

SUPPLEMENTAL STAFF REPORT

PLN-MAR-24-00011 BEVERLY A. CHEWNING



PUBLIC ENGAGEMENT

Since the time of the July Committee meetings, the applicant has expanded their public outreach efforts. Included within these efforts was a meeting with the Mitchell Avenue Neighborhood Association, which was attended by Staff. During the meeting the neighborhood expressed several concerns with the project:

1. Stormwater management and runoff from the property.
2. Potential nuisances from the location of the rear structure and patio area.
3. Traffic impacts on Harrodsburg Road, and the impact on connecting to the adjoining developments.
4. Screening and landscaping where the property adjoins single-family residential uses.
5. Opposition to restaurant uses in the rear structure.
6. Opposition to increased commercial density on the site.

Planning Staff provided information regarding the zoning process, the differences between preliminary and final development plans, and the ways the neighborhood could provide input and comment during the planning process.

STAFF REVIEW

The applicant has submitted a revised preliminary development plan and supplemental letter of justification in response to Staff's comments and neighborhood feedback. The changes to the development plan include the addition of sidewalk connections along the northern portion of the Harrodsburg Road frontage, an increase in the buffer area where the property adjoins single-family residential zones, the removal of the rear patio, and a slight decrease in the size of the rear retail building from 6,000 square feet to 5,400 square feet.

The letter of justification addressed several aspects of the comments from staff's original staff report. Below are the criteria that were addressed by the applicant within their revised justification:

D-CO3-1: Development should increase density and intensity adjacent to transit; A-EQ5-2: Development should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities); 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.

Many of Staff's comments from the initial staff report asked the applicant to provide a greater explanation of how their proposal related to Comprehensive Plan elements that call for increased utilization of parcels along major corridors. The applicant notes that the current utilization of the lot results in a lot coverage of approximately 5%. They opine that the proposed increase to approximately 15% is building towards the density and intensity of use called for by the Comprehensive Plan. The applicant also states that the request is attempting to balance increased utilization of the site with the adjoining neighborhood context. Under ideal conditions, intense corridor development would have a buffer or transition into single-family residential uses; however, within this property's context, single-family residential uses directly adjoin the corridor. The applicant notes that the proposed B-3 zone would allow for more significant redevelopment in the future, but are seeking to balance the current conditions of the neighborhood with a lower density development type and plan at this time

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; A-DS5-4: Development should provide pedestrian oriented and activated streetscapes.

In response to Staff's comments, the applicant has extended the sidewalk facilities to make connections along

the entirety of the Harrodsburg Road frontage that will provide direct access to the coffee shop use, coffee shop patio area, and interior open space. In response to comments about increasing the massing and building presence along the roadway, the applicant noted that their ability to locate buildings in this area was limited by the decision to provide cross-property access with the adjoining Baptist Health professional office use. Relocating the retail structure to the front of the site would also result in the proposed drive-through use being located in closer proximity to the single-family residential uses within the Springhurst Neighborhood.

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-SU4-1: Development should minimize and/ or mitigate impervious surfaces.

In response to the environmental elements highlighted by staff, the applicant has proposed to utilize permeable materials for parking spaces. They have provided information regarding the proposed canopy coverage, stating that the proposal will result in an increase of approximately 50% over the current canopy present on-site.



CONDITIONAL ZONING RESTRICTIONS

The applicant has proposed an updated list of conditional zoning restrictions to prohibit certain uses highlighted by the neighborhood, as well as to propose conditions on the operation of the site to ensure that the use of the site is compatible with an adjoining single-family residential development.

Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply:

A. *The following uses shall be prohibited:*

1. *Miniature golf or putting courses.*
2. *Banquet Facilities.*
3. *Establishments and lots for the display and sale of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.*
4. *Nightclubs.*
5. *Automobile and vehicle refueling stations, excluding electric vehicle (EV) charging facilities.*
6. *Carnivals, special events, festivals, and concerts.*
7. *Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.*
8. *Outdoor athletic facilities.*
9. *Amusement parks, fairgrounds, or horse racing tracks.*
10. *Outdoor theaters.*
11. *Outdoor recreational facilities.*
12. *Passenger transportation terminals.*
13. *Mining of non-metallic minerals.*
14. *The above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas.*
15. *Circuses.*
16. *Ecotourism activities.*

B. *Any building for eating and drinking establishments, drive in restaurants, commissaries, micro-breweries, micro distilleries, or wineries shall be located at least twenty-five (25) feet from any adjacent existing single-family residential zone.*

C. *A landscape buffer of at least fifteen (15) feet in width shall be provided along the boundary of the adjacent-existing single-family residential zone, with plantings as specified by Article 18-3(a)(1)2, along with a solid fence with a minimum six (6) feet height.*

D. *Outdoor lighting shall be shielded and directed away from the adjacent existing single family residential zone. No outdoor lighting located within twenty-five (25) feet from the adjacent-existing single-family*

residential zone shall exceed fifteen (15) feet in height.

- E. *Exterior amplification systems shall be directed away from the adjacent-existing single-family residential zone. Exterior amplification systems shall use modern noise reduction technology to the maximum extent feasible. No exterior amplification systems shall create a nuisance to the adjacent-existing single-family residential zone.*

These conditions are appropriate and necessary in order to ensure compatibility with the adjoining single-family residential uses within the Springhurst Neighborhood.



PARKING DEMAND MITIGATION STUDY

Under the requirements of the newly adopted Parking and Landscaping Zoning Ordinance Text Amendment, all “Significant Developments,” or developments with over 5,000 square-feet of building coverage that require a Zoning Map Amendment, shall provide a Parking Demand Mitigation Study for the project that details the following information:

1. Review of national best practices for parking calculations for the project, including the current ITE Manual Parking ranges or the ranges produced by the ITEParkGen Report;
2. The anticipated parking demand for the project;
3. How the anticipated parking demand will be satisfied on-site or off-site;
4. The methods and strategies to be implemented in order to reduce vehicle trips by site users;
5. The methods and strategies to be implemented in order to promote transportation options by site users;
6. The projected mode share by site users from the utilization of the study’s strategies.

Within the applicant’s review of the parking demand, they have provided specific calculations based on the ITE manual for the proposed coffee shop and retail sales uses. Based on the provided square footage, the ITE manuals indicate that the development as a whole would require 22 spaces at peak hours, while a total of 21 spaces are being proposed. The applicant notes that the reduction in parking provided on-site is reflective of the drive-through orientation of the coffee shop, as well as the nearby connections to transit routes along Harrodsburg Road.

STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASONS:



1. The proposed Highway Service Business (AKA Corridor Business)(B-3) zone is in agreement with the Imagine Lexington 2045 Comprehensive Plan's Goals and Objectives for the following reasons:
 - a. The proposal will redevelop underutilized land within the Urban Service Boundary, and will intensify the lot coverage of the property from 5% to 15% (Theme A, Goal #2.a).
 - b. The commercial character of the proposed development matches the character of this portion of the Harrodsburg Road corridor, while keeping the scale of the operations compatible with adjoining single-family residential development (Theme A, Goal #2.b).
2. The proposal is in agreement with the Policies of the 2045 Comprehensive Plan for the following reasons:
 - a. At the proposed scale, the proposal is sensitive to both the adjoining commercial and single-family residential contexts (Theme A, Design Policy #4).
 - b. The retail component of the use expands opportunities for neighborhood level commercial areas (Theme A, Design Policy #12).
 - c. The proposal incorporates permeable paving within its parking areas to help mitigate the impact of its vehicular use areas. (Theme B, Sustainability Policy #4).
 - d. The proposal creates connectivity and opportunities for shared parking with the adjoining commercial development to the east (Theme C, Prosperity Policy #10).
3. The justification and corollary Preliminary Development Plan are in agreement with the Development Criteria of the 2045 Comprehensive Plan, for the following reasons:
 - a. The proposed rezoning meets the criteria for Land Use, as the request provides for pedestrian connections to the retail and coffee shop uses from the Springhurst neighborhood (A-DN3-1), and increases the density and intensity of the use of the property (D-CO-3).
 - b. The proposed rezoning addresses the Transportation and Pedestrian Connectivity Development Criteria, includes sidewalk connections to transit (A-DS-1-2), and provides vehicular and pedestrian connectivity to the adjoining commercial uses (A-DS10-1).
 - c. The proposed rezoning meets the criteria for Environmental Sustainability and Resiliency, as the development does not impact environmentally sensitive areas (B-PR2-1), utilizes permeable paving to mitigate the impact of their vehicular use areas (B-SU401) and increases the tree canopy present on site (B-RE1-1).
 - d. The request meets the requirements for Site Design, as it is not over-parked (CPS10-2), and provides for new connectivity and cross-access with the adjoining commercial development to the east (CII8-1).
 - e. The request meets the criteria for Building Form, as the request is at an appropriate scale to surrounding structures and would allow for greater utilization of the parcel in the future (A-DS4-2), and provides a compatible transition from the adjoining neighborhood to the corridor (A-EQ5-1; A-DN2-1).
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply:
 - A. *The following uses shall be prohibited:*
 1. *Miniature golf or putting courses.*
 2. *Banquet Facilities.*
 3. *Establishments and lots for the display and sale of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.*
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 8. *Outdoor athletic facilities.*
 9. *Amusement parks, fairgrounds, or horse racing tracks.*



10. *Outdoor theaters.*
 11. *Outdoor recreational facilities.*
 12. *Passenger transportation terminals.*
 13. *Mining of non-metallic minerals.*
 14. *The above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas.*
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These conditions are appropriate and necessary in order to ensure compatibility with the adjoining single-family residential uses within the Springhurst Neighborhood.

5. This recommendation is made subject to approval and certification of [PLN-MJDP-24-00042 Springhurst Subdivision Unit 2 \(Dutch Brothers Coffee\)](#), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.