

ORDINANCE NO. 116- 2024

AN ORDINANCE CHANGING THE ZONE FROM A PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE TO A NEIGHBORHOOD BUSINESS (B-1) ZONE, FOR 0.602 NET (0.913 GROSS) ACRE, FOR PROPERTY LOCATED AT 2094 AND 2098 HARRODSBURG ROAD. (BROOKE PROPERTIES, LLC; COUNCIL DISTRICT 10).

WHEREAS, at a Public Hearing held on September 26, 2024, a petition for a zoning ordinance map amendment for property located at 2094 and 2098 Harrodsburg Road from a Planned Neighborhood Residential (R-3) zone to a Neighborhood Business (B-1) zone, for 0.602 net (0.913 gross) acre, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 8-0; and

WHEREAS, the Urban County Council agrees 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 2094 and 2098 Harrodsburg Road from a Planned Neighborhood Residential (R-3) zone to a Neighborhood Business (B-1) zone, for 0.602 net (0.913 gross) acre, 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 following conditional zoning restriction shall apply to the subject property:

- a. Outdoor loudspeakers shall be prohibited.

This restriction is appropriate and necessary in order to protect the single-family residential uses within the Springhurst neighborhood.

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: November 14, 2024

Linda Gorton

MAYOR

ATTEST:

[Handwritten Signature]

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: Nov. 22, 2024- 1t

1049-24:TWJ:4893-4713-8288, v. 1

Rec'd by _____

Date: _____

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

IN RE: **PLN-MAR-24-00015: BROOKE PROPERTIES, LLC** – a petition for a zone map amendment from a Planned Neighborhood Residential (R-3) zone to Neighborhood Business (B-1) zone, for 0.602 net 0.913 gross) acres for properties located at 2094 & 2098 Harrodsburg Road. (Council District 10)

Having considered the above matter on **September 26, 2024**, 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 **CONDITIONAL APPROVAL** of this matter for the following reasons:

1. The requested Neighborhood Business (B-1) zone is in agreement with the 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposal identifies the properties as an opportunity for reuse and future redevelopment (Theme A, Goal #2.a).
 - b. The proposal will give the subject properties the ability to intensify in the future in a manner that is still compatible with the neighborhood context along Springhurst Drive (Theme A, Goal #2.b).
 - c. The request will result in a well-designed neighborhood, that provides for safe connections to the adjoining residential areas.(Theme A, Goal #3.b).
 - d. The request would enhance the area with neighborhood-serving businesses (Theme A, Goal #3.b).
2. The requested Neighborhood Business (B-1) zone is in agreement with the 2045 Comprehensive Plan's Policies, for the following reasons:
 - a. The proposal provides an opportunity for redevelopment in the future that could increase utilization of the site without making the site incompatible with the adjoining single-family residential uses (Theme A, Design Policy #4).
 - b. The request will expand opportunities for neighborhood-serving businesses (Theme A, Design Policy #12)
 - c. Then request will be walkable from the adjoining neighborhood, and is pedestrian-friendly (Theme A, Design Policy #5).
3. The justification and corollary development plan are in agreement with the policies and development criteria of the 2045 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Land Use, as the request would allow for neighborhood scale commercial uses and services (A-DS12-1; E-ST8-2), provides connections to nearby transit stops (A-DS1-2), and would allow for increased intensity and density with any future redevelopment of the site (D-CO3-1).
 - b. The proposed rezoning meets the majority of criteria for Transportation, Connectivity, and Walkability, as it provides pedestrian connections to nearby transit stops (A-DS1-2), utilizes shared parking arrangements (C-PS10-1), and is connected to the adjoining residential neighborhood (A-DS4-1).
 - c. The proposed rezoning addresses the Environmental Sustainability and Resiliency development criteria, as the proposal does not impact any environmentally sensitive areas (B-PR2-1), and maintains existing trees and tree canopy (B-PR7-1).

- d. The proposal addresses the criteria for Site Design as it locates parking to the rear of the site (A-DS7- 1), avoids overparking (C-PS10-2), and provides for connected neighborhood scale commercial development (C-LI8-1).
 - e. The proposed rezoning meets the criteria for Building Form, as the development’s scale remains compatible with the adjoining single-family residential development to the rear (A-DN-2-2), reuses existing buildings (E-GR4-1), and would allow for future redevelopment that could intensify the site while allowing for a compatible transition to the neighborhood (A-EQ5-1).
4. Under the provisions of Article 6-7, the following restriction is recommended via conditional zoning:
- a. Outdoor loudspeakers shall be prohibited.
- These conditions are appropriate and necessary in order to protect the single-family residential uses within the Springhurst neighborhood.
5. This recommendation is made subject to approval and certification of PLN-MJDP-24 00065: Springhurst Subdivision, Unit 2 (Brooke Properties, LLC) (AMD) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission’s approval.

ATTEST: This 11th day of October, 2024.



 Secretary, Jim Duncan

LARRY FORESTER
 CHAIR

K.R.S. 100.211(7) requires that the Council take action on this request by December 25, 2024

Note: The corollary development plan, PLN-MJDP-24-00065: SPRINGHURST SUBDIVISION, UNIT 2 (BROOKE PROPERTIES) (AMD) was approved by the Planning Commission on September 26, 2024 and certified on October 10, 2024

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Jon Woodall, applicant’s attorney.**

OBJECTORS

OBJECTIONS

VOTES WERE AS FOLLOWS:

- AYES: (8) Barksdale, J. Davis, Z. Davis, Forester, Michler, Owens, Wilson, and Worth
- NAYS: (0)
- ABSENT: (3) Nicol, Penn, & Pohl
- ABSTAINED: (0)
- DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-24-00015** carried.

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

MAP AMENDMENT REQUEST (MAR) APPLICATION

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

Applicant: Brian Scott Southall, 3368 Arrowhead Drive, Lexington, KY 40503
Owner(s): BROOKE PROPERTIES LLC 107 LATE BLOOMER DR NICHOLASVILLE KY 40356
Attorney: Jon Woodall, 201 East Main Street, Lexington, KY 40503

2. ADDRESS OF APPLICANT'S PROPERTY

2094 HARRODSBURG RD LEXINGTON KY 40503
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3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY

Zoning	Existing Use	Zoning	Requested Use	Net Acreage	Gross Acreage

4. 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

5. 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



August 5, 2024

Mr. Larry Forester, Chairman
Lexington-Fayette Urban Co Planning Commission
200 E. Main Street
Lexington, KY 40507

Dear Chairman Forester:

Earthcycle Design, LLC represents Brooke Properties, LLC, Nicholasville, KY which has filed a zone change application and a final development plan for property located at 2094-2098 Harrodsburg Road in Lexington, Kentucky. The zone change consists of two parcels with a combined acreage of Net: 0.6018, Gross: 0.9129 Acres, current zoned Planned Neighborhood Residential (R-3) zone. The proposed zone change for the two parcels is to Neighborhood Business (B-1) zone. The property is bound by rights-of-way on two sides: Harrodsburg Road to plan north, Springhurst Drive to plan west. Towards plan east, the property is adjacent to 2090 Harrodsburg Road, a residential lot, currently zoned Single Family Residential (R-1C). A zone change request from Single Family Residential (R-1C) to Highway Service Business (B-3) for 2090 Harrodsburg Road is currently before the planning commission for consideration. To plan south, the property is bordered by Single Family Residential (R-1C).

Goals and Objectives:

We believe that our proposed development (the adaptive reuse of the existing 2098 Harrodsburg Road building for office space use and retention of 2094 Harrodsburg Road building for daycare use) agrees with the *Imagine Lexington 2045 Comprehensive Plan*, specifically the Goals and Objectives, which supports infill and redevelopment throughout the urban service area as a strategic component of growth (Theme A, Goal #2); providing well-designed neighborhoods and communities (Theme A, Goal #3); and creating jobs & prosperity (Theme C, Goals #1&2).

Engagement:

Our project team has reached out to representatives of the Michell Avenue Neighborhood Association to review the proposed zone change. On July 16, 2024, Clint Conrad, owner & applicant and Scott Southall, earthcycle design LLC, met onsite with a Springhurst Drive resident to review and discuss the scope of the zone change and proposed future uses for the property. The resident voiced her support for the zone change and the proposed land use activities associated with the zone change.

Jon Woodall, the applicant's Attorney with McBrayer, PLLC has sent emails to representatives of the Michell Avenue Neighborhood Association offering additional in-person and/or virtual meetings to review the scope of the project and the zone change request. To date, the project team has not heard back from the neighborhood association regarding this proposed zone change application.

Site Description:

The subject site is adjacent to a major corridor (Harrodsburg Road) (front yard) and a single-family residential neighborhood (side & rear yards). Directly across Harrodsburg Road is a Commercial Center (B-6P) Zone (formerly Turfland Mall) with ongoing redevelopment activities, and the adjoining property (2090 Harrodsburg Road) currently requesting a zone change from Single-Family (R1-C) Zone to Highway Service Business (B-3) zone. The two subject properties (2094 and 2098 Harrodsburg Road) associated with the requested zone change are currently single-family residential structures build in the mid-1950's. The two buildings have operated as children's daycare facilities for approximately the past two decades.

Place-Type, Development Type & Requested Zone:

The Placebuilder defines seven place-types within the Urban Service Area boundary. This zone change is a *Corridor* place-type, which is defined as:

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.

Further, the *Corridor* place-type identifies the following development types: *Medium-high density residential (MHR), High density residential (HR), Medium density non-residential / mixed-use (MNR/MU) and High density non-residential / mixed-use (HNR/MU)* within the selected place-type. The most appropriate place-type for this zone change is the *Corridor* because of the site's contextual setting along a major corridor (Harrodsburg Road); the connection to the multi-modal transit network; and the zone change providing future redevelopment of the property in alignment with goals of the *Imagine Lexington 2045 Comprehensive Plan for Corridor* place-type. While the current development-type would be classified as *low density non-residential/mixed-use (LNR/MU)* due to the adaptive re-use of the existing structures (houses) for a child daycare facility and a professional office building, the property would be situated for future redevelopment corresponding to the *medium density non-residential / mixed-use (MNR / MU)* development-type.

Placebuilder also recommends the following zone(s) categories alignment with the proposed *Corridor* place-type: B-6P, B-1, MU-2, MU-3 and R-5 zones. The zone that most closely agrees with the applicant's vision for the adaptive re-use and the contextual transitional relationship between the corridor and residential neighborhood is the *Neighborhood Business (B-1)* zone. The subject properties are currently zoned as *Planned Neighborhood Residential (R-3)* zone. This zone change to *Neighborhood Business (B-1)* would permit the daycare facility at 2094 Harrodsburg Road to continue their operations and allow for the reuse of the building at 2098 Harrodsburg Road as a professional office building. The *Neighborhood Business (B-1)* zone is also an appropriate zone as a transition space from the higher use *Commercial Center (B-6P) Zone* across Harrodsburg Road and the *Single-Family (R1-C) Zone* along Springhurst Drive.

The proposed plan utilizes the existing building(s) footprint to accommodate both the daycare facility and the professional offices with significant site changes. A small (8'x10') building addition will be added to the 2098 Harrodsburg Road building for a lobby and circulation. The addition will be placed over existing impervious area, thus no net increase regarding stormwater runoff will occur. A pedestrian sidewalk will connect the front door of 2098 Harrodsburg Road to the public sidewalk. This pavement increase will be offset with the removal of extra pavement from both 2098 and 2094 properties.

The tree canopy will be increased to meet the new zoning requirements. The proposed trees for 2098 Harrodsburg Road will be planted behind the public sidewalk to provide a "street tree" effect along Harrodsburg Road. Due to the limited landscape strip between the sidewalk and the back of curb, the placement of the trees behind the public sidewalk will improve the tree's survivability and longevity.

The existing parking lots will accommodate both the existing daycare and the proposed professional office requirements. The vehicular circulation pattern and the points of egress will not change for either property. It is anticipated that there will be a traffic demand reduction on Springhurst Drive, since the proposed adaptive re-use project for the 2098 property will become professional office space.

The reduction of impervious pavement, combined with the addition of canopy trees, will reduce the stormwater runoff from the site. The stormwater volume and flow reduction will aid in the downstream stormwater mitigation efforts for the Gardenside neighborhood (a known problematic flooding area).

The applicant understands the vision of the community, as outlined in *Imagine Lexington 2045 Comprehensive Plan*. The mission statement, goals and objectives, and the Placebuilder are furthered by the applicant's proposed adaptive reuse of the property and believes that the requested zone change agrees with the Comprehensive Plan for the following reasons. Based upon the context of the site location, the applicant believes the site most closely aligns with the *Corridor* place-type. While the adaptive reuse of the existing structures would classify the development-type as *low density non-residential/mixed-use (LNR/MU)*, the property's location and surrounding context correlate to the *medium density non-residential / mixed-use (MNR / MU)* development-type for future redevelopment potential. We believe that the proposed Neighborhood Business (B-1) zone agrees with the place-type definition, is a suitable development type that aligns with the proposed reuse of the existing buildings.

Development Criteria:

To further address the Placebuilder development criteria, the design team has prepared an annotated development criteria graphic on the proposed development plan, with additional development criteria, which deserve further explanation, and the information on the following pages showing that the requested zone change agrees with the *Imagine Lexington 2045 Comprehensive Plan*. The following design standards are being met, and are annotated on the development plan:

Land Use	Transportation, Connectivity & Walkability	Environmental Sustainability & Resiliency	Site Design	Building Form
A-DN3-1	A-DS5-2	B-PR7-1	A-DS7-1	A-DS5-3
	A-EQ5-2	B-PR9-1		A-DN2-2
	C-PS10-1	B-PR10-1		A-EQ5-1
		B-SU4-1		D-PL2-1
		B-SU11-1		E-GR4-1
		B-RE1-1		
		D-SP10-1		

In addition, the following information supports our assertion that the proposed zone change is in agreement with *Imagine Lexington 2045 Comprehensive Plan*.

Land Use	
A-DS12-1	<i>Development should be located nearest to the neighborhood serving commercial areas:</i> The proposed land use activities would offer the surrounding neighborhoods professional services and support.
D-PL7-1	<i>Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application:</i> The applicant’s team has reached out to the surrounding neighborhood and met with one resident on-site to review the proposed project.
E-ST8-2	<i>Development should provide community-oriented places and services:</i> The proposed land use activities will offer community-oriented services for the surrounding neighborhoods.

Transportation, Connectivity & Walkability	
A-DS1-1	<i>Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes:</i> The proposed adaptive reuse project is along LexTran’s Routes 13 & 58.
A-DS1-2	<i>Accessible pedestrian linkages to transit should be provided:</i> The proposed adaptive reuse project will provide enhanced pedestrian connections from the property to the public right-of-way.

Site Design	
A-DS5-4	<i>Development should provide pedestrian-oriented and activated streetscapes:</i> The proposed development plan has included a pedestrian connection to the public right-of-way.
C-PS10-2	<i>Over-parking of new developments should be avoided:</i> The proposed adaptive reuse project has not increased the vehicular use area.

Since this proposed project is an adaptive reuse of an existing building and site, a number of the Placebuilder development criteria are not applicable to the proposed zone change. Those are listed below, along with a brief explanation of why they are not pertinent to proposed redevelopment of the building and/or the site.

Land Use	
A-DN2-1	<i>Infill residential should aim to increase density:</i> The proposed project will repurpose the existing buildings except for a small addition for a lobby and service area.
A-DN3-2	<i>Development should incorporate residential units in commercial centers:</i> Not applicable on this adaptive reuse project.
C-LI7-1	<i>Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment:</i> Not applicable on this adaptive reuse project.
C-PS9-1	<i>Where possible, developments should modify current office space to include complementary uses, with a specific focus on the inclusion of residential:</i> Not applicable on this adaptive reuse project.
C-PS15-2	<i>Improve options for affordable and nutritious food where not currently available:</i> Not applicable on this adaptive reuse project.
D-CO3-1	<i>Development should increase density and intensity adjacent to transit:</i> Not applicable on this adaptive reuse project.
E-GR3-1	<i>Development should meet recreational needs by following the recommendations of the Parks Master Plan:</i> Not applicable on this adaptive reuse project.
E-GR10-1	<i>Transit oriented development (TOD) should be provided:</i> Not applicable on this adaptive reuse project.

Transportation, Connectivity & Walkability	
A-DS4-1	<i>A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided:</i> Not applicable on this adaptive reuse project.
A-DS5-1	<i>Safe multi-modal facilities should be provided to ensure vehicular separation from bicycles, pedestrians and other modes of transport:</i> Not applicable on this adaptive reuse project.
A-DS10-1	<i>New developments should incorporate clear and dedicated connections to nearby community anchors:</i> Not applicable on this adaptive reuse project.
A-DS11-1	<i>Street layouts should provide clear, visible access to neighborhood focused open space and greenspaces:</i> Not applicable on this adaptive reuse project.
A-DS13-1	<i>Stub streets should be connected:</i> Not applicable on this adaptive reuse project.
D-CO1-1	<i>Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type:</i> Not applicable on this adaptive reuse project.
D-CO2-1	<i>Development should create and/or expand a connected multimodal transportation network that satisfies all users' needs:</i> Not applicable on this adaptive reuse project.
D-CO2-2	<i>Development should comply with Lexington's Complete Streets Policy:</i> Not applicable on this adaptive reuse project.

D-CO5-1	<i>Streets should be designed with shorter block lengths, narrower widths, and traffic calming features:</i> Not applicable on this adaptive reuse project.
D-SP6-1	<i>Social services and community facilities should be accessible via mass transit, bicycle and pedestrian transportation modes:</i> Not applicable on this adaptive reuse project.

Environmental, Sustainability & Resiliency	
B-PR2-1	<i>Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site:</i> Property is not in or near an environmentally sensitive area.
B-PR2-2	<i>Development should include regularly spaced access with an adequate width to the greenway network and conservation areas:</i> Not applicable on this adaptive reuse project.
B-PR3-1	<i>Minimize impact of development adjacent to land conservation properties through buffering:</i> Not applicable on this adaptive reuse project:
B-SU5-1	<i>Developments should incorporate energy efficient systems and renewable energy resources (i.e. wind, solar, etc.):</i> Not applicable on this adaptive reuse project.
B-SU9-1	<i>Green Stormwater Infrastructure (GSI) should be implemented in new development:</i> Not applicable on this adaptive reuse project.
B-RE2-1	<i>Lexington's green infrastructure network, including parks, trails, greenways, or natural areas should be highly visible and accessible:</i> Not applicable on this adaptive reuse project.
B-RE5-1	<i>Dividing floodplains into privately owned parcels with flood insurance should be avoided:</i> Not applicable on this adaptive reuse project.
B-RE5-2	<i>Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them:</i> Not applicable on this adaptive reuse project.
B-RE5-3	<i>Developments within the Royal Springs Aquifer should consult with the Royal Springs Water Supply Protection Committee:</i> Project not in the Cane Run Watershed.

Site Design	
A-DS9-1	<i>Development should provide active and engaging amenities within neighborhood focused open spaces:</i> Not applicable on this adaptive reuse project.
A-DS9-2	<i>Where neighborhood open space or parks are not located within walking distance of a new development, applicants should incorporate these facilities:</i> Not applicable on this adaptive reuse project.
A-EQ9-1	<i>School sites should be appropriately sized:</i> Not applicable on this adaptive reuse project.
A-EQ9-2	<i>Shared open spaces should be easily accessible and clearly delineated from private open spaces:</i> Not applicable on this adaptive reuse project.

C-LI2-2	<i>Non-agricultural uses at or near potential and existing gateways, as mapped in the Rural Land Management Plan, should be buffered: Not applicable on this adaptive reuse project.</i>
C-LI2-3	<i>Design should create a positive gateway character at existing and proposed gateways as identified in the Rural Land Management Plan: Not applicable on this adaptive reuse project.</i>
C-LI2-4	<i>Setbacks, signage, and screening should complement the iconic Bluegrass landscape along Historic Turnpikes, Scenic Byways, Turnpikes, and other scenic roads listed in the RLMP: Not applicable on this adaptive reuse project.</i>
C-LI8-1	<i>Development should enhance a well-connected and activated public realm: Not applicable on this adaptive reuse project.</i>
D-PL4-1	<i>Enhance open space through the provision of programmatic elements and amenities: Not applicable on this adaptive reuse project.</i>
D-PL10-1	<i>Activate the streetscape or publicly visible areas by designating public art easements in prominent locations: Not applicable on this adaptive reuse project.</i>
D-SP3-1	<i>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: Not applicable on this adaptive reuse project.</i>
D-SP3-2	<i>Cellular tower antennae should be located to minimize intrusion and negative aesthetic impacts, and stealth towers and landscaping used to improve the visual impact from the roadway and residential areas: Not applicable on this adaptive reuse project.</i>

Building Form	
A-DS3-1	<i>Multi-family residential developments should comply with the Multi-family Design Standards in Appendix A: Not applicable on this adaptive reuse project.</i>
A-DS4-2	<i>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: Not applicable on this adaptive reuse project.</i>
E-GR5-1	<i>Structures with demonstrated historic significance should be preserved or adapted: Not applicable on this adaptive reuse project.</i>

Conclusion:

We ask, on behalf of the applicant, that the Planning Staff and Planning Commission favorably consider the proposed zone change and its relationship to fulfilling the mission, goals, objectives and policies of *Imagine Lexington 2045 Comprehensive Plan*. The applicant will implement the proposed adaptive reuse project to enhance the quality of space in the Harrodsburg Road Corridor and the Mitchell Avenue Neighborhood. Thank you for your consideration of our proposed zone change and we look forward to presenting our case in full at the

August 5, 2024
Larry Forester
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public hearing on September 26, 2024. We will be pleased to answer any questions about our proposal between now and the public hearing.

Sincerely,
earthcycle design, llc



B. Scott Southall, PLA, ASLA, AICP, LEED AP BD+C
Principal
Project #24-0005

LEGAL DESCRIPTION

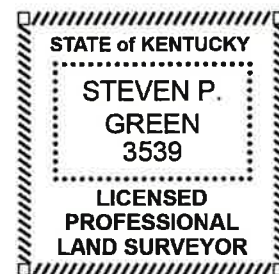
BROOKE PROPERTIES LLC,
A KENTUCKY LIMITED LIABILITY COMPANY
DEED BOOK 4060, PAGE 553
SEE PLAT CABINET E, SLIDE 718, PARCELS 1 & 2
2094 AND 2098 HARRODSBURG ROAD
LEXINGTON, FAYETTE COUNTY, KENTUCKY

All that tract or parcel of land situated on the southeasterly side of Harrodsburg Road (U.S. Highway No. 68) between Springhurst Drive and Lane Allen Road, in Lexington, Fayette County, Kentucky, and more fully described and bounded as follows, to-wit:

All bearings, distances and coordinates cited below are referenced to the State Plane Coordinate System, Kentucky Single Zone, NAD 83, in US Survey Feet.

Beginning at a MAG nail found at the rear common corner of Parcel 1 of Brooke Properties LLC, A Kentucky Limited Liability Company (Deed Book 4060, Page 553; see Plat Cabinet E, Slide 718, Lot 2) and Beverly A Chewning (Deed Book 1710, Page 683; see Plat Cabinet E, Slide 718, Lot3), and being in the line of Clara C. Luigart (Deed Book 1940, Page 284), and said point having State Plane Coordinates of N: 3898927.7 and E: 5270514.5; thence running with the common line of Brooke Properties LLC and Luigart, S 52° 31' 31" W passing an iron pin set at 70.00 feet (all iron pins set this survey are 5/8-inch rebar, 18 inches in length with a plastic cap stamped "PLS 3539 CDP ENGINEERS"), being the rear corner of Parcels 1 and 2 of the Brooke Properties LLC, for a total distance of 161.17 feet to an iron pipe found in the northeasterly right-of-way line of Springhurst Drive, said pipe being a front corner of Luigart, aforesaid, and the rear corner of Parcel 2 of the Brooke Properties LLC; thence continuing along the extension of their common line, S 52° 31' 31" W 26.09 feet to a point in the center line of Springhurst Drive; thence running with the centerline of Springhurst Drive for two calls, with a curve to the right having a radius of 147.64 feet, an arc length of 46.67 feet, and bearing N 44° 47' 44" W a distance of 46.47 feet to a point, and N 33° 40' 56" W 163.39 feet to an intersecting point in the center line of Harrodsburg Road (U.S. Highway 68); thence running with the center line of Harrodsburg Road, N 55° 08' 41" E 193.39 feet to a point, said point being the intersection of the center line and the common line of Parcel 1 of the Brooke Properties LLC and Chewning, aforesaid; thence leaving the center line of Harrodsburg Road and running with the extended line of the Brooke Properties LLC and Chewning, S 34° 22' 59" E 49.85 feet to an iron pin set in the southeasterly right-of-way of Harrodsburg Road, said pin being the front common corner of Brooke Properties LLC, Parcel 1, and Chewning, aforesaid; thence with their common line S 34° 22' 59" E 150.73 feet to the point of beginning and containing a gross area of 39,764 square feet (0.913 acre) and a net area of 26,214 square FEET (0.602 acre) as shown by the attached Notification Map prepared by CDP Engineers, Inc., in July 2024.

Being the same property conveyed to grantors by deed dated February 21, 2024, and recorded in Deed Book 4060, Page 553; said property being designated as Lots 1 and 2 on the Record Plat of the Springhurst Subdivision, Unit 2 recorded in Plat Cabinet E, Slide 718. All of the above-referenced instruments are of record in the Fayette County, Kentucky, Clerk's office.



**BROOKE PROPERTIES, LLC
(PLN-MAR-24-00011)**

Rezone the properties for commercial use.

2094 & 2098 HARRODSBURG ROAD

Applicant/ Owner

BROOKE PROPERTIES, LLC
107 LATE BLOOMER DRIVE
NICHOLASVILLE, KY, 40356
ATTORNEY: jwoodall@mcbryerfirm.com

Application Details

Acreage:

0.602 net (0.913 gross) acres

Current Zoning:

Planned Neighborhood Residential (R-3) zone

Proposed Zoning:

Neighborhood Business (B-1) Zone

Place-type/Development Type

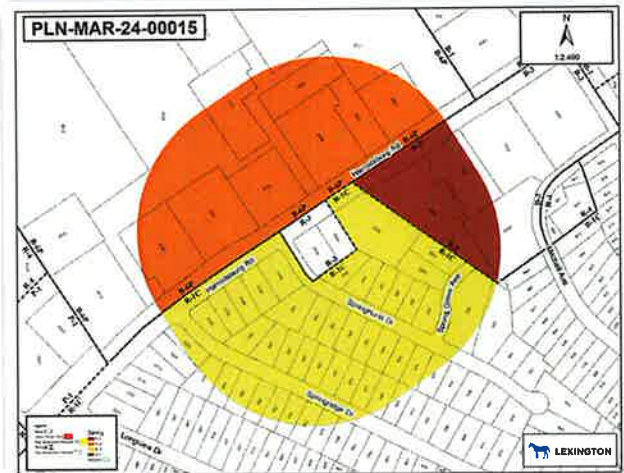
Corridor

Low Density Non-Residential/ Mixed Use

For more information about the Corridor Place-type see Imagine Lexington pages 308-317. For more information on the Low Density Residential Development Type see page 271.

Description:

The applicant is seeking to rezone the subject properties in order to allow for neighborhood businesses. The request proposes to retain the existing buildings and parking areas present on the properties, to create an 80 square-foot addition to one of the buildings, and convert one structure from a childcare center to a professional office.



Status

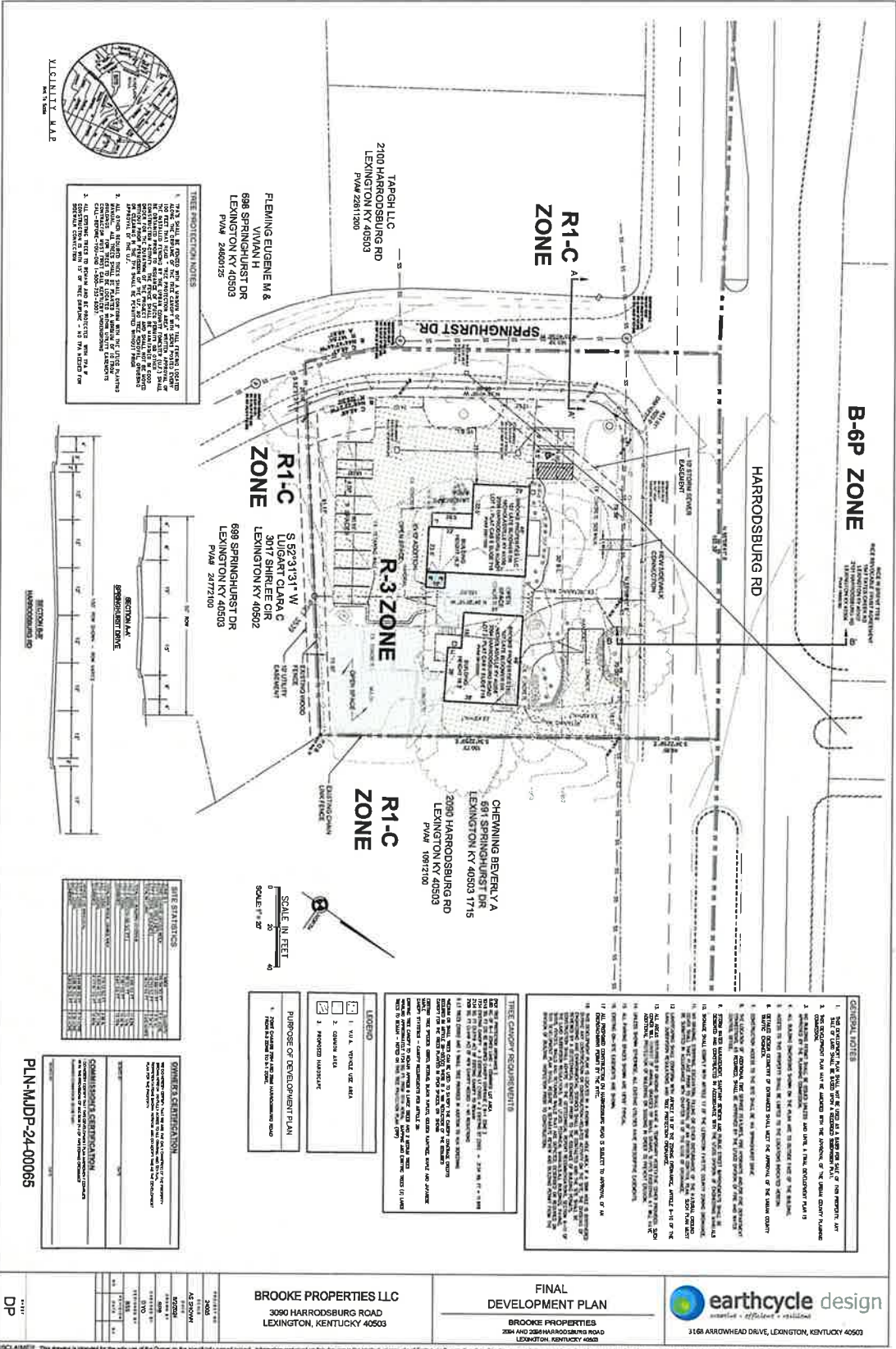
- Public Engagement
- Pre-Application Meeting
- Application Review
- Planning Staff Review
- Technical Review Committee
- Zoning/Subdivision Committee Meetings
- Planning Commission Hearing
- Urban County Council Meeting

Public Engagement

- The applicant has scheduled a neighborhood engagement meeting for August 28th.

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

Preliminary Development Plan



DISCLAIMER: This drawing is prepared for the sole use of the Client on the specifically named project. Information contained on this drawing is the intellectual property of Earthcycle Design, Inc. This drawing, in whole or in part, shall not be copied, distributed, issued, or retained in any way without the expressed written consent of Earthcycle Design, Inc.

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-24-00015: BROOKE PROPERTIES, LLC

DESCRIPTION OF ZONE CHANGE

Zone: From Planned Neighborhood Residential (R-3) zone
Change: To Neighborhood Business (B-1) zone
Acreage: 0.602 net (0.913 gross) acres
Location: 2094 & 2098 Harrodsburg Road



EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Properties	R-3	Daycare
To North	B-6P	Commercial
To East	R-1C	Residential
To South	R-1C	Residential
To West	R-1C	Residential

URBAN SERVICE REPORT

Roads - The subject properties are located at the intersection of Harrodsburg Road (US 68) and Springhurst Drive. Harrodsburg Road is a major arterial roadway that features five lanes and a divided median within the vicinity of the subject property. Springhurst Drive is a two-lane local road that provides access to the site and Springhurst neighborhood.

Curb/Gutter/Sidewalks - This portion of Springhurst Drive and Harrodsburg Road feature curb, gutter, and sidewalk facilities.

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

Storm Sewers - The subject properties are located within the Wolf Run Watershed. There are no FEMA Special Flood Hazard Areas within the immediate vicinity; however, there are known stormwater issues on adjoining residential lots.

Sanitary Sewers - The subject properties are located within the Wolf Run Sewershed and will be serviced by the Town Branch Wastewater Treatment Plant which is located on Lisle Industrial Road. Prior to any construction on the site, the Division of the Water Quality's Capacity Assurance Program will evaluate the available capacity of the system.

Refuse - The Urban County Government serves this area with refuse collection on Mondays. However, supplemental service by private refuse haulers may be proposed by the applicant.

Police - The closest police station to the subject properties is the West Sector roll call center, located on Old Frankfort Pike, approximately 2.5 miles north of the subject properties.

Fire/Ambulance - Fire Station #11 is located approximately 1/2 of a mile northeast of the subject properties, on Harrodsburg Road.

Transit - LexTran Route #13 has both inbound and outbound service approximately 600 feet northeast of the site, on Harrodsburg Road.

Parks - Southland Park is located approximately 1/2 mile south of the subject properties.

SUMMARY OF REQUEST

The applicant is seeking to rezone the subject properties from a Planned Neighborhood Residential (R-3) zone to the Neighborhood Business (B-1) zone to allow for neighborhood business uses within the existing buildings.

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.

DEVELOPMENT TYPE

LOW DENSITY NON-RESIDENTIAL / MIXED USE

Primary Land Use, Building Form, & Design

Primarily neighborhood serving commercial uses , services, or places of employment and/or a mix of uses within low to mid-rise structures appropriately scaled to the surrounding neighborhood. Mixed-use structures can include a mix of residential, commercial, services, and or employment uses, and an activated and pedestrian-scale ground level should be provided.

Transit Infrastructure & Connectivity

Bicycle and pedestrian connections to adjoining neighborhoods, and buildings oriented towards the street are required to ensure the non-residential enhances nearby neighborhoods by creating a truly walkable environment.

Parking

Parking should be minimized, and where necessary, located internally.

PROPOSED ZONING



The intent of this zone is to accommodate neighborhood shopping facilities to serve the needs of the surrounding residential area. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population. This zone should be oriented to support and enhance a residential neighborhood. This zone should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

PROPOSED USE



The petitioner proposes the rezoning of the subject properties to the Neighborhood Business (B-1) zone to allow for neighborhood business uses at this location. The applicant is currently proposing to utilize the property at 2098 Harrodsburg Road as an insurance office, while the property at 2094 Harrodsburg Road will remain a daycare use. The properties will utilize the existing access points on Springhurst Drive to access the site, and will utilize the existing parking areas under a shared parking agreement.

APPLICANT & COMMUNITY ENGAGEMENT



The applicant met with members of the neighborhood in a virtual meeting on 8/28/2024 to discuss the proposal. The applicant also indicated that they would follow up with individual in-person meetings with neighborhood representatives.

PROPERTY & ZONING HISTORY



The subject property was originally zoned Single Family Residential (R-1C) at the time of the 1969 comprehensive rezoning of the City and County. According to PVA records, the subject properties consist of two residential structures that were built in the 1950s and later received a conditional use permit to allow the residences to be converted into daycare uses in 1981 (C-81-32). In 2006, the subject properties were rezoned to the Planned Neighborhood Residential (R-3) zone (MAR-2006-01). The rezoning at this time established several conditional zoning restrictions, which included limiting the residential uses to single-family units only, restricting the available non-residential conditional uses allowed on site, restricting signage, lighting and outdoor speaker restrictions, and height restrictions.

A zone change request to the Neighborhood Business (B-1) zone was requested in 2016 for the properties at 2094, 2098, 2100, and 2104 Harrodsburg Road in order to establish a commercial development (MAR-2016-10: ATLAS 1, LLC). The request was ultimately withdrawn by that respective applicant after a Staff recommendation of disapproval due to its emphasis on vehicular-oriented uses and potential impact on the adjoining residential neighborhood.

COMPREHENSIVE PLAN COMPLIANCE



The 2045 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.

GOALS, OBJECTIVES & POLICIES

The applicant opines that they are in agreement with the adopted Goals, Objectives, and Policies of the 2045 Comprehensive Plan. The applicant has identified the properties as an opportunity for reuse and future redevelopment (Theme A, Goal#2.a). The subject property is currently underutilized relative to its context along a major corridor; however, the applicant is not proposing to redevelop the site at this time. A Neighborhood Business (B-1) zone gives the subject properties the ability to intensify in the future in a manner that is still compatible with the neighborhood context along Springhurst Drive (Theme A, Goal #2.b). The applicant further states that the request will result in a well-designed neighborhood, that provides for safe connections to the adjoining residential areas (Theme A, Goal #3.b). While this objective was not identified by the applicant, staff finds that the request would enhance the area with neighborhood-serving businesses (Theme A, Goal #3.b).

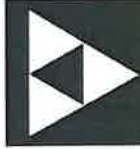
While the applicant did not refer to any specific Comprehensive Plan policies within their letter of justification, staff have identified several that are being met with this request. Staff finds that the proposal provides an opportunity for redevelopment in the future that could increase utilization of the site without making the site incompatible with the adjoining single-family residential uses (Theme A, Design Policy #4). The request will expand opportunities for neighborhood-serving businesses (Theme A, Design Policy #12), and will be walkable from the adjoining neighborhood and is pedestrian-friendly (Theme A, Design Policy #5).

Staff finds that overall, the proposal is in agreement with the Goals, Objectives, and Policies of the 2045 Comprehensive Plan.

PLACE-TYPE, DEVELOPMENT TYPE, AND ZONE

In an effort to allow for the greatest contextual development of Lexington's Urban Service Area, applicants are asked to identify a Place-Type based on the location of the subject property. Within each Place-Type there are recommended Development Types based on the form and function of the proposed development. Based on the Place-Type and Development Type there are also several recommended zones that are most appropriate based on the Goals, Objectives, and Policies of the 2045 Comprehensive Plan. While these zones are the ideal zoning categories to develop within a specified area, other zones may be considered, provided there is an appropriate justification addressing the unique situation and provided the development is able to adequately meet the associated Development Criteria.

The applicant has indicated that the site is located within the Corridor Place-Type and is seeking to reuse the



properties to allow for a Low Density Non-Residential / Mixed-Use Development Type. The Corridor Place-Type refers to Lexington's major roadways, and is focused on commerce and transportation. The overriding emphasis of Imagine Lexington is to significantly overhaul the intensity of the major corridors and offer substantial flexibility to available land uses. The proposed development has frontage along Harrodsburg Road, which is an identified Corridor within the Comprehensive Plan. Staff agrees with the applicant's proposed Place-Type; however, the development of the site will need to be balanced against the adjoining single-family residential uses.

The applicant's proposed single-story commercial development would best be characterized as Low Density Non-Residential/ Mixed Use Development Type. The Comprehensive Plan does not recommend low-density non-residential/ mixed-use development within the Corridor Place-Type, as the plan generally seeks to intensify these roadways. In their letter of justification, the applicant states that while they are not proposing an intensification of the site currently, the proposed B-1 zone would allow for greater utilization of the property with future redevelopment. Within the Corridor Place-Type, the Neighborhood Business (B-1) zone is recommended. Staff agrees that the applicant's choice in Place-Type, Development Type, and zone could be appropriate at this location.

DEVELOPMENT CRITERIA

The development criteria for a zone change are the distillation of the adopted Goals and Objectives, as well as the policies put forth in the 2045 Comprehensive Plan. The development criteria represent the needs and desires of the Lexington-Fayette Urban County community in hopes of developing a better built environment.

The following criteria should be further described by the applicant to demonstrate how they are in agreement with the Comprehensive Plan.

1. LAND USE

While the request meets several criteria relating to Land Use, one criteria warranted further discussion:

D-CO3-1: Development should increase density and intensity adjacent to transit.

Within a corridor context, development should generally seek to increase density and intensify land uses in order to help support the effectiveness of transit operations. At this time, the applicant is not proposing any significant redevelopment of the site. While this proposal maintains the existing low-density commercial pattern that the site has historically operated with, the proposed B-1 zone would allow for future redevelopment of the site that could meet the medium density development that is called for within a Corridor Place-Type. Any intensification of the site must also consider the impact on adjoining single-family residential uses, as well as the impact on Springhurst Drive, a local residential roadway that serves as the sole access for the Springhurst neighborhood.

Overall, staff finds the request meets the criteria for Land Use, as the request allows for neighborhood scale commercial uses and services (A-DS12-1; E-ST8-2), provides connections to nearby transit stops (A-DS1-2), and allows for increased intensity and density with any future redevelopment of the site (D-CO3-1).

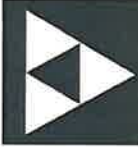
2. TRANSPORTATION, CONNECTIVITY, AND WALKABILITY

While the request meets several criteria relating to Transportation, Connectivity, and Walkability, two criteria warranted further discussion:

A-EQ5-2: Development should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities).

While the development is located in close proximity to a transit stop, it is proposing to maintain a low-density and intensity of use. The applicant states that the proposed B-1 zoning will allow for future intensification of the property.

A-DS13-1: Stub streets should be connected.



The adjoining parcel at 2090 Harrodsburg Road that was the subject of a recent zone change (MAR-24-00010: BEVERLY A. CHEWNING) included a continuation of a service road that serves the existing commercial development to the northeast. This service road was stubbed into the subject properties; however, the development plan submitted by the applicant does not show any connection or utilization of the shared service drive. A connection at this location would alleviate the need for direct access to Harrodsburg Road for the parcel at 2094 Harrodsburg Road, and would improve safety and circulation in the area, this is especially important given the applicants statements about future intensification of the use of the property.

Overall the request meets the majority of the Transportation, Connectivity, and Walkability criteria as it provides pedestrian connections to nearby transit stops (A-DS1-2), utilizes shared parking arrangements (C-PS10-1), and is connected to the adjoining residential neighborhood (A-DS4-1).

3. ENVIRONMENTAL SUSTAINABILITY AND RESILIENCY

Staff finds that the request meets the requirements for Environmental Sustainability and Resiliency, as the proposal does not impact any environmentally sensitive areas (B-PR2-1), and maintains existing trees and tree canopy (B-PR7-1).

4. SITE DESIGN

Staff finds that the request meets the requirements for Site Design, as the proposal locates parking to the rear of the site (A-DS7-1), avoids overparking (C-PS10-2), and provides for connected neighborhood-scale commercial development (C-LI8-1).

5. BUILDING FORM

While the request meets several criteria relating to Building Form, one criteria warranted further discussion:

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

The applicant's proposal features single-story commercial development, which is a continuation of existing development patterns rather than a shift towards the denser, more efficient land use called for within the Comprehensive Plan. If redeveloped in the future, the proposed zone would allow for medium density development that is recommended along the corridors.

Overall, staff finds that the request meets the criteria relating to Building Form, as the development's scale remains compatible with the adjoining single-family residential development to the rear (A-DN-2-2), reuses existing buildings (E-GR4-1), and would allow for future redevelopment that could intensify the site while allowing for a compatible transition to the neighborhood (A-EQ5-1).

CONDITIONAL ZONING RESTRICTIONS

In an effort to protect the adjoining neighborhood, staff recommends that the following conditional zoning restriction.

1. Outdoor loudspeakers shall be prohibited.

This condition is appropriate and necessary in order to protect the single-family residential uses within the Springhurst neighborhood.

STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASONS:

1. The requested Neighborhood Business (B-1) zone is in agreement with the 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposal identifies the properties as an opportunity for reuse and future redevelopment (Theme A, Goal#2.a).
 - b. The proposal will give the subject properties the ability to intensify in the future in a manner that is still compatible with the neighborhood context along Springhurst Drive (Theme A, Goal #2.b).
 - c. The request will result in a well-designed neighborhood, that provides for safe connections to the adjoining residential areas.(Theme A, Goal #3.b).
 - d. The request would enhance the area with neighborhood-serving businesses (Theme A, Goal #3.b).
2. The requested Neighborhood Business (B-1) zone is in agreement with the 2045 Comprehensive Plan's Policies, for the following reasons:
 - a. The proposal provides an opportunity for redevelopment in the future that could increase utilization of the site without making the site incompatible with the adjoining single-family residential uses (Theme A, Design Policy #4).
 - b. The request will expand opportunities for neighborhood-serving businesses (Theme A, Design Policy #12)
 - c. Then request will be walkable from the adjoining neighborhood, and is pedestrian-friendly (Theme A, Design Policy #5).
3. The justification and corollary development plan are in agreement with the policies and development criteria of the 2045 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Land Use, as the request would allow for neighborhood scale commercial uses and services (A-DS12-1; E-ST8-2), provides connections to nearby transit stops A-DS1-2), and would allow for increased intensity and density with any future redevelopment of the site (D-CO3-1).
 - b. The proposed rezoning meets the majority of criteria for Transportation, Connectivity, and Walkability, as it provides pedestrian connections to nearby transit stops (A-DS1-2), utilizes shared parking arrangements (C-PS10-1), and is connected to the adjoining residential neighborhood (A-DS4-1).
 - c. The proposed rezoning addresses the Environmental Sustainability and Resiliency development criteria, as the proposal does not impact any environmentally sensitive areas (B-PR2-1), and maintains existing trees and tree canopy (B-PR7-1).
 - d. The proposal addresses the criteria for Site Design as it locates parking to the rear of the site (A-DS7-1), avoids overparking (C-PS10-2), and provides for connected neighborhood scale commercial development (C-LI8-1).
 - e. The proposed rezoning meets the criteria for Building Form, as the development's scale remains compatible with the adjoining single-family residential development to the rear (A-DN-2-2), reuses existing buildings (E-GR4-1), and would allow for future redevelopment that could intensify the site while allowing for a compatible transition to the neighborhood (A-EQ5-1).
4. Under the provisions of Article 6-7, the following restriction is recommended via conditional zoning:
 - a. Outdoor loudspeakers shall be prohibited.

These conditions are appropriate and necessary in order to protect the single-family residential uses within the Springhurst neighborhood.

5. This recommendation is made subject to approval and certification of PLN-MJDP-24 00065 Springhurst Subdivision, Unit 2 (Brook Properties, LLC) (AMD) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

DAC/TLW
9/4/2024

Planning Services/Staff Reports/MAR/2024/PLN-MAR-24-00015; BROOKE PROPERTIES, LLC

2. **BROOKE PROPERTIES, LLC ZONING MAP AMENDMENT AND SPRINGHURST SUBDIVISION, UNIT 2 (BROOKE PROPERTIES, LLC) (AMD) DEVELOPMENT PLAN**

- a. **PLN-MAR-24-00015: BROOKE PROPERTIES, LLC** – a petition for a zone map amendment from a Planned Neighborhood Residential (R-3) zone to Neighborhood Business (B-1) zone, for 0.602 net (0.913 gross) acres for properties located at 2094 & 2098 Harrodsburg Road.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2045 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 petitioner proposes the rezoning of the subject properties to the Neighborhood Business (B-1) zone to allow for neighborhood business uses at this location. The applicant is currently proposing to utilize the property at 2098 Harrodsburg Road as an insurance office, while the property at 2094 Harrodsburg Road will remain a daycare use. The properties will utilize the existing access points on Springhurst Drive to access the site, and will utilize the existing parking areas under a shared parking agreement.

The Zoning Committee Recommended: No Recommendation, due to lack of quorum.

The Staff Recommends: Approval, for the following reasons:

1. The requested Neighborhood Business (B-1) zone is in agreement with the 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposal identifies the properties as an opportunity for reuse and future redevelopment (Theme A, Goal #2.a).
 - b. The proposal will give the subject properties the ability to intensify in the future in a manner that is still compatible with the neighborhood context along Springhurst Drive (Theme A, Goal #2.b).
 - c. The request will result in a well-designed neighborhood, that provides for safe connections to the adjoining residential areas.(Theme A, Goal #3.b).
 - d. The request would enhance the area with neighborhood-serving businesses (Theme A, Goal #3.b).
2. The requested Neighborhood Business (B-1) zone is in agreement with the 2045 Comprehensive Plan's Policies, for the following reasons:
 - a. The proposal provides an opportunity for redevelopment in the future that could increase utilization of the site without making the site incompatible with the adjoining single-family residential uses (Theme A, Design Policy #4).
 - b. The request will expand opportunities for neighborhood-serving businesses (Theme A, Design Policy #12)
 - c. Then request will be walkable from the adjoining neighborhood, and is pedestrian-friendly (Theme A, Design Policy #5).
3. The justification and corollary development plan are in agreement with the policies and development criteria of the 2045 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Land Use, as the request would allow for neighborhood scale commercial uses and services (A-DS12-1; E-ST8-2), provides connections to nearby transit stops (A-DS1-2), and would allow for increased intensity and density with any future redevelopment of the site (D-CO3-1).
 - b. The proposed rezoning meets the majority of criteria for Transportation, Connectivity, and Walkability, as it provides pedestrian connections to nearby transit stops (A-DS1-2), utilizes shared parking arrangements (C-PS10-1), and is connected to the adjoining residential neighborhood (A-DS4-1).
 - c. The proposed rezoning addresses the Environmental Sustainability and Resiliency development criteria, as the proposal does not impact any environmentally sensitive areas (B-PR2-1), and maintains existing trees and tree canopy (B-PR7-1).
 - d. The proposal addresses the criteria for Site Design as it locates parking to the rear of the site (A-DS7- 1), avoids overparking (C-PS10-2), and provides for connected neighborhood scale commercial development (C-LI8-1).
 - e. The proposed rezoning meets the criteria for Building Form, as the development's scale remains compatible with the adjoining single-family residential development to the rear (A-DN-2-2), reuses existing buildings (E-GR4-1), and would allow for future redevelopment that could intensify the site while allowing for a compatible transition to the neighborhood (A-EQ5-1).

4. Under the provisions of Article 6-7, the following restriction is recommended via conditional zoning:
- a. Outdoor loudspeakers shall be prohibited.

These conditions are appropriate and necessary in order to protect the single-family residential uses within the Springhurst neighborhood.

5. This recommendation is made subject to approval and certification of PLN-MJDP-24 00065: Springhurst Subdivision, Unit 2 (Brooke Properties, LLC) (AMD) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

- b. PLN-MJDP-24-00065: SPRINGHURST SUBDIVISION, UNIT 2 (BROOKE PROPERTIES) (AMD) (11/3/24)
* - located at 2094 & 2098 HARRODSBURG ROAD, LEXINGTON, KY.

Council District: 10

Project Contact: Earthcycle Design

Note: The purpose of this plan is to depict a change of use and an 80-square foot addition to Lot 1 in support of the requested zone change from a Planned Neighborhood Residential (R-3) zone to a Neighborhood Business (B-1) zone.

The Staff Recommends: Approval, subject to the following conditions:

1. Provided the Urban County Council approves the zone change to B-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Landscape Examiner's approval of landscaping and landscaping buffers.
5. Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of tree preservation plan.
7. Greenspace planner's approval of the treatment of greenways and greenspace.
8. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
12. Denote: All buildings, paving, signs, fences, walls, and retaining walls that are depicted, described, or required on this development plan shall require a separate review and building permit from the Division of Building Inspection prior to construction.
13. Denote structures are non-conforming to the required B-1 zone setbacks.
14. Depict property boundaries with a solid dark line.
15. Existing access to 2094 Harrodsburg Road shall be removed at the time of development of 2090 Harrodsburg Road.
16. Discuss proposed addition on Lot 1.
17. Discuss turn lane along Harrodsburg Road frontage.
18. Discuss Placebuilder criteria.

Staff Presentation – Mr. Daniel Crum presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and the general area. He stated that the applicant was seeking a zone map amendment from a Planned Neighborhood Residential (R-3) zone to Neighborhood Business (B-1) zone, for 0.602 net (0.913 gross) acres for properties located at 2094 & 2098 Harrodsburg Road. Mr. Crum stated that the applicant was seeking to utilize existing buildings for neighborhood business uses, in this particular case, an insurance office. Additionally, Mr. Crum indicated the applicant is applying under the Corridor Place-Type and the Low Density Non-Residential/Mixed Use Development Type, and that while Low Density Non Residential was not a recommended Development Type, Staff was in agreement with its selection.

Mr. Crum noted the properties' location, highlighting the residential zoning around the property as well as the business zones across Harrodsburg Road at Turfland Mall, and stated that the applicant was seeking to balance the interests of the surrounding neighborhood with the intensity that is called for on a corridor. Mr. Crum showcased aerial photographs of the property as it stands today and noted the structures today are

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

being used as a daycare center. Mr. Crum indicated that the daycare use will stay in the building, and an addition will be added as a check-in center for the kids, while the other building will be used for the insurance office.

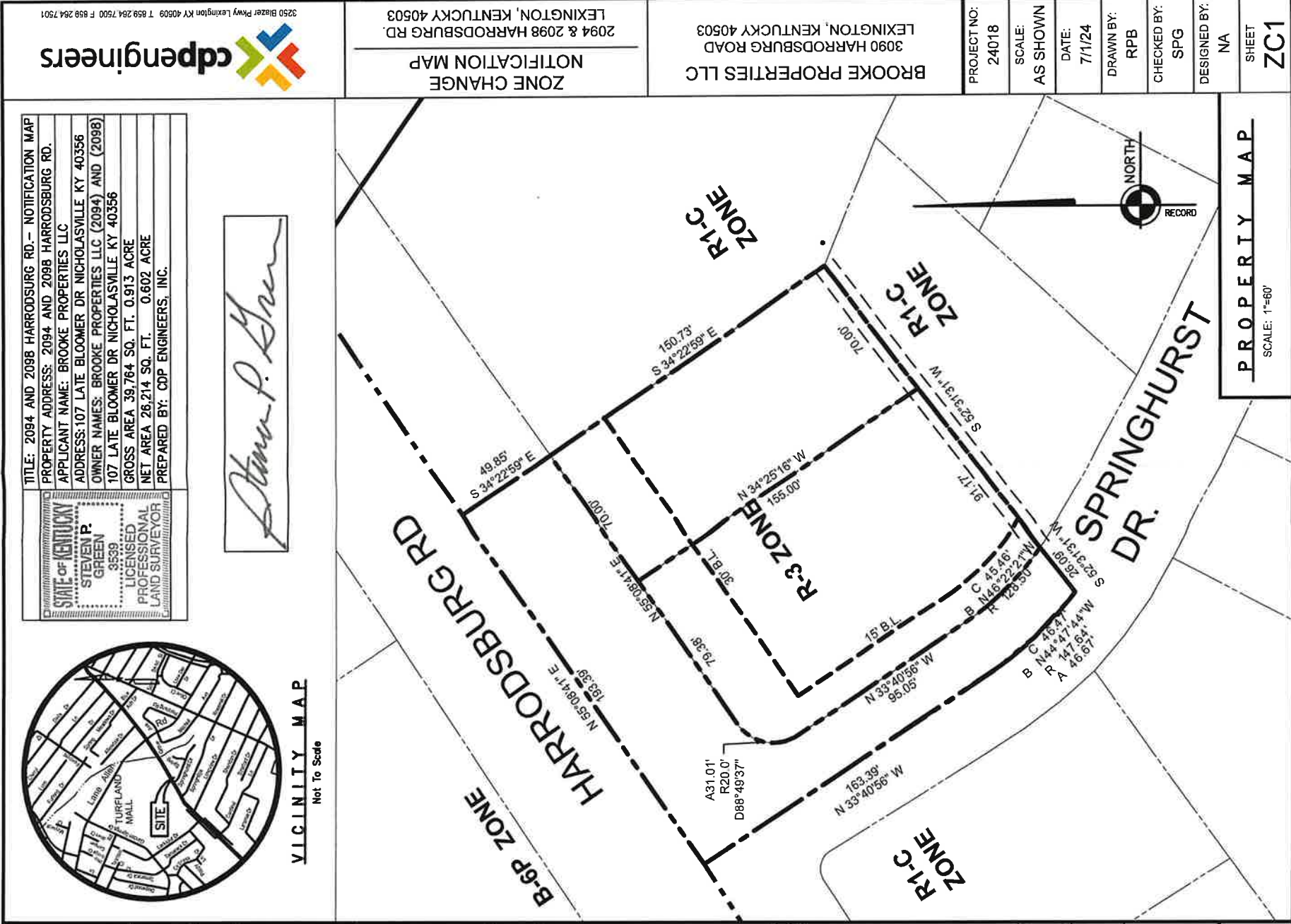
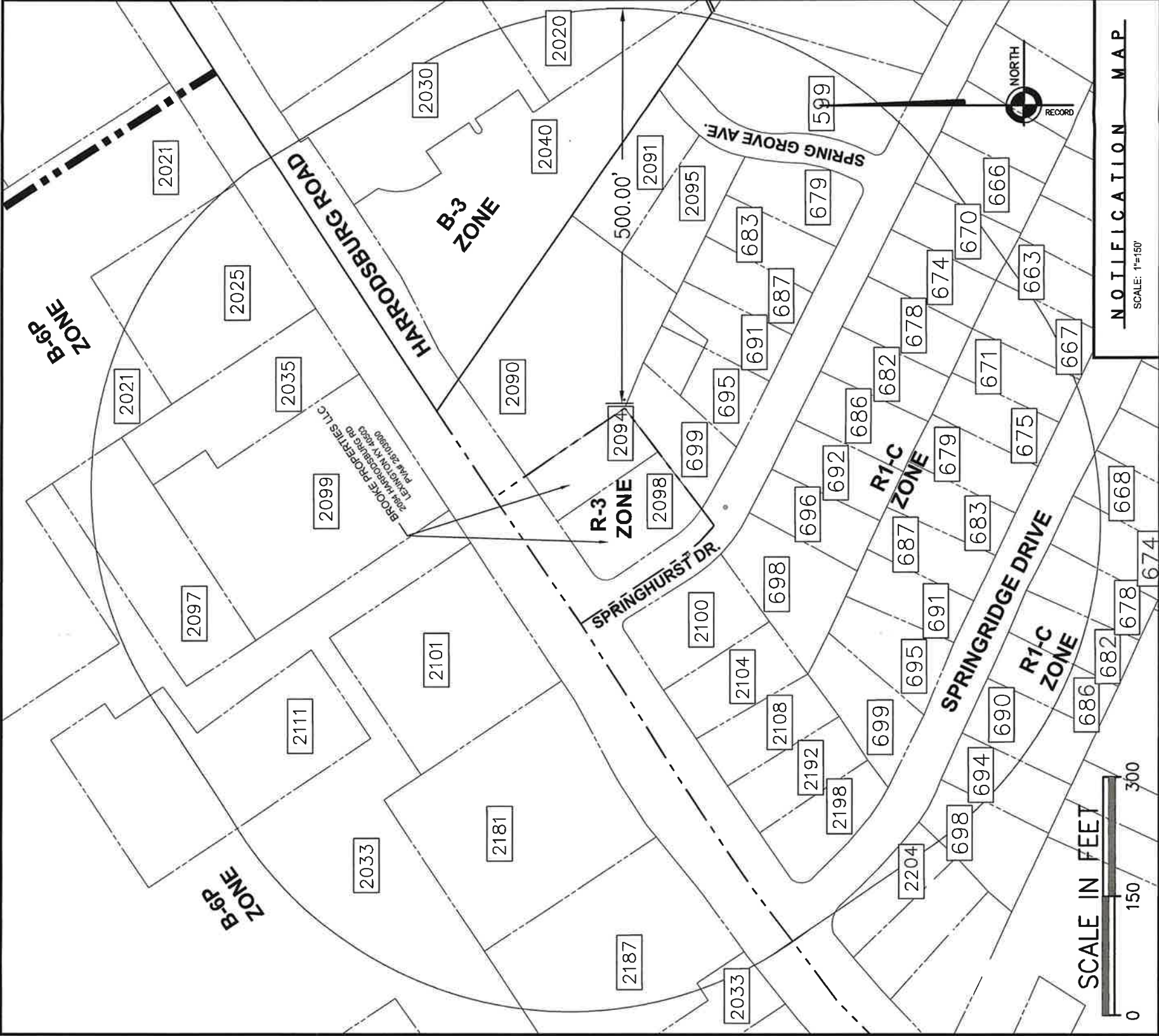
Mr. Crum showcased the corresponding development plan and stated that the applicant would reduce the existing paving in the front, and that there would be opportunities for connectivity with the adjoining property. Mr. Crum indicated that Staff was recommending one conditional zoning restriction that prohibited the use of outdoor loudspeakers, which already was a restriction under the current zoning. Mr. Crum concluded by stating that Staff was recommending approval, and he could answer any questions from the Planning Commission.

Development Plan Presentation – Ms. Traci Wade oriented the Planning Commission to the location and characteristics of the subject property. Ms. Wade noted the traffic circulation mainly coming from Springhurst Drive, but stated that the applicant was showing access to Harrodsburg Road for employee parking in the front. Ms. Wade reemphasized Staff's belief that it is important for connections to the adjoining property so that they can share an access point to Harrodsburg Road. Ms. Wade stated that if the site redevelops, that would be the time to discuss closing the currently proposed front access for employee parking and discuss those connections. Ms. Wade also mentioned concern from the Subdivision Committee about building a use on Lot 1 that is intended for Lot 2, with the intention of the daycare to use the addition on Lot 1 as a check-in for the daycare on Lot 2, with the parents walking them to their specific classroom. Ms. Wade concluded by stating besides those concerns, the conditions from Staff were typical clean-up conditions, and that Staff is recommending approval. Ms. Wade indicated she could answer any questions from the Planning Commission.

Applicant Presentation – Mr. Jon Woodall, attorney for the applicant, stated that they were in agreement with Staff's recommendations. Mr. Woodall gave a brief history of Mr. Conrad, the owner of the insurance office, and mentioned that currently there are two buildings for the daycare but are transitioning 2098 Harrodsburg Road to the insurance office and are extending a five year lease to the daycare at 2094 Harrodsburg Road. Mr. Woodall mentioned their neighborhood engagement and his fear that the neighborhood would not want this development right after the recent Dutch Dros development next door, but stated that Tee Bergman and the neighborhood have been easy to work with, and their main concern was not wanting a service road at this property. Mr. Woodall concluded by stating they are in agreement with Staff's conditions and could answer any questions from the Planning Commission.

Action – A motion was made by Ms. Worth, seconded by Ms. Barksdale and carried 8-0 (Nicol, Penn, and Pohl absent) to approve PLN-MAR-24-00015: BROOKE PROPERTIES, LLC for reasons provided by Staff.

Action – A motion was made by Ms. Worth, seconded by Mr. J. Davis and carried 8-0 (Nicol, Penn, and Pohl absent) to approve PLN-MJDP-24-00065: SPRINGHURST SUBDIVISION, UNIT 2 (BROOKE PROPERTIES) (AMD) with the attached 18 conditions provided by Staff, changing condition #15 to "shall be removed at the time of redevelopment of 2094 Harrodsburg Road" and eliminating conditions #16-18.



TITLE: 2094 AND 2098 HARRODSBURG RD. - NOTIFICATION MAP
 PROPERTY ADDRESS: 2094 AND 2098 HARRODSBURG RD.
 APPLICANT NAME: BROOKE PROPERTIES LLC
 ADDRESS: 107 LATE BLOOMER DR NICHOLASVILLE KY 40356
 OWNER NAMES: BROOKE PROPERTIES LLC (2094) AND (2098)
 107 LATE BLOOMER DR NICHOLASVILLE KY 40356
 GROSS AREA 39,764 SQ. FT. 0.913 ACRE
 NET AREA 26,214 SQ. FT. 0.602 ACRE
 PREPARED BY: CDP ENGINEERS, INC.

