriented and is completely separated from the surrounding residential context. These two aspects of the proposed development creates a barrier to accessibility to any services or facilities that might be developed on site.

### **PLACE-TYPE, DEVELOPMENT TYPE, AND ZONE**

The applicant indicates that the project is located within the Corridor Place-Type and is a Medium Density Non-Residential / Mixed Use Development Type. Due to the location of the site along Harrodsburg Road, which is one of the identified Corridors within the 2018 Comprehensive Plan, the Corridor Place-Type can be appropriate for those elements of the development that are interacting with Harrodsburg Road.

While a Medium Density Non-Residential / Mixed Use Development Type can be appropriate for the subject property, the proposed development does not meet the description of the Medium Density Non-Residential / Mixed Use Development Type. This Development Type is primarily community-serving commercial uses, services, places of employment, and/or a mix of uses within mid-rise structures with a higher Floor Area Ratio (FAR). The applicant is proposing a commercial development that is completely comprised of single storied structures with a FAR of less than 0.11.

Additionally, the Development Type calls for mix of uses, which would typically include multi-family residential units and places of employment, and retail and commercial options generally draw from a larger geographic area. While the applicant is showing a mix of uses, with the single family residential development to the rear, there is no interconnectivity between the two developments. By providing no interaction between the residential component and the commercial component, this development cannot be considered a mixed-use development. Furthermore, low density residential is not recommended for the Corridor Place Type, nor does it meet the intent of the Medium Density Non-Residential / Mixed Use Development Type.

The Development Type also calls for an activated and pedestrian-scale ground level. The proposed development does situate parking as the primary visual component of the development and does not provide clear and accessible pedestrian access to the proposed structures. The clear focus on the auto-centric nature of this development is further reinforced by the overparking of the subject property, which is meant to be avoided for this Development Type. The required parking for the proposed project is 112 parking spots. The applicant is proposing 267 parking spots, which is 138 percent greater than what is required. This represents a tremendous overparking of the site.

While the staff agrees that a Medium Density Non-Residential / Mixed Use Development type can be appropriate within the Corridor Place-Type, the proposed development is not representative of that Development Type, in this case.

Additionally, neither the Highway Service Business (B-3) zone nor the Planned Neighborhood Residential (R-3) zone are recommended zones within this Place-Type and Development Type. While the applicant is not precluded from requesting a zone change that is different from what is recommended within the Comprehensive Plan, it is incumbent upon the applicant to show how the proposed zone meets the Goals, Objectives, and Policies, while also describing how the proposed zoning meets the intent of the Place-Type and Development Type. Within the Corridor Place-Type and Medium Density Non-Residential / Mixed Use Development Type, there are six recommended zones: Commercial Center (B-6P), Neighborhood Business (B-1) with a form-based project, Mixed-Use Corridor (MU-2), Mixed-Use Community (MU-3), High Density Apartment (R-4), and High-Rise Apartment (R-5) zones. These zones are recommended as they meet the intent of the Place-Type and Development Type. The applicant has not provided evidence as to how the proposed Highway Service Business (B-3) zone and the Planned Neighborhood Residential (R-3) zones are in agreement with the Corridor Place-Type and Medium Density Non-Residential / Mixed Use Development Type.



## DEVELOPMENT CRITERIA

The applicant has not addressed any of the associated development criteria applicable to the Corridor Place-Type and the Medium Density Non-Residential Development Type. The applicant has therefore not shown how they are meeting the Comprehensive Plan. The following Development Criteria are applicable to the Corridor Place-Type and the Medium Density Non-Residential / Mixed Use Development Type:

*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.*

*A-DS5-3 Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.*

*A-DS5-4 Development should provide a pedestrian-oriented and activated ground level.*

*A-DS7-1 Parking should be oriented to the interior or rear of the property for nonresidential or multi-family developments.*

*A-DS7-2 Any non-residential or multi-family parking not buffered by a building should be screened from the streetscape view and adjacent properties.*

*A-DS7-3 Parking structures should activate the ground level.*

*A-DS8-1 At the individual street level, medium density housing types should be interspersed with single-family detached units and should be context sensitive.*

*A-DS10-1 Residential units should be within reasonable walking distance to a focal point.*

*A-DS11-1 Common public uses that serve as neighborhood focal points, such as parks and schools, should be on single loaded streets.*

*A-DN2-1 Infill residential should aim to increase density.*

*A-DN2-2 Development should minimize significant contrasts in scale, massing and design, particularly along the edges of historic areas and neighborhoods. (D-PL9, E-GR6)*

*A-DN3-1 Pedestrian-oriented commercial opportunities should be incorporated within residential neighborhoods.*

*A-DN3-2 Development should incorporate residential units in commercial centers with context sensitive design.*

*A-EQ3-1 Development should create context sensitive transitions between intense corridor development and existing neighborhoods.*

*B-PR9-1 Minimize disturbances to environmentally sensitive areas by utilizing the existing topography to the greatest extent possible.*

*B-SU11-1 Green infrastructure should be implemented in new development. (E-GR3)*

*C-DI1-1 Consider flexible zoning options that will allow for a wide range of jobs.*

*C-DI5-1 In Opportunity Zones with a clearly defined local context, consider adaptive reuse to enhance the existing context.*

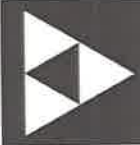
*C-LI2-2 Non-agricultural uses at or near potential and existing gateways, as mapped in the Rural Land Management Plan, should be buffered.*

*C-LI2-3 Design should create a positive gateway character at existing and proposed gateways as identified in the Rural Land Management Plan.*

*C-LI2-4 Setbacks, signage, and screening should complement the iconic Bluegrass landscape along Historic Turnpikes, Scenic Byways, Turnpikes, and other scenic roads listed in the RLMP.*



- C-LI6-1 Developments should incorporate multi-family housing and walkable commercial uses into development along arterials/corridors.*
- C-LI7-1 Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.*
- C-PS9-2 Modify current office space to include complementary uses.*
- C-PS10-2 Developments should explore options for shared and flexible parking arrangements for currently underutilized parking lots.*
- C-PS10-3 Over-parking of new developments should be avoided. (B-SU5)*
- D-PL7-1 Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.*
- D-PL9-1 Historically significant structures should be preserved.*
- D-PL10-1 Activate the streetscape by designating public art easements in prominent locations.*
- 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.*
- 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.*
- D-SP9-1 Encourage co-housing, shared housing environments, planned communities and accessory dwelling units for flexibility and affordability for senior adults and people with disabilities.*
- E-GR4-1 Developments should incorporate reuse of viable existing structures.*
- E-GR5-1 Structures with demonstrated historic significance should be preserved or adapted.*
- E-GR9-1 Live/work units should be incorporated into residential developments.*
- E-GR9-4 Development should intensify underutilized properties and develop vacant and underutilized gaps within neighborhoods. (E-GR6)*
- E-GR10-2 Developments should provide walkable service and amenity-oriented commercial spaces.*
- E-GR10-3 Shared common space in commercial developments should be provided to encourage experiential retail programming.*
- A-DS1-1 Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7).*
- A-DS1-2 Direct pedestrian linkages to transit should be provided.*
- A-DS4-1 A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided. (A-DS2, A-DN1, B-SU1, B-SU2, C-LI7, E-AC5)*
- A-DS5-1 Adequate multi-modal infrastructure should be provided to ensure vehicular separation from other modes of transport.*
- A-DS5-2 Roadways should provide a vertical edge, such as trees and buildings.*
- A-DS10-2 New focal points should be designed with multi-modal connections to the neighborhood.*
- A-DS13-1 Stub streets should be connected. (D-CO4)*
- A-EQ3-2 Development on corridors should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities). (B-SU3)*



- A-EQ7-2 Multi-modal transportation options for healthcare and social services facilities should be provided. (E-ST3)*
- B-SU4-1 Where greenspace/community centers are not located within walking distance of a new development, applicants should attempt to incorporate those amenities. (A-DS9)*
- C-PS10-1 Flexible parking and shared parking arrangements should be utilized.*
- D-CO1-1 Rights-of-way and multi-modal facilities should be designed to reflect and promote the desired place-type.*
- D-CO2-1 Safe facilities for all users and modes of transportation should be provided.*
- 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.*
- 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.*
- D-CO5-1 Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.*
- D-SP1-3 Developments should provide multi-modal transportation infrastructure to school sites, including sidewalks, shared-use paths, and roadways that can accommodate the bus and vehicle traffic associated with the site.*
- 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)*
- A-DS4-3 Development should work with the existing landscape to the greatest extent possible, preserving key natural features.*
- A-EQ7-3 Community open spaces should be easily accessible and clearly delineated from private open spaces.*
- B-PR2-1 Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.*
- B-PR2-2 Dividing floodplains into privately owned parcels with flood insurance should be avoided.*
- B-PR2-3 Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them.*
- B-PR7-1 Connections to greenways, tree stands, and stream corridors should be provided.*
- B-PR7-2 Trees should be incorporated into development plans, prioritize grouping of trees to increase survivability.*
- B-PR7-3 Developments should improve the tree canopy.*
- B-RE1-1 Developments should incorporate street trees to create a walkable streetscape.*
- B-RE2-1 Green infrastructure should be used to connect the greenspace network.*
- D-SP2-1 Visible, usable greenspace and other natural components should be incorporated into school sites.*
- E-GR3-1 Physical and visual connections should be provided to existing greenway networks.*
- E-GR3-2 New focal points should emphasize geographic features unique to the site.*

**STAFF RECOMMENDS: **DISAPPROVAL**, FOR THE FOLLOWING REASONS:**



1. The requested rezoning to Highway Service Business (B-3) zone and the Planned Neighborhood Residential (R-3) are not in agreement with the 2018 Comprehensive Plan for the following reasons:
  - a. The requested zones are not recommended zones within the Comprehensive Plan and the applicant has not provided sufficient information as to how the zones fit the proposed Place-Type or Development Type.
  - b. The requested rezoning is not in agreement with the Goals, Objectives, and Policies of the 2018 Comprehensive Plan.
  - c. The proposed development does not meet the intent of the Medium Density Non-Residential / Mixed Use Development Type.
  - d. The requested rezoning is not in agreement with the Development Criteria of the 2018 Comprehensive Plan.
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 evidence as to why the current zoning is inappropriate and the proposed zoning is the most appropriate zone for this location.

HBB/TLW  
10/05/2021

Planning Services/Staff Reports/MAR/2021/PLN-MAR-21-00016 HARRODSBURG ROAD LLC.pdf

# UPDATED STAFF RECOMMENDATION ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-21-00016: HARRODSBURG ROAD, LLC

## STAFF RECOMMENDS: **DISAPPROVAL**, FOR THE FOLLOWING REASONS:



1. The requested rezoning to Highway Service Business (B-3) zone and the Planned Neighborhood Residential (R-3) are not in agreement with the 2018 Comprehensive Plan for the following reasons:
  - a. The requested zones are not recommended zones within the proposed Place-Type of the Comprehensive Plan and the applicant has not provided sufficient information as to how the zones fit the proposed Place-Type or Development Type.
  - b. The requested rezoning is not in agreement with the Goals, Objectives, and Policies of the 2018 Comprehensive Plan.
    1. The proposed development is not an integrated mixed-use development, it does not adaptively reuse the existing structure, nor does the proposed development seek to construct at a density or intensity that might be reflective of a major corridor in Lexington (Theme A, Goal #2, Theme A, Goal #2.a).
    2. The proposed development does not indicate the context and design features that they are seeking to promote; commercial opportunities actually represent a decrease in intensity and density of use compared to the neighboring commercial development (Theme A, Goal #2.b).
    3. The application does not indicate what forms of jobs might be created that will support and showcase local assets to create a variety of jobs (Theme C, Goal #1).
    4. The proposed development does not incorporate safe and integrated pedestrian facilities into the proposed development; nor is the proposed development pedestrian-oriented (Theme D, Goal #1.a).
    5. The proposed rezoning and associated development does not improve traffic operation strategies (Theme D, Goal 1.d).
  - c. The proposed development does not meet the intent of the Medium Density Non-Residential / Mixed Use Development Type as established on page 271 of the Comprehensive Plan.
  - d. 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. A-DS5-3: Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
    3. A-DS5-4: Development should provide a pedestrian-oriented and activated ground level.
    4. A-DS7-1: Parking should be oriented to the interior or rear of the property for nonresidential or multi-family developments.
    5. A-DN3-1: Pedestrian-oriented commercial opportunities should be incorporated within residential neighborhoods.
    6. B-SU11-1: Green infrastructure should be implemented in new development. (E-GR3)
    7. C-DI1-1: Consider flexible zoning options that will allow for a wide range of jobs.
    8. C-LI6-1: Developments should incorporate multi-family housing and walkable commercial uses into development along arterials/corridors.
    9. C-LI7-1: Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.
    10. C-PS10-3: Over-parking of new developments should be avoided. (B-SU5)
    11. D-PL9-1: Historically significant structures should be preserved.
    12. D-PL10-1: Activate the streetscape by designating public art easements in prominent locations.
    13. E-GR4-1: Developments should incorporate reuse of viable existing structures.
    14. E-GR9-4: Development should intensify underutilized properties and develop vacant and underutilized gaps within neighborhoods. (E-GR6)

**STAFF RECOMMENDS: DISAPPROVAL, FOR THE FOLLOWING REASONS:**



15. E-GR10-2: Developments should provide walkable service and amenity-oriented commercial spaces.
16. A-DS1-2: Direct pedestrian linkages to transit should be provided.
17. A-DS5-1: Adequate multi-modal infrastructure should be provided to ensure vehicular separation from other modes of transport.
18. A-DS5-2: Roadways should provide a vertical edge, such as trees and buildings.
19. A-DS13-1: Stub streets should be connected. (D-CO4)
20. A-EQ3-2: Development on corridors should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities). (B-SU3)
21. D-CO1-1: Rights-of-way and multi-modal facilities should be designed to reflect and promote the desired place-type.
22. D-CO2-1: Safe facilities for all users and modes of transportation should be provided.
23. 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.
24. 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.
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 evidence as to why the current zoning is inappropriate and the proposed zoning is the appropriate zone for this location.

HBB/TLW  
01/26/2022

Planning Services/Staff Reports/MAR/2021/PLN-MAR-21-00016 HARRODSBURG ROAD LLC Updated Findings.pdf



# TIS Staff Report

## 4085 Harrodsburg Road (Masonic Temple)

**Background Information:**

- TIS Name: 4085 Harrodsburg Road (Masonic Temple)
- TIS Preparer: Vision Engineering, Mark S. McIntosh PE, PTOE
- TIS Prep Date: September 7, 2021, updated December 22, 2021
- MAR#: PLN-MJDP-21-00055

**Development Overview:**

The developer is proposing a Planned Neighborhood Residential (R-3) zone with eight (8) single-family homes, fourteen (14) townhomes and a Highway Service Business (B-3) zone with seven (7) commercial outlots.

**Existing Traffic Conditions:**

**Harrodsburg Road (US 68)**

- 4-lane, divided minor urban arterial with a speed limit of 55 mph
- AADT of 32,533 in 2019. *Down from 34,400 in 2016*

**Man O' War Boulevard**

- 4-lane, divided principle urban arterial with a speed limit of 45 mph
- AADT of 16,315 in 2018. *Down from 18,700 vehicles in 2015.*

**Trip Generation / Distribution:**

The full buildout year (2029) AM and PM peak hour traffic volumes shown in the following table were estimated using rates from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th edition.

	Entering	Exiting	Total
New AM Peak Trips	123	116	239
New PM Peak Trips	147	144	291

In addition to the site traffic, the 2029 full buildout scenario used in the study also accounts for peak hour trips generated by Ethington Heights and The Fountains at

Palomar. A 1% annual growth rate and 7% truck volumes were applied to through traffic on Harrodsburg Road and Man O' War. Trip distribution and assignments are based on the existing Harrodsburg Road and Man o' War Boulevard peak hour traffic.

**Intersection Analysis:**

The study analyzes existing and full buildout peak hour operating conditions at five existing intersections (4 signalized and 1 unsignalized) and one potential future intersection using the Trafficware Synchro Version 10 software. There are three different full buildout (2029) scenarios based on the level of site access to Harrodsburg Road and connectivity to Syringa Drive:

- Scenario 1: Full Access to US 68, no connection to Syringa
- Scenario 2: Right-In, Right-Out Only Access to US 68, no connection to Syringa
- Scenario 3: US 68 access via The Fountains and connection to Syringa

The following table summarizes the range of average delay, in seconds per vehicle, at each level of service.

Level of Service (LOS)	Average Delay (seconds per vehicle)	
	Signalized Intersections	Unsignalized Intersections
A	Less than 10	Less than 6
B	10 – 19	6 – 9
C	20 – 34	10 – 19
D	35 – 54	20 – 29
E	55 – 80	30 – 45
F	More than 80	More than 45

Existing and full buildout peak hour LOS conditions for each intersection are summarized in the tables on the following pages along with staff comments:

1. Harrodsburg Road at Wellington Way (Signalized):



Peak hour impact of full buildout traffic: **Moderate**

Existing (2021) Peak Hour Conditions:

	AM LOS	PM LOS
Overall Intersection	B	D
Wellington Way EB	E	F
Wellington Way WB	E	F
US 68 NB	A	A
US 68 SB	B	C

Full Buildout (2029) Peak Hour Conditions (All Scenarios):

	AM LOS	PM LOS
Overall Intersection	C	D
Wellington Way EB	E	F
Wellington Way WB	E	F
US 68 NB	A	A
US 68 SB	B	D

2. Harrodsburg Road at Man O' War (Signalized):



**Peak hour impact of full buildout traffic: Significant**

**Existing (2021) Peak Hour Conditions:**

	AM LOS	PM LOS
Overall Intersection	D	E
Man O' War EB	E	E
Man O' War WB	D	E
US 68 NB	C	D
US 68 SB	C	C

**Full Buildout (2029) Peak Hour Conditions (All Scenarios):**

	AM LOS	PM LOS
Overall Intersection	E	F
Man O' War EB	F	F
Man O' War WB	E	F
US 68 NB	E	E
US 68 SB	D	F

**3. Harrodsburg Road at Fountainblue Lane (Signalized):**



**Peak hour impact of full buildout traffic: Low to Moderate**

**Existing (2021) Peak Hour Conditions:**

	AM		PM	
	LOS	LOS	LOS	LOS
Overall Intersection	A	A	A	A
Fountainblue EB	E	E	E	E
US 68 NB	A	A	A	A
US 68 SB	A	A	A	A

**Full Buildout (2029) Peak Hour Conditions:**

Scenario:	AM			PM		
	1 LOS	2 LOS	3 LOS	1 LOS	2 LOS	3 LOS
Overall Intersection	B	B	B	B	C	C
Fountainblue EB	E	E	E	E	E	E
US 68 NB	A	A	A	B	C	C
US 68 SB	A	A	A	B	B	B

**4. Harrodsburg Road at Palomar Blvd / Stedman Drive (Unsignalized):**



**Peak hour impact of full buildout traffic: Moderate to Significant**

**Existing (2021) Peak Hour Conditions:**

	AM		PM	
	LOS	LOS	LOS	LOS
Overall Intersection	A	B	B	B
Palomar Blvd EB	F	F	F	F
Stedman Dr WB	F	F	F	F
US 68 NB	B	C	C	C
US 68 SB	C	C	B	B

**Full Buildout (2029) Peak Hour Conditions:**

Scenario:	AM			PM		
	1	2	3	1	2	3
	LOS	LOS	LOS	LOS	LOS	LOS
Overall Intersection	C	C	D	D	D	F
Palomar Blvd EB	F	F	F	F	F	F
Stedman Dr NB	F	F	F	F	F	F
US 68 NB	B	B	B	D	D	D
US 68 SB	C	C	C	B	B	B

5. Harrodsburg Road at Madrone Way/Old Higbee Mill Road (Signalized):



Peak hour impact of full buildout traffic: Moderate

Existing (2021) Peak Hour Conditions:

	AM LOS	PM LOS
Overall Intersection	B	B
Madrone Way EB	E	E
Old Higbee Mill Rd WB	E	E
US 68 NB	B	B
US 68 SB	A	A

Full Buildout (2029) Peak Hour Conditions:

	AM LOS	PM LOS
Overall Intersection	C	C
Madrone Way EB	F	E
Old Higbee Mill Rd WB	E	D
US 68 NB	C	B
US 68 SB	B	D

**6. Harrodsburg Road at Proposed Site Access (Unsignalized):**



**Peak hour impact of full buildout traffic: Low to Moderate**

**Full Buildout (2029) Peak Hour Conditions:**

Scenario:	AM		PM	
	1 LOS	2 LOS	1 LOS	2 LOS
Overall Intersection	A	A	A	A
Site Access EB	F	B	F	F
US 68 NB Left	B	N/A	D	N/A
US 68 SB Left	A	A	A	A



**Staff Comments:**

The staff generally agrees with the findings of the applicant's traffic impact study. It could even be argued that the study predicts a worst-case future. At full buildout, with the exception of Man O' War, all existing intersections are expected to operate at an acceptable Level of Service of D or better during the AM and PM peak hours. While the study anticipates the impact at Man O' War to be significant, it is important to note that full buildout includes traffic from two approved developments. Furthermore, most development types that might eventually be approved for the subject property are likely to generate a similar trip volume.

There are two points where the staff does not agree with the study. The first is impact of, and need for, the proposed site access to Harrodsburg Road. Site traffic can easily be accommodated via Fountainblue Lane without additional access to US 68. If allowed, the site access point would need to be situated between Fountainblue Lane and Palomar Blvd, which are approximately 1,200 feet apart. At best, the proposed access point would be 600 feet from the adjacent intersections. Minor arterial intersection spacing guidelines in the subdivision regulations require a minimum of 1,000 feet spacing. While allowing full or RIRO access to Harrodsburg Road (scenarios 1 and 2) may result in a slightly lower delay at Fountainblue, it is the staff's opinion that this does not justify allowing direct site access to US 68.

The second point of staff disagreement is the impact of connecting Syringa Drive to the subject property. It is the staff's opinion that the study over-estimates the amount of site traffic that would enter and exit via Syringa which yields a significantly lower peak hour level of service at the intersection of Palomar Blvd and Harrodsburg Road under scenario 3. The majority of site traffic that did not originate from the Palomar neighborhood would choose to enter and exit the site via the Fountainblue and US 68 intersection. Daily cut-through traffic would not be an issue as, even during the peaks, it would still be faster for through drivers to stay on Harrodsburg Road and Man O' War.

Connecting Syringa Drive would allow Palomar residents of the Palomar neighborhood to access the site without having to drive on US 68. This benefits the residents as well as through-travelers on US 68. In the rare instance of an extended blockage on Harrodsburg Road, better neighborhood connectivity would provide an alternate route which would be a benefit to Palomar residents and the traveling public. This is especially true for first responders. Street continuity is important, and this is a subject for which the staff will continue to advocate. In short, it is the staff's opinion that any future development of the subject property should; 1) not have direct access to US 68, and 2) connect to Palomar Blvd via Syringa Drive.

1. HARRODSBURG ROAD LLC ZONING MAP AMENDMENT & SHRINERS HOSPITAL / MASONIC TEMPLE ASSOCIATION OF LEXINGTON KENTUCKY ZONING DEVELOPMENT PLAN

- a. PLN-MAR-21-00016: HARRODSBURG ROAD LLC (12/06/21)\*- a petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Highway Service Business (B-3), for 7.88 net (9.245 gross) acres, and from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 3.88 net and gross acres, for property at 4085 Harrodsburg Road.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2018 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 applicant is seeking to rezone a portion of the subject property from an Agricultural Urban (A-U) zone to the Highway Service Business (B-3) zone in an effort to construct a continuation of the commercial shopping center located at the corner of Man O War Boulevard and Harrodsburg Road. Additionally, the applicant is seeking to rezone the remaining portion of the subject property from an Agricultural Urban (A-U) zone to the Planned Neighborhood Residential (R-3) zone to develop a separate low density residential development with 14 single family residential lots.

The Zoning Committee Recommended: Postponement, for the reasons provided by staff.

The Staff Recommends: Disapproval, for the following reasons:

- 1. The requested rezoning to Highway Service Business (B-3) zone and the Planned Neighborhood Residential (R-3) are not in agreement with the 2018 Comprehensive Plan for the following reasons:
  - a. The requested zones are not recommended zones within the Comprehensive Plan and the applicant has not provided sufficient information as to how the zones fit the proposed Place-Type or Development Type.
  - b. The requested rezoning is not in agreement with the Goals, Objectives, and Policies of the 2018 Comprehensive Plan.
  - c. The proposed development does not meet the intent of the Medium Density Non-Residential / Mixed Use Development Type.
  - d. The requested rezoning is not in agreement with the Development Criteria of the 2018 Comprehensive Plan.
- 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 evidence as to why the current zoning is inappropriate and the proposed zoning is the most appropriate zone for this location.

- b. PLN-MJDP-21-00055: SHRINERS HOSPITAL / MASONIC TEMPLE ASSOCIATION OF LEXINGTON KENTUCKY (12/06/21)\* - located at 4085 HARRODSBURG ROAD, LEXINGTON, KY.  
Project Contact: Vision Engineering

The Subdivision Committee Recommended: Postponement. There were questions regarding access to Harrodsburg Road, the lack of a tree inventory map, the number of proposed drive-through facilities, and internal vehicular and pedestrian connections.

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

- 1. Provided the Urban County Council rezones the property R-3/B-3; otherwise, any Commission action of approval is null and void.
- 2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
- 3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
- 4. Urban Forester's approval of tree inventory map.
- 5. Department of Environmental Quality's approval of environmentally sensitive areas.
- 6. United States Postal Service Office's approval of kiosk locations or easement.
- 7. Dimension all proposed buildings.
- 8. Discuss proposed access to Harrodsburg Road and need for waiver.
- 9. Clarify proposed number of drive-through facilities and potential traffic conflicts.
- 10. Discuss internal vehicular and pedestrian access and connectivity.
- 11. Clarify if any identified trees meet the Article 26 definition of significant.
- 12. Discuss Placebuilder criteria.
  - 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.

\* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

- A-DS5-3: Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
- A-DS5-4: Development should provide a pedestrian-oriented and activated ground level.
- A-DS7-1: Parking should be oriented to the interior or rear of the property for nonresidential or multi-family developments.
- A-DS7-2: Any non-residential or multi-family parking not buffered by a building should be screened from the streetscape view and adjacent properties.
- A-DS7-3: Parking structures should activate the ground level.
- A-DS8-1: At the individual street level, medium density housing types should be interspersed with single-family detached units and should be context sensitive.
- A-DS10-1: Residential units should be within reasonable walking distance to a focal point.
- A-DS11-1: Common public uses that serve as neighborhood focal points, such as parks and schools, should be on single loaded streets.
- A-DN2-1: Infill residential should aim to increase density.
- A-DN2-2: Development should minimize significant contrasts in scale, massing and design, particularly along the edges of historic areas and neighborhoods. (D-PL9, E-GR6)
- A-DN3-1: Pedestrian-oriented commercial opportunities should be incorporated within residential neighborhoods.
- A-DN3-2: Development should incorporate residential units in commercial centers with context sensitive design.
- A-EQ3-1: Development should create context sensitive transitions between intense corridor development and existing neighborhoods.
- B-PR9-1: Minimize disturbances to environmentally sensitive areas by utilizing the existing topography to the greatest extent possible.
- B-SU11-1: Green infrastructure should be implemented in new development. (E-GR3)
- C-DI1-1: Consider flexible zoning options that will allow for a wide range of jobs.
- C-DI5-1: In Opportunity Zones with a clearly defined local context, consider adaptive reuse to enhance the existing context.
- C-LI2-2: Non-agricultural uses at or near potential and existing gateways, as mapped in the Rural Land Management Plan, should be buffered.
- C-LI2-3: Design should create a positive gateway character at existing and proposed gateways as identified in the Rural Land Management Plan.
- C-LI2-4: Setbacks, signage, and screening should complement the iconic Bluegrass landscape along Historic Turnpikes, Scenic Byways, Turnpikes, and other scenic roads listed in the RLMP.
- C-LI6-1: Developments should incorporate multi-family housing and walkable commercial uses into development along arterials/corridors.
- C-LI7-1: Developments should create mixed-use neighborhoods with safe access to community facilities, green-space, employment, businesses, shopping, and entertainment.
- C-PS9-2: Modify current office space to include complementary uses.
- C-PS10-2: Developments should explore options for shared and flexible parking arrangements for currently underutilized parking lots.
- C-PS10-3: Over-parking of new developments should be avoided. (B-SU5)
- D-PL7-1: Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
- D-PL9-1: Historically significant structures should be preserved.
- D-PL10-1: Activate the streetscape by designating public art easements in prominent locations.
- 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.
- 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.
- D-SP9-1: Encourage co-housing, shared housing environments, planned communities and accessory dwelling units for flexibility and affordability for senior adults and people with disabilities.
- E-GR4-1: Developments should incorporate reuse of viable existing structures.
- E-GR5-1: Structures with demonstrated historic significance should be preserved or adapted.
- E-GR9-1: Live/work units should be incorporated into residential developments.
- E-GR9-4: Development should intensify underutilized properties and develop vacant and underutilized gaps within neighborhoods. (E-GR6)
- E-GR10-2: Developments should provide walkable service and amenity-oriented commercial spaces.
- E-GR10-3: Shared common space in commercial developments should be provided to encourage experiential retail programming.

---

\* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

- A-DS1-1: Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7).
- A-DS1-2: Direct pedestrian linkages to transit should be provided.
- A-DS4-1: A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided. (A-DS2, A-DN1, B-SU1, B-SU2, C-LI7, E-AC5)
- A-DS5-1: Adequate multi-modal infrastructure should be provided to ensure vehicular separation from other modes of transport.
- A-DS5-2: Roadways should provide a vertical edge, such as trees and buildings.
- A-DS10-2: New focal points should be designed with multi-modal connections to the neighborhood.
- A-DS13-1: Stub streets should be connected. (D-CO4)
- A-EQ3-2: Development on corridors should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities). (B-SU3)
- A-EQ7-2: Multi-modal transportation options for healthcare and social services facilities should be provided. (E-ST3)
- B-SU4-1: Where greenspace/community centers are not located within walking distance of a new development, applicants should attempt to incorporate those amenities. (A-DS9)
- C-PS10-1: Flexible parking and shared parking arrangements should be utilized.
- D-CO1-1: Rights-of-way and multi-modal facilities should be designed to reflect and promote the desired place-type.
- D-CO2-1: Safe facilities for all users and modes of transportation should be provided.
- 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.
- 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.
- D-CO5-1: Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.
- D-SP1-3: Developments should provide multi-modal transportation infrastructure to school sites, including sidewalks, shared-use paths, and roadways that can accommodate the bus and vehicle traffic associated with the site.
- 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)
- A-DS4-3: Development should work with the existing landscape to the greatest extent possible, preserving key natural features.
- A-EQ7-3: Community open spaces should be easily accessible and clearly delineated from private open spaces.
- B-PR2-1: Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.
- B-PR2-2: Dividing floodplains into privately owned parcels with flood insurance should be avoided.
- B-PR2-3: Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them.
- B-PR7-1: Connections to greenways, tree stands, and stream corridors should be provided.
- B-PR7-2: Trees should be incorporated into development plans, prioritize grouping of trees to increase survivability.
- B-PR7-3: Developments should improve the tree canopy.
- B-RE1-1: Developments should incorporate street trees to create a walkable streetscape.
- B-RE2-1: Green infrastructure should be used to connect the greenspace network.
- D-SP2-1: Visible, usable greenspace and other natural components should be incorporated into school sites.
- E-GR3-1: Physical and visual connections should be provided to existing greenway networks.
- E-GR3-2: New focal points should emphasize geographic features unique to the site.

Staff Zoning Presentation – Mr. Baillie presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and of the general area. He said the applicant is seeking to develop two separate portions of the property to allow for construction of the continuation of a commercial shopping center located on the corner of Man 'o War Boulevard and Harrodsburg Road (The Fountains of Palomar). This continuation of the shopping center would include six outlots for retail sales. The applicant is proposing to have access from an internal connection to the neighboring center as well as direct access to Harrodsburg Road. He said that the applicant is proposing to rezone the rear of the property to the Planned Neighborhood Residential (R-3) zone to allow for the construction of 21 single-family dwelling units, which will be a blend of attached and detached units. This residential development is proposed to be completely separated from the commercial development, with their only access from Syringa Drive. He said that the proposed development is located along Harrodsburg Road, south of Man 'o War Boulevard and close to the Urban Service Area (USA) boundary. He said that the area is primarily surrounded by residential zoning, Single Family Residential (R-1C) and (R-1D) and Planned Neighborhood Residential (R-3) zones on the north boundary and High Density Apartment (R-4) and Townhouse Residential (R-1T) zones, as well

as a remnant piece of Agricultural Urban (A-U) zone located across Harrodsburg Road. He then displayed the aerial phot of the area and said that the area has two stub streets, one located on Fountain Blue Lane and the other on Syringa Drive. Both of the stub streets are meant to connect into the property to provide access per the Land Subdivision Regulations and the Zoning Ordinance. He said that there is another proposed connection in the vicinity, Captains Court to Syringa Drive, which would create a flow of traffic that would be able to access across this area of the community.

Mr. Bailey said that the staff believes that is important to understand the flow of this application. The initial pre-application meeting for this requested zone change was in July 2021, the applicant filed the application in September 2021, and then went through the Subdivision and Zoning Committee meetings on October 7, 2021. The staff recommended disapproval to the Zoning Committee; however the Committee recommended postponement and requested for more information. The applicant then postponed this application until today's hearing. He said that during that time there was a neighborhood meeting with the applicant, the Palomar Hills neighborhood and the staff on December 20, 2021. He added that one hour prior to this hearing, the applicant submitted a supplemental justification for this application. He said that the adopted meeting schedule allows for submittal of any supplemental information at least 48 hours prior to the public hearing, and this is published in many of the Division of Planning materials. He stated that due to the time of this submittal, the staff was not able to review the supplemental justification and that there will be some differentiation between the staff's presentation and the applicant's.

Mr. Baillie said that the applicant has suggested that they are in agreement with the Goals, Objectives, and Policies of the 2018 Comprehensive Plan, by stating that they are expanding housing choice by accommodating the demand for housing in Lexington responsibly and prioritizing higher density and mixture of housing types. He said that the staff disagrees with this portion of their justification as the applicant is not providing a higher density residential development. He said that the applicant also indicated they are supporting infill and redevelopment throughout the Urban Services Area as a strategic component of growth by identifying areas of opportunity for infill, redevelopment, adaptive reuse and mixed-use development. He said that the proposed development is not an integrated mixed-use development and doesn't adaptively reuse the existing structure, nor does it seek to construct at a density or intensity that might be reflective of a major corridor in the City of Lexington. The applicant indicated they are respecting the context and design features of areas surrounding the development and develop design standards and guidelines to ensure compatibility with existing urban form. He said that the applicant did not expand upon this statement in their justification and did not indicate the context and design features that they're seeking to promote. He added that commercial opportunities in the area are actually more intense than the development that is being proposed. He said that the applicant indicated they are supporting and showcasing local assets to further the creation of a variety of jobs. He said that the applicant has not provided any information regarding the forms of jobs that might be created through the development of this subject property. He said that the applicant also indicated they are improving a desirable community by supporting 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 residents and visitors. He said that the applicant again has not provided any information regarding the facilities to be incorporated into the proposed development. He added that this proposed development is not pedestrian oriented and completely separated from the surrounding residential context.

Mr. Baillie said that the applicant indicates that the project is located within the Corridor Place-Type. He said that the corridors major focus is on commerce and transportation. One emphasis of the 2018 Comprehensive Plan was to overhaul some of the intensity along these corridors, so they would be the areas of the most intense, economic, residential, and commercial opportunities that would be located within the City of Lexington. This was also meant to add a mix of different land uses with both commercial and residential, which is represented by the recommended zones in this Place-Type. He said that there is discontinuity with what the applicant is applying for. He said that the staff agrees that the front portion of the subject property is a Corridor Place-Type, but the rear portion of the subject property is distinct and separated from the corridor and the commercial development, and is more associated with the adjacent neighborhood.

Mr. Baillie said that the applicant also indicated that they are proposing the Medium Density Non-Residential / Mixed Use Development Type. This Development Type is primarily meant to be community-serving commercial uses, services, places of employment, and/or a mix of uses within mid-rise structures with a higher Floor Area Ratio (FAR). The mixture of structures is meant to include the option to allow for commercial opportunities and multi-family residential units, but the 2018 Comprehensive Plan does not require residential development to occur. However, the 2018 Comprehensive Plan is flexible and does allow for the intensification of the corridors as well as allowing the applicant to apply without having to include certain elements within the application. He said that there is a real focus on the Medium Density Non-Residential / Mixed Use Development Type to get more integration with the multi-modal connections, pedestrian access, and orienting buildings along the street and avoiding over parking. He said that most of the parking is meant to be internal to the site and not the primary focus of the development, which should be the architecture and the buildings and the activity that occurs there. He said that the applicant has not provided any information regarding the Medium Density Non-Residential / Mixed Use Development Type within their application. The commercial portion and the residential portion of the site are both low-density and low-intensity, and therefore do not meet the description of this Development Type. Single-family residential is explicitly described within the 2018 Comprehensive Plan as a low-density housing option.

---

\* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Mr. Baillie said that there are six recommended zones within the Corridor Place-Type and the Medium Density Non-Residential / Mixed Use Development Type. Five of them allow the mix of residential and commercial uses, but don't require them. He said that the applicant hasn't applied for any of the recommended zones and that the proposed zoning differs from the established zoning in the area. He said that the 2018 Comprehensive Plan does allow for flexibility, but the applicant must justify the types of zones they are using and how they meet the 2018 Comprehensive Plan and the Development Criteria. He said that the applicant hasn't provided additional information regarding how the proposed zone is in agreement with the 2018 Comprehensive Plan. He said that at the time of the pre-application meeting, the applicant was supplied with instructions to style their justification based on the development criteria associated with the Place-Type and the Development Type and indicate what they are seeking to do on the property and show how they are meeting the 2018 Comprehensive Plan. He added that the development criteria is a distillation of the Goals, Objectives and Policies of the 2018 Comprehensive Plan and therefore show agreement with the 2018 Comprehensive Plan through their integration on the development plan and in the applicant's justification letter. He added that prior to this meeting, there was not any review of the development criteria provided by the applicant. He said that the staff reviewed the development criteria that could be applicable to this development, which there is a significant number not addressed by the applicant. This lack of a complete justification led to a request by the staff after the October 7, 2021 Zoning Committee meeting. The response to that request was submitted to the staff by the applicant one hour prior to this hearing.

Mr. Baillie said that the 2018 Comprehensive Plan also encourages neighborhood engagement. He said that the applicant did meet with neighborhood representatives prior to submitting the application. He said that the applicant proposed two separate development types to the neighborhood, one was a multi-family residential and the other was a low density residential and low intensity commercial option. He added that there was an impression given that the staff preferred an option with higher density. He stated the staff never gave that impression and did not ever review a multi-family residential development plan.

Mr. Baillie reiterated that this is a zone change from the Agricultural Urban (A-U) zone to the Highway Service Business (B-3) zone and the Planned Neighborhood Residential (R-3) zone, for low density residential and low density / intensity commercial development, not an application for rezoning from A-U zone to an R-4 and/or R-5 zone, or for high density residential. He stated that there have many letters of objection submitted to the staff that oppose this zone change stating an opposition to high-density residential rather than a discussion of the B-3 and R-3 zones, which were requested by the applicant and are being presented today. These letters have been distributed to the Planning Commission for their review.

Mr. Baillie said that the staff is recommending disapproval for this zone change for the following reasons:

1. The requested rezoning to Highway Service Business (B-3) zone and the Planned Neighborhood Residential (R-3) are not in agreement with the 2018 Comprehensive Plan for the following reasons:
  - a. The requested zones are not recommended zones within the proposed Place-Type of the Comprehensive Plan and the applicant has not provided sufficient information as to how the zones fit the proposed Place-Type or Development Type.
  - b. The requested rezoning is not in agreement with the Goals, Objectives, and Policies of the 2018 Comprehensive Plan.
    1. The proposed development is not an integrated mixed-use development, it does not adaptively reuse the existing structure, nor does the proposed development seek to construct at a density or intensity that might be reflective of a major corridor in Lexington (Theme A, Goal #2, Theme A, Goal #2.a).
    2. The proposed development does not indicate the context and design features that they are seeking to promote; commercial opportunities actually represent a decrease in intensity and density of use compared to the neighboring commercial development (Theme A, Goal #2.b).
    3. The application does not indicate what forms of jobs might be created that will support and showcase local assets to create a variety of jobs (Theme C, Goal #1).
    4. The proposed development does not incorporate safe and integrated pedestrian facilities into the proposed development; nor is the proposed development pedestrian-oriented (Theme D, Goal #1.a).
    5. The proposed rezoning and associated development does not improve traffic operation strategies (Theme D, Goal 1.d).
  - c. The proposed development does not meet the intent of the Medium Density Non-Residential / Mixed Use Development Type as established on page 271 of the Comprehensive Plan.
  - d. 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. A-DS5-3: Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
    3. A-DS5-4: Development should provide a pedestrian-oriented and activated ground level.
    4. A-DS7-1: Parking should be oriented to the interior or rear of the property for nonresidential or multi-family developments.
    5. A-DN3-1: Pedestrian-oriented commercial opportunities should be incorporated within residential neighborhoods.

6. B-SU11-1: Green infrastructure should be implemented in new development. (E-GR3)
  7. C-D11-1: Consider flexible zoning options that will allow for a wide range of jobs.
  8. C-LI6-1: Developments should incorporate multi-family housing and walkable commercial uses into development along arterials/corridors.
  9. C-LI7-1: Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.
  10. C-PS10-3: Over-parking of new developments should be avoided. (B-SU5)
  11. D-PL9-1: Historically significant structures should be preserved.
  12. D-PL10-1: Activate the streetscape by designating public art easements in prominent locations.
  13. E-GR4-1: Developments should incorporate reuse of viable existing structures.
  14. E-GR9-4: Development should intensify underutilized properties and develop vacant and underutilized gaps within neighborhoods. (E-GR6)
  15. E-GR10-2: Developments should provide walkable service and amenity-oriented commercial spaces.
  16. A-DS1-2: Direct pedestrian linkages to transit should be provided.
  17. A-DS5-1: Adequate multi-modal infrastructure should be provided to ensure vehicular separation from other modes of transport.
  18. A-DS5-2: Roadways should provide a vertical edge, such as trees and buildings,
  19. A-DS13-1: Stub streets should be connected. (D-CO4)
  20. A-EQ3-2: Development on corridors should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities). (B-SU3)
  21. D-CO1-1: Rights-of-way and multi-modal facilities should be designed to reflect and promote the desired place-type.
  22. D-CO2-1: Safe facilities for all users and modes of transportation should be provided.
  23. 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.
  24. 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.
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 evidence as to why the current zoning is inappropriate and the proposed zoning is the appropriate zone for this location.

Commission Questions – Mr. Penn asked when the staff met with the applicant. Mr. Baillie said that there were several meetings with the applicant, some were in person meetings prior to their submission of the application and there have been two meetings since the October 7, 2021 sub-committee meeting, as well as numerous telephone calls requesting more information.

Mr. Baillie stated that the chat box on Zoom is not the appropriate area to add public comment since it is not part of the public record. He asked that citizens make public comments at the appropriate time to the Planning Commission.

Development Plan Presentation – Mr. Martin presented a rendering of the preliminary development plan associated with the zone change. He said that there are revised conditions, which were distributed to the Planning Commission, recommending that the following conditions be considered only if the Commission elects to approve the preliminary development plan, as follows:

1. Provided the Urban County Council rezones the property R-3/B-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Department of Environmental Quality's approval of environmentally sensitive areas.
6. United States Postal Service Office's approval of kiosk locations or easement.
7. Dimension all proposed buildings.
8. ~~Discuss proposed access to Harrodsburg Road and need for waiver.~~ Remove proposed Harrodsburg Road access from the development plan.
9. Clarify proposed number of drive-through facilities and potential traffic conflicts.
10. ~~Discuss internal vehicular and pedestrian access and connectivity.~~ Revise plan to provide vehicular access to Syringa Drive.
11. Clarify if any identified trees meet the Article 26 definition of significant.
12. ~~Discuss Placebuilder criteria.~~ Denote typical residential townhouse and lot information, including dimensions and height of townhouse.

Mr. Martin displayed a color rendering and identified Harrodsburg Road, Palomar Boulevard, and Syringa Drive. The Fountains of Palomar, a shopping center, is being constructed to the east of the subject property. He said that Fountain Blue Lane will extend through that development, and continue into the subject property. He said that the revised development plan is proposing a right-in / right-out access from Harrodsburg Road. He then identified the proposed residential area in the rear of the development and said that there are twenty-three townhouses and eight single-family homes. They are also proposing six commercial structures, with two of the buildings having proposed drive-through facilities. He said that the Traffic Impact Study that was submitted along with this application, mentions three drive-through facilities. He identified the proposed landscaping that will buffer the residential from the commercial uses. The applicant has added pedestrian connections throughout the residential area, and a two-way circulation around the commercial structures.

Mr. Martin reiterated that this is a preliminary development plan and if this plan should be approved, there are concerns that will need to be addressed. Some of those concerns are landscaping, site lighting, and functionality and location of the dumpsters. He said that there are notes on the plan that do reflect concerns that the staff had addressed on previous developments, such as building façades, presentation or orientation to Harrodsburg Road, and increased landscaping. He said that the staff expressed concern regarding the access and connectivity proposed on this plan, from the date of its submittal. This is a paramount issue on this property and on its impact to the neighborhood, to the adjoining developments, and as well as to the impact on our roadway system. He said that the adopted 2018 Comprehensive Plan emphasizes arterial development, which heightens the need for connectivity, good access control and management along our arterial roadways.

Mr. Martin said that this is the only commercial area that would have access to only arterial roads, with an exception of some commercial business located along north New Circle Road. Access to commercial areas is likely onto collector streets. He said that the established hierarchy is based on engineering principles, and is incorporated into the Land Subdivision Regulations and into the Zoning Ordinance on how a transportation system functions. He said that the arterial roads are defined as the second rank in the classification under expressways, and should be used only for the movement of vehicles and preferably should not provide for vehicular access to adjacent properties. Interruption of traffic flow should be permitted only at street intersections, which should contain medians, acceleration lanes, and left turn storage lanes. Principal arterial roadways carry the major portion of vehicular trips entering and leaving the urban area, providing traffic to our suburban areas, as well as the majority of through movements. He said that Fountain Blue Lane will serve as a service road, which by definition has two or more open ends connecting at intersections with streets that run perpendicular to the service road and its adjacent street of higher classification. This provides access to the property but reduces the conflict and the number of access points to the arterial road. He said that the proposed right-in / right-out doesn't meet these regulations and that this development would create a new conflict point from Man O War Boulevard to Madrone Way, as vehicles try to cross multiple lanes of Harrodsburg Road, which has a high volume of traffic and higher speeds.

Mr. Martin said that the staff believes that it is imperative that there be a vehicular access from the commercial area of subject property to Syringa Drive. He said it is discouraged, at times, to have commercial traffic travel through a residential area, but due to infill considerations and the fact that development happens in stages, there may be the need for traffic calming and other methods to address that traffic. He said that Syringa Drive will provide an outlet for traffic. He then displayed an aerial photo of the subject property with highlighted areas of how the traffic could travel through the development, which depicts Fountain Blue Lane connecting to Syringa Drive, then to Captains Court and to Madrone Way. These connect street would function as a service road. This will alleviate the traffic and the pressure from Harrodsburg Road, which will benefit the neighbors and the traveling public on Harrodsburg Road. He said that the proposed development plan doesn't address access management nor connectivity, and therefore, does not meet the Land Subdivision Regulations or the Zoning Ordinance requirements. He added that the staff is aware of the concern with cut-through traffic and the maintenance of the pavers located at the entrances to the neighborhood. He said that the staff is recommending disapproval of this development plan.

Mr. Martin said that should this development plan be approved, the staff is recommending the proposed access to Harrodsburg Road be removed. The staff would like to clarify the proposed number of drive-throughs and the potential traffic conflicts, and to clarify the significant trees. The staff is asking the applicant to revise the development plan to provide vehicular access to Syringa Drive. The staff is also asking the applicant to denote the typical residential townhouse and lot information.

Traffic Impact Study – Mr. Stuart Kearns, MPO/Transportation Planning, presented the staff report and recommendations for the Traffic Impact Study that was submitted along with this zone change application. He said that the Transportation staff has concern with the access to Harrodsburg Road and the lack of connectivity to the adjacent neighborhoods. He said that the existing conditions on Harrodsburg Road is a 4-lane, divided minor urban arterial with a speed limit of 55 mph and the latest Average Annual Daily Traffic count is from 2019, which is 32,533 vehicle trips per day. The existing conditions on Man O War Boulevard is a 4-lane, divided principle urban arterial with a speed limit of 45 mph and the latest Average Annual Daily Traffic count is from 2018, which is 16,315 vehicle trips per day. He said that the proposed development will create approximately 239 vehicle trips per day during the a.m. peak hours and approximately 291 vehicle trips per day during the p.m. peak hours. He said that this study took the Ethington Heights and the Fountains of Palomar developments into account when calculating traffic.



Mr. Kearns said that the study analyzes existing and full buildout peak hour conditions at five existing intersections and one proposed intersection along Harrodsburg Road, and three potential scenarios that would impact and be impacted by those intersections. He displayed a chart of the Level of Service (LOS) Criteria that the intersections are analyzed upon, as follows:

Level of Service (LOS)	Signalized Intersections	Unsignalized Intersections
	A	Less than 10
B	10 – 19	6 – 9
C	20 – 34	10 – 19
D	35 – 54	20 – 29
E	55 – 80	30 – 45
F	More than 80	More than 45

Mr. Kearns said that the through traffic for Harrodsburg Road at the intersection with Wellington Way during the a.m. peak hours is currently a LOS of B, with the through traffic at Wellington Way operating as LOS of E. The same intersection during the p.m. peak hours is currently a LOS of D, with Wellington Way operating as LOS of F. The full buildout scenario proposes the through traffic at Harrodsburg Road at the intersection with Wellington Way during the a.m. peak hours a LOS of C and the through traffic at Wellington Way proposing as LOS of E. The same intersection during the p.m. peak hours is proposing a LOS of D, with Wellington Way proposing as LOS of F. These are similar to the existing volumes.

The through traffic at the intersection of Harrodsburg Road and Man O War Boulevard during the a.m. peak hours is currently a LOS of D, with the through traffic at Man O War Boulevard operating as LOS of E. The same intersection during the p.m. peak hours is currently a LOS of E, with Man O War Boulevard operating as LOS of E. The full buildout scenario proposes the through traffic at Harrodsburg Road at the intersection with Man O War Boulevard during the a.m. peak hours a LOS of E and the through traffic at Man O War Boulevard proposing as LOS of F. The same intersection during the p.m. peak hours is proposing a LOS of F, with Wellington Way proposing as LOS of F.

The through traffic at the intersection of Harrodsburg Road and Fountainblue Lane during the a.m. and p.m. peak hours is currently a LOS of A, with the through traffic at Fountainblue Lane operating as LOS of E, which is mostly the traffic exiting the development. The full buildout scenario proposes the through traffic at Harrodsburg Road at the intersection with Fountainblue Lane during the a.m. peak hours a LOS of A and the through traffic at Fountainblue Lane proposing as LOS of E. The same intersection during the p.m. peak hours is proposing a LOS of B, with Fountainblue Lane proposing as LOS of E.

The through traffic at the intersection of Harrodsburg Road and Madrone Way during the a.m. and p.m. peak hours is currently a LOS of B, with the through traffic at Madrone Way operating as LOS of E. The full buildout scenario proposes the through traffic at Harrodsburg Road at the intersection with Madrone Way during the a.m. peak hours a LOS of C and the through traffic at Madrone Way proposing as LOS of F. The same intersection during the p.m. peak hours is proposing a LOS of C, with Madrone Way proposing as LOS of E.

The through traffic at the intersection of Harrodsburg Road and Palomar Boulevard, which is an unsignalized intersection, during the a.m. and p.m. peak hours is currently a LOS of B, with the through traffic at Palomar Boulevard operating as LOS of F. The full buildout scenario proposes the through traffic at Harrodsburg Road at the intersection with Palomar Boulevard during the a.m. peak hours a LOS of B and the through traffic at Palomar Boulevard proposing as LOS of F. The same intersection during the p.m. peak hours is proposing a LOS of D, with Palomar Boulevard proposing as LOS of F. He added that this intersection does not yet meet the metrics that would warrant the establishment of a traffic signal.

Mr. Kearns said that the staff disagree with some of the assertions of the traffic impact study as it neglects the benefits of the distribution of traffic with the connection to Syringa Drive. The connection of Syringa Drive allows for the distribution of traffic, while also acting as an alternative access point for the neighborhood, without needing to get onto Harrodsburg Road. Furthermore, the staff does not agree that the right-in / right-out access is needed and the access located at Fountainblue Lane can handle the proposed site traffic and without creating safety issues.

Commission Question – Mr. Michler asked if the staff had any concern with the pedestrian safety at the right-in / right-out access to Harrodsburg Road. Mr. Kearns said that there is pedestrian access and safety for the entire site. He said that the proposed development plan doesn't give the Palomar residents a pedestrian access into this development. They would need to walk along Harrodsburg Road into the development, which would be next to the right turn lane, adding more potential conflicts between pedestrians and vehicles. The pedestrian safety concerns are an issue with the proposed development.

Mr. Bell said the traffic on Madrone Way will be cumbersome when the new Chick-fil-a opens, as well as the homes and townhouses are developed. Then adding the traffic from this development will take away the appeal of Bowman Mill Road being a country road. Mr. Kearns said that there is the need for connectivity and the more connections there are into the neighborhood, the more the traffic will be dispersed. Most of the traffic traveling on the Harrodsburg Road and Man O War Boulevard will

\* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

remain on those roads. Most of the connectivity will be benefiting the residents of the neighborhood. Mr. Bell added that he is anticipating the increased traffic being forced through the neighborhoods, which raises concerns for the residents.

Applicant Presentation – Mr. Bruce Simpson, attorney; Jihad Hillany and Mark McCain, Vision Engineering; and Phillip Sewell, Sewell Commercial Brokerage, were present representing the petitioner. Mr. Simpson said that they met with the neighborhood approximately a year prior to this development was submitted. They had an extensive discussions regarding development option and development opportunities. He said that the neighborhood preferred the same type of development that is being constructed on the Ethington property, consisting single family homes, townhouses, and commercial, which is the same as this proposed development. He added that the people who live closest to the development and who will be most impacted by the development are the ones that should be given the greater deference of what the usual consequences of the developments are, such as traffic, noise, lights, and incompatible developments. He added that following a meeting with the staff, they had changed their plan to incorporate higher density townhouses. He said that they have had several meetings with the staff regarding this application. He said that the neighbors are not familiar with the impacts of the Comprehensive Plan on their homes and many did not receive any notification of a tract of land being changed to high density development on this site. He added that one of the strongest elements of the 2018 Comprehensive Plan was community engagement. He then said that one of the major concerns with the neighbors of this development is the tenuous situation with the school system and they wanted to limit residential density because it can have an adverse impact on their schools. He said that the impact on schools is never considered by this body in any zone change and that it is of critical importance with this neighborhood.

Mr. Simpson said that the initial filing for the zone change was for single-family with retail and after meeting with the staff, whose preference was high-density residential, which is what the 2018 Comprehensive Plan seeks along the corridors. He said that the Comprehensive Plan also seeks context sensitivity with respect to development, which is if the proposed development relatively contextual and compatible with the surrounding neighborhood. He said that this property is surrounded by single-family and this is an important factor to the neighbors. He said that if a real estate developer believes that they can increase density, they would do so and they're not because there isn't a market for vertical increase in density of the commercial space. He said that he believes that there is high demand for retail on this corridor and there isn't much vacant land. He added that they believe this is a workable plan because it was contextually sensitive to the neighbors, who do not want to have big tall buildings in their backyards. They would have one-story buildings, single-family houses and townhouses, with a screen barrier around the entire property that includes an eight-foot fence, enhanced with landscaping, and brick columns. He said that there will be pedestrian access for the neighbors.

Mr. Simpson said in regards to Mr. Kearns and Mr. Bell's comment about increased traffic, that by following the policy of the Comprehensive Plan to increase density along the corridors there will be an increase in traffic. He then said that the Comprehensive Plan is a guide and says that zone changes are reviewed on a case by case basis and the context of the property of what you're seeking to do that. He said that in this case, there is extremely low-density residential completely surrounding this site. He then displayed a color rendering of the site and identified the single-family homes surrounding it. He also displayed the revised development plan and said they mirrored the plan of the Ethington development, which is just south of this property. This development includes with commercial along Harrodsburg Road, followed by townhomes, and then single-family homes nearest the existing homes. He said that the proposed B-3 zone has a wide variety of uses, which are neighborhood oriented types of businesses and provide potential employment.

Mr. Simpson said that he communicated with the staff, who suggested that the applicant address that the homes will be an enhanced residential component, which they agreed and filed it prior to this hearing. He then displayed a rendering of the proposed screening of the enhanced landscaping that they have committed to apply during discussions with the neighbors, and would be resolved at the time of the Final Development Plan. He said that they will fine tune the proposal with every property owner regard what they would need in terms of screening. He then displayed the greenspace areas on the development plan, which is also an element of the Comprehensive Plan. He said that there is approximately 50,000 square-feet of greenspace incorporated for the residents and the shoppers. He then displayed a drawing of a similar development to show the street trees, a park area with a playground, and the maintenance of the significant trees that are currently on the site. He said that this development will create a sense of place, gathering spots for social interaction, pedestrian connectivity throughout the development. He then displayed a pedestrian connection into the retail site. He also displayed the buffer between the existing residential homes from the commercials uses. He said that there is another park area near the shopping for customers to enjoy, which will provide another pedestrian access point to the neighborhood and into Palomar.

Phillip Sewell, Sewell Commercial Real Estate Broker, said that the Harrodsburg Road corridor has always had a desire for additional retail. He said that the retail in the Beaumont Centre is 99.5% occupied and those retail spaces located along the southern portion of Harrodsburg Road to the Jessamine County line are approximately 98% occupied. He said that he receives calls from many businesses that would like to locate on this corridor, such as fast food, dry cleaners, medical offices, dance and karate studios, and florists. He said that there may be some available spaces, but they can't be defined for potential tenants to be incorporated. He added that the commercial area in this proposed plan does meet the requirements of the majority of the potential retailers. He said that the national companies want exposure and to be readily accessibility. He asks developers to try to develop commercial space within the constraints of being able to entertain and provide for the type of retail that we want to be serviced.

Mr. Simpson concluded that they worked with the neighborhood to come up with an accommodating plan that was sensitive to the surrounding neighbors. He furthered that it was their intent to increase density to the level that it would be marketable and successful. He believes that density can't be maxed out everywhere. All of the site's features need to be looked at, including the surrounding developments and their investments. He believes that it's fair and equitable to accommodate them with something similar in height, scale, and location. He also believes that this development is in compliance with the Comprehensive Plan based on the goals and objectives. It seems to be that the only discussion today is the amount of density. He said that a zone change can be approved based on the Comprehensive Plan or under the alternative justifications described in KRS 100.213, which states that the applicant shows that the existing zone is inappropriate and that the proposed zoning is appropriate. He said that this property is not suited for agricultural land and the Agricultural Urban (A-U) zone is no longer appropriate. He then read the intent of the zone, which states that land should remain in this zone until public facilities and services are or will be adequate to serve the urban uses, which it all is available and can be made to serve this development. He then said that the proposed residential and commercial zoning is exactly the same as what is being developed 50 feet to the south of this site. He said that it is dense enough within the context of being compatible to our neighbors in Palomar. He submitted proposed findings of fact for approval to the Planning Commission, which are as follows:

- I. The proposed zone map amendment is substantially in conformance with the 2018 Comprehensive Plan based on the following Finding of Facts:
  - A. The proposed B-3 and R-3 uses will provide much needed housing and retail space along the Harrodsburg Road corridor. The proposed mixed use zoning will provide for a well-integrated mixture of townhomes, single-family homes and commercial retail, all of which will be compatible with the existing residential neighborhoods that border the subject property on three sides; all of this is encouraged by the Comprehensive Plan.
  - B. The proposal rezoning contains pedestrian and bicycle connections from the proposed residential units to the proposed retail businesses which is strongly encouraged by the 2018 Comprehensive Plan.
  - C. The proposed rezoning will provide much needed greenspace within the development. This will create an attractive place to live, work and shop which is also promoted by the 2018 Comprehensive Plan.
  - D. The proposed rezoning will generate mini parks or social gathering places within the interior of the development. These will serve as attractive focal points for the residents and retail consumers; all of which is encouraged by the 2018 Comprehensive Plan.

#### ALTERNATIVE JUSTIFICATION FOR APPROVAL OF THE ZONE MAP AMENDMENT

The existing zoning classification for the subject property being agricultural urban (A-U) is inappropriate because the subject property is inside the Urban Services Area and bounded on three sides by single family residential homes. As stated in the "Intent" section of this ordinance, the A-U zone is "intended to control the development of rural land within the Urban Service Area over a period of time so as to manage the growth of the community. In order to avoid premature or improper development, land should remain in this zone until public facilities and services are or will be adequate to serve urban uses." There is no dispute that public facilities and services are available to serve the subject property. Water, gas, electric, fiber optic cable, phone lines and sanitary sewers are available. In fact, a new public sanitary sewer line has been constructed to serve this development and other parcels which front along Harrodsburg Road from the intersection of Man O War Boulevard and Harrodsburg Road to the Villages at South Elkhorn. The subject property will be served by new sanitary sewer line and will not need to be connected to the Palomar neighborhood sewer system.

The principal uses in the A-U zone are also the same uses permitted in the Agricultural Rural (A-R) zone which is expressly devoted to land uses outside of the Urban Services Area. The two principal uses listed in the A-R zone are: "(1.) Land used solely for agricultural purposes, including small farm wineries and equine-related activities, as outlined in KRS 100 and (2.) single-family detached dwellings. The A-U zone also expressly permits "farm tours and hayrides." The subject property has not been used for agricultural purposes for more than 60 years. The Masons and Shriner's Hospital owned the subject property for 38 years until they sold it to the applicant in 2021. The Mason's used the property for their meetings and fish fry's to raise money for their organization. Prior their use the property was used only as a single-family home.

Urban development has surrounded the subject property and it has been ripe for urban development since the Palomar subdivision was first established in the 1980's. Agricultural uses such as growing crops, raising cattle, breeding, boarding, and training horses are wholly incompatible when such uses are surrounded by single family subdivisions. No hayrides or farm tours will take place on the subject property. There is no farm to tour and there is no hay on the property for a hayride. The existing A-U zone is not appropriate given its location within the urban core of Lexington and surrounded by higher intensity urban uses. However, the proposed mixed-use zoning of B-3 and R-3, for commercial and residential uses, respectively is appropriate. The demand for residential housing has been high in Lexington for more than 2 years. Housing prices have increased significantly. Similarly, there is a need for commercial uses in the Harrodsburg Road corridor. Approximately 98% of the existing zoned retail space between the Beaumont commercial center at the intersection of Harrodsburg Road and New Circle Rd and the Bellerive commercial development just across the Fayette County line in northern Jessamine County is fully leased. Within 560 feet of the subject property to south is a commercially and residentially zoned property also fronting Harrodsburg Rd. This property known as the Ethington property is being developed in the same manner that is being proposed for the subject property, to wit: commercial, townhomes and single-family homes. The

\* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Fountains commercial development adjoins the subject property to the north along Harrodsburg Rd. The proposed zoning with its context sensitivity to the surrounding residential homes is more appropriate. Thus, this proposed zone change can most certainly be approved based on KRS 100.213(1)(a). (The existing zoning classification given to the subject property is inappropriate, and the proposed zoning classification for the subject property is appropriate.)

Commission Questions – Mr. Penn said that the staff is suggesting connectivity and asked the applicant why that wasn't mentioned in his presentation. He then asked the applicant if they are in agreement with the staff in regards to the connectivity issue. Mr. Simpson said that they are not in agreement with the staff. He added that when the zone change for the Fountains of Palomar was approved, the neighbors expressed grave concern regarding cut-through traffic and by connecting Syringa Drive to this development, they would only encourage more cut-through traffic. He added that there is pedestrian and bicycle connectivity from Palomar and from the Ethington development. He said that the traffic on Harrodsburg Road will continue to increase every year, because the City of Lexington grows approximately 35,000 people every ten years. Mr. Penn then asked if the development plan is a placeholder to get the zone change. Mr. Simpson said that this is a preliminary development plan and is the concept of what is proposed to be created, and that the zoning is what is important at this point of time.

Mr. Michler asked if there was a tree inventory included with their application. Mr. Simpson said that a tree inventory was not initially included with the application. He said that Mr. Kimmer may present to the Planning Commission at the time of the Final Development Plan. He said that the Urban County Forester has previously identified four trees, as the most worthy for preservation. Mr. Michler then said that the property has many other large and significant trees and asked if those would be preserved. Mr. Simpson said that those trees were also surveyed and they are not in the best of condition and not expected to have much more of a life expectancy. He reiterated that the time for discussion about preserving trees is at the time of the Final Development Plan. Mr. Michler restated that the lack of connection with Syringa Drive was determined to be appropriate by the applicant in responding to the neighbor's wishes, which would force the neighborhood to access this development via Harrodsburg Road. He then asked why the applicant is allocating a higher number of numbers traveling through the neighborhood than the staff is allocating. Mr. Simpson said there currently is cut-through traffic and that they don't want to add to that traffic. This plan is designed to encourage the neighbors to walk and there are two pedestrian/bicycle paths. Mr. Michler then asked if the increased number of vehicles would increase at the Harrodsburg Road access. Mr. Simpson said that the Traffic Impact Study doesn't take the current cut-through traffic into account. He said that if this development proposed maximum density with apartments there would be a very high number of increased vehicles on Harrodsburg Road and the Level of Service would be impacted. He said that with the denser commercial component and a low residential component is a compromise with the conflicting policies in the Comprehensive Plan.

Ms. Worth asked for clarification that the planning staff is not arguing against the zone change, it's a matter of if there is a zone change, what's the correct zoning. Mr. Baillie said that this property is currently zoned as Agricultural Urban (A-U) and is set up for a zone change. The applicant has submitted an application and associated development plan that staff responded to. The staff found that the application and associated development plan lacking in agreement to the Comprehensive Plan and therefore is recommending disapproval.

*Note: Ms. Barksdale left the meeting at 4:00 p.m.*

Citizen Comments – Scott Sandberg, 4028 Santee Way, said that he is concerned with additional cut-through traffic. Said that the Comprehensive Plan is only a guideline and believes that a compromise can be met, since every circumstance is different. He believes that the applicant's proposal is a compromise and addresses the Comprehensive Plan.

Carl Heuckroth, 4121 Amberwood Court, said that he is against any solution that includes apartments. He is supportive of the applicant's proposal that includes the blend of townhomes and residential homes to provide density and is better for the existing Palomar residents. He said that the proposed homes could join the Palomar amenities. He is also concerned with the increase of traffic.

Sam Dunn, 2204 Peppertree Court, said that he has concerns about the character of the neighborhood. He said that he is in favor of the proposed development because it is compatible with the existing neighborhood. He said that the traffic study doesn't tell the entire story, and that there is a transition of younger children in their neighborhood and he is concerned about the safety on their streets.

Kaitlyn Colvin, 4012 Palomar Blvd., said that she also concerned with safety and cut-through traffic. In agreement to the applicant's proposal and that it is congruent with the 2018 Comprehensive Plan, in that it increases density with commercial use. Believes that any high density development would put stress on the beautiful greenspaces within Palomar. She said that the connectivity of the pathways to the proposed development are respectful and conscientious to the neighborhood.

Gerald Pierson, 4085 Syringa Dr., said that he is in support of the applicant's proposal. He believes that it is preserving the character of the existing neighborhood and the quality of life. He is concerned with Syringa Drive becoming a cut-through street. He is also concerned with the increase of traffic at the Palomar Road and Harrodsburg Road intersection.

Marty and Bill May, 4005 Santee Way, said that they are in support of the applicant's proposal. They are also concerned with the cut-through traffic on their street and increase of traffic if a larger development is proposed.

Jay Conne, 2032 Glade Lane, said that he also supports the applicant's proposal and believes that there is a need for more commercial shopping and restaurants on this corridor. He is also concerned with the cut-through traffic. He also expressed concern regarding the Comprehensive Plan and it's not a dictatorial rule that must be obeyed.

Joan Tackett, 4032 Santee Way, said she also supports the applicant's proposal and if higher density apartments are developed at this location, it would be detrimental to homes value. She is also concerned with the increased traffic.

Chester Tackett, 4032 Santee Way, said that his backyard is in very close proximity to this site and will be impacted by this development. He is in agreement with the applicant's proposal and opposed to anything with greater density.

Casey Weesner, 4024 Santee Way, a real estate agent, said that there is a high demand for single-family homes and townhouses and supports the applicant's proposal. He is also concerned with the cut-through traffic.

Victoria Bradley, 4017 Palomar Blvd., said that she is in support of the applicant's proposal and opposed to increasing density in this area. She is also concerned with pedestrian and bicycle safety and the increase of traffic.

Ryan Wellman, 4016 Santee Way, said he is supportive of single-family homes being constructed behind his home and will not dramatically impact the traffic in the neighborhood. He said that he is in support of the applicant's proposal.

Tom Adler, 2221 Mangrove Dr., said that he is in support of the applicant's proposal. He is also concerned with the cut-through traffic and fears that it would get even worse if a higher density proposal were enacted.

Alli Keener, 4056 Palmetto Dr., said that she is in support of the applicant's proposal because it keeps with the context of the neighborhood. She said there is a need for more single-family homes and townhouses in this area.

Cyndi Greathouse, 4020 Santee Way, said that she is in support of the applicant's proposal because they are trying to incorporate the neighborhood's desires. She said that connecting Syringa Drive would be detrimental to the neighborhood, but a pedestrian access would suffice.

Melissa Pop, 4081 Palomar Blvd., said that she is in support of the applicant's proposal and opposes to a higher density plan. She is also concerned with increased traffic.

Brad Kerkhoff, 4009 Peppertree Dr., President of Palomar Hills Association, said that he is in support of the applicant's proposal and that he believes that it will flow with the existing neighborhood. He said that the association had several meetings with the applicant and that they desire to bring the proposed residences into part of the neighborhood association. He said that he is concerned with the increase of traffic if Syringa Drive is connected.

Farzad Taghaddosi, 3932 Palomar Cove Lane, said that he is in support of the applicant's proposal. He believes that any kind of development should be sensitive and integrate with the existing community.

Dan Schott, 4029 Santee Way, said that he is in support of the applicant's proposal. He is concerned with the cut-through traffic.

Karen Sandberg, 4028 Santee Way, said that she is in support of the applicant's proposal, because it maintains the quality of the neighborhood. She is also concerned with the cut-through traffic.

Don Kral, 4008 Santee Way, said that he is in support of the applicant's proposal, he believes that it will improve the neighborhood. He said that he is concerned with the increase cut-through traffic. He is also concerned with the right-out access that increase more traffic through the neighborhood.

Dan Keener, 4056 Palmetto Dr., said that he is in support of the applicant's proposal. He is also concerned with the cut-through traffic.

Applicants Rebuttal – Mr. Simpson said that he is impressed with the number of neighbors in support and that the Planning Commission listens to the responses and their needs. He believes that the application is a plan worthy of acceptance and that it is supportive of the Comprehensive Plan and that based on the evidence of this case, it has been established that the existing zoning of agricultural is inappropriate and that the proposed zoning of commercial and residential is appropriate. He asked that the Planning Commission support this application and the neighbors.

Citizen Rebuttal – There were no citizen rebuttal to this application.

---

\* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Staff Rebuttal – Mr. Baillie said the adopted 2018 Comprehensive Plan includes the Placebuilder element, which is meant to allow for the Goals, Objectives and Policies to be reflected in the application of a zone change. He said that in this case, the applicant neglected to do such an analysis and provide evidence for agreement with the Comprehensive Plan. He said that many of the applicant's and the resident's discussions are for better connectivity, better and safe access to businesses and to residential, clear distinction between commercial areas and residential areas. He said that all of these are outlined within the Comprehensive Plan, which the applicant chose not make any of those statements. He said that the applicant applied the Corridor Place-Type across the entirety of the site. He said that one of the residents stated that "this is not a corridor, this is our home." Staff agrees and the applicant didn't make any argument but a corridor until today. The staff reviewed this application, provided comment and then a recommendation based off the applicant's information that was provided. He said that prior to today the applicant had not made a recommendation for an enhanced neighborhood and low-density residential development, even though it was discussed at the pre-application meeting, which was August 2021.

Mr. Baillie said that the applicant had a real estate specialist that mentioned medical facilities and other types of facilities what would be rentable, and produce value along the Harrodsburg Road corridor. These are aspects that the staff and the applicant had discussed many times, and which the applicant stated was not applicable on this site.

Mr. Baillie said that the contextual review of this development. Development criteria A-DS4-2, which recommends that new construction should be context of a neighborhood. The recommendation for a single-family into the townhouse development and then into slightly more intense commercial zoning, is called for in the Comprehensive Plan and was a recommendation by the staff.

Mr. Baillie said that in regards to the statements of high-density residential, that recommendation has never been part of this application. From the time of the pre-application meeting, the applicant indicated that their goal for this area was not to provide high-density residential. The applicant applied Corridor Place-Type and the Medium Density Non-Residential / Mixed Use Development Type, which is not being applied to the B-3 zone in this application. He said that the applicant's findings presented today, didn't provide any conditional zoning restrictions for the property, which would was a necessary element for the Planning Commission approval of the adjacent B-3 zone change. He added that the applicant hasn't provided substantial evidence that the B-3 zone is the most appropriate zone for this location. The B-1 zone is a recommended zone in the Comprehensive Plan and an allowable zone for all of the proposed uses seen here today. The B-1 zone's intent in the Zoning Ordinance is to provide greater connectivity with the neighborhood. The B-3 zone is specifically focused on highway services. He said that the staff is supportive of the enhanced neighborhood and the transition from a neighborhood to a commercial complex. He said that the staff still has concerns with the B-3 zoning on the front portion of the property and for not meeting or being in agreement with the Comprehensive Plan, specifically the items outlined in the staff report and the findings that have presented for disapproval. Some of these items are direct pedestrian linkages to some of the buildings, bike and pedestrian safety, the amount of trees along street frontages, which are all elements that the neighborhood representatives discussed, but are not represented in this application. He said that the staff is continuing their recommendation of disapproval based off the information that was found in the applicant's application.

Ms. Wade thanked Mr. Simpson for forwarding his findings of facts to Ms. Jones, which have also been shared with the Planning Commission. She said in regards to Mr. Simpson's comment about notice to the citizens, notice is required for a zone change is to property owners within 500 feet from the subject property, whereas KRS requires that only adjacent parcel need to be notified. She said that Fayette County goes above and beyond in terms of what the state requires for this process. She added that neighborhood associations are also notified.

Mr. Martin clarified that when the staff reviews a development plan, it is as if the zoning were already in place. He said that this development doesn't meet the Zoning Ordinance nor the Land Subdivision Regulations in terms of access and connectivity. He added that the proposed access will require the Planning Commission to grant relief from those regulations. He added that access spacing have standards that are clearly stated and required. He said that connectivity respects everyone's needs, the residents and the vehicles traveling on Harrodsburg Road. He added that cut-through traffic will never disappear, it is only going to increase, because it increases with growth. He said that Mr. Simpson answered Mr. Bell's question about increased traffic on the country roads, that growth will create more pressure on those roads, as well as on local streets.

Commission Questions – Ms. Worth said that Mr. Baillie stated the B-1 zone may be a more appropriate zoning for this area and if this was zoned as B-1, would it address some of the issues presented today. She then asked that is the applicant decided to apply for the B-1 zone, would they need to withdraw the current application or an amendment could done to this application. Mr. Baillie said that there would need to be a postponement by the applicant and an amendment regarding the B-1 zone, which is a recommended zone for the Corridor Place-Type. However, it would necessitate a change from applicant's proposed development, because of setback requirements and the interactions of the buildings and the street.

Ms. Meyer said that Mr. Baillie's rebuttal spoke to many issues that need to be addressed before an approval can be reached on this zone change.