

- (a) petitioner's comments (5 minute maximum)
- (b) citizen objectors (5 minute maximum)
- (c) staff comments (5 minute maximum)
- Commission discusses and/or votes on the plan.

V. **ZONING ITEMS** - The Zoning Committee met on Thursday, June 2, 2022, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Zach Davis, Larry Forrester, Graham Pohl, and Bruce Nicol. Staff members in attendance were: Hal Baillie, Tom Martin, Daniel Crum, and Keith Horn, Department of Law. The Committee members reviewed applications and made recommendations as noted.

A. **ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS**

The staff will call for objectors to determine which petitions are eligible for abbreviated hearings.

Abbreviated public hearings will be held on petitions meeting the following criteria:

- The staff has recommended approval of the zone change petition and related plan(s)
- The petitioner concurs with the staff recommendations
- Petitioner waives oral presentation, but may submit written evidence for the record
- There are no objections to the petition

1. **DF LEXINGTON PROPERTIES II, LLC ZONING MAP AMENDMENT & COLLINS & ORRELL PROPERTY (DF LEXINGTON) ZONING DEVELOPMENT PLAN**

- a. **PLN-MAR-22-00008: DF LEXINGTON PROPERTIES II, LLC** – a petition for a zone map amendment from a Neighborhood Business (B-1) zone to a Highway Service Business (B-3) zone, for 1.90 net (2.78 gross) acres, for property at 3440, 3450 and 3454 Richmond 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 petitioner proposes the rezoning of the subject properties to the Highway Service (B-3) zone to allow the redevelopment of the properties for the expansion of the Don Franklin Auto center and to construct a new vehicle showroom, sales offices and auto maintenance facility.

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

The Staff Recommends: **Postponement**, for the following reasons:

1. The zone change application should describe in greater detail how they meet the Goals, Objectives and Policies, specifically those regarding the environmental sustainability of the site and the proposed improvements to multi-modal connectivity.
2. The zone change application for the subject property, as proposed, does not completely address the development criteria for a zone change within the Corridor Place-Type, and the Medium Density Non-Residential / Mixed-Use Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. A-DS5-3 Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
 - b. B-SU11-1: Green infrastructure should be implemented in new development. (E-GR3)
 - c. C-PS10-3 Over-parking of new developments should be avoided. (B-SU5)
 - d. 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.
 - e. B-PR7-2: Trees should be incorporated into development plans, prioritize grouping of trees to increase survivability.
 - f. B-PR7-3 Developments should improve the tree canopy.
 - g. B-RE1-1 Developments should incorporate street trees to create a walkable streetscape
- b. **PLN-MJDP-22-00028: COLLINS & ORRELL PROPERTY (DF LEXINGTON) (07/31/22)*** - located at 3440, 3450, AND 3454 RICHMOND ROAD, LEXINGTON, KY.
Council District 7
Project Contact: EA Partners, PLC

Note: The purpose of this plan is to depict redevelopment of the subject property with a 35,000 square foot automobile sales dealership and display lot, in support of the requested zone change from a Neighborhood Business (B-1) zone to a Highway Service Business (B-3) zone.

The Subdivision Committee and Staff Recommended: **Approval**, subject to the following conditions:

1. Provided the Urban County Council rezones the property 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. Greenspace Planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features
9. United States Postal Service Office's approval of kiosk locations or easement.
10. Revise 4-foot proposed sidewalk to 6-foot in width.
11. Resolve access to property at the rear of the subject property.
12. Resolve ability to meet tree canopy requirements.
13. Resolve display area.
14. Resolve ability to meet Richmond Road Landscape Ordinance adjacent to right-of-way.
15. Resolve potential impact of State Highway Improvement Project.
16. Discuss Placebuilder criteria.

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 stated that the applicant was seeking a zone map amendment from a Neighborhood Business (B-1) zone to a Highway Service Business (B-3) zone, for 1.90 net (2.78 gross) acres, in order to expand the Don Franklin Auto Sales and associated facilities.

Mr. Baillie indicated that the applicant is seeking the Corridor Place-Type and a medium density non-residential/mixed-use Development Type. Planning Staff agreed that the proposed Place Type, and Development Type could be appropriate for this application. Additionally, the applicant is not choosing a recommended zone within the Place-Type and Development Type, Mr. Baillie stated that in cases where the applicant chooses a zone that is not recommended it is incumbent on the applicant to provide greater justification as to why this would be the most appropriate zone. After providing more justification, Staff was in agreement that the zoning could be appropriate.

Mr. Baillie continued orienting the Planning Commission to the location, as well as displaying photographs to show the Planning Commission how the property has been developed over time. Mr. Baillie briefly reviewed the agreement of the proposed zone change with the Comprehensive Plan's Goals, Objectives, and Policies. Additionally, Mr. Baillie listed the recommended conditional zoning restrictions for the property, along with the justification for their inclusion.

Mr. Baillie concluded that Planning Staff was recommending Approval.

Staff Development Plan Presentation – Mr. Martin presented the staff report and recommendations for the associated Development Plan. Mr. Martin presented a colored rendering of the subject property and reviewed the current development. Mr. Martin noted the parking spaces on the plan as display spaces for the vehicles, as well as electric car charging stations. Additionally, Mr. Martin mentioned that this specific application is required to meet with the Richmond Road Landscape and Access Ordinance requirements, which they will address at the time of the final development plan.

Mr. Martin highlighted an access point to the parking lot in the rear of the property and stated that at the time of the final development plan, the applicant will be prepared to bring in an overall final development plan for the entire Don Franklin Development for the consideration of the Planning Commission.

Mr. Martin finished by telling the Commission that staff was recommending approval and that they could delete condition #12, which pertained to the Placebuilder criteria, since it has been addressed by Mr. Baillie's presentation.

Commission Questions – Mr. Michler asked about the vegetation at the back of the property and its proximity to the reservoir, as well as if this greenspace would be maintained at the final development plan. Mr. Martin indicated that is a question Staff and the Planning Commission can ask the applicant to clarify and expand upon at the time of the final development plan.

Applicant Presentation – Brandon Gross, attorney representing the applicant, stated that his client has no objection to the conditions proposed by staff. Mr. Gross answered Mr. Michler's question, saying this is the first stage to reorganize the dealership and that due to the reservoir, their plan is to increase the stormwater management in that area.

Zoning Action – A motion was made by Mr. Bell, seconded by Mr. de Movellan, and carried 9-0 (Forrester and Meyer absent) to approve **PLN-MAR-22-00008: DF LEXINGTON PROPERTIES II, LLC** for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Bell, seconded by Mr. de Movellan, and carried 9-0 (Barksdale and Worth absent) to approve **PLN-MJDP-22-00028: Collins & Orrell Property (DF Lexington)** for the reasons provided by the staff.

B. FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS - Following abbreviated hearings, the remaining petitions will be considered.

The procedure for these hearings is as follows:

- Staff Reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) Proponents (10 minute maximum OR 3 minutes each)
 - (b) Objectors (30 minute maximum) (3 minutes each)