

ORDINANCE NO. 077 - 2022

AN ORDINANCE CHANGING THE ZONE 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 LOCATED AT 3440, 3450 AND 3454 RICHMOND ROAD. (DF LEXINGTON PROPERTIES II, LLC; COUNCIL DISTRICT 7).

WHEREAS, at a Public Hearing held on June 23, 2022, a petition for a zoning ordinance map amendment for property located at 3440, 3450 and 3454 Richmond Road from a Neighborhood Business (B-1) zone to a Highway Service Business (B-3) zone, for 1.90 net (2.78 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 9-0; and

WHEREAS, this 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 3440, 3450 and 3454 Richmond Road from a Neighborhood Business (B-1) zone to a Highway Service Business (B-3) zone, for 1.90 net (2.78 gross) acres, being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 – That under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are imposed via conditional zoning:

- a. The following uses shall be prohibited:
 - i. Adult entertainment establishments, adult bookstores, and adult video stores.
 - ii. Drive-through windows accessory to restaurants.
 - iii. Billboards.
 - iv. Outdoor loud speakers or music.

These restrictions are appropriate and necessary to reduce the potential impact of the allowable uses on the neighboring development, while also protecting Richmond Road, which is an identified gateway into Lexington.

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: August 30, 2022



MAYOR

ATTEST:



CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: September 6, 2022-1t

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Rec'd by _____
Date: _____

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

IN RE: **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.

Having considered the above matter on **June 23, 2022**, at a Public Hearing, and having voted **9-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL** of this matter for the following reasons:

1. A restricted Highway Service Business (B-3) zone is in agreement with the 2018 Comprehensive Plan's Goals, Objectives, and Policies, for the following reasons:
 - a. The proposed project will increase the number of higher paying job opportunities than those traditionally associated with the current retail operations on site (Theme C, Goal #1.a), and will aid in the retention and expansion of a large employer in Lexington (Theme C, Goal #2.a).
 - b. The proposed project will increase access to electrified vehicles and the electrical vehicle charging stations that will assist Lexington in reducing emissions and its carbon footprint (Theme B, Goal #2).
 - c. The proposed development will provide greater connectivity throughout the area by adding new pedestrian access and improved options for all users (Theme A, Density Policy #1; Theme B, Sustainability Policy #1 and Restoration Policy #4; Theme D, Connectivity Policy #3; Theme D, Goal #1.b)
 - d. The proposed development will increase the tree canopy coverage to help off-set the impacts of the heat island effect caused by the proposed development and paved areas on-site (Restoration Pillar III, Protection Policy #7).
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site creates a safer development that supports pedestrian mobility to and from the proposed development.
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity through the inclusion of safe facilities for the potential users, through the incorporation of enhanced pedestrian facilities along the property's frontages and leading to the service road and along the southern portion of the properties.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will increase tree canopy coverage, include street trees, and establish green infrastructure that will help alleviate the impact on the surrounding development and the stormwater system.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning:

a. The following uses shall be prohibited:

- i. Adult entertainment establishments, adult bookstores, and adult video stores.
- ii. Drive-through windows accessory to restaurants.
- iii. Billboards.
- iv. Outdoor loud speakers or music.

These restrictions are appropriate and necessary to reduce the potential impact of the allowable uses on the neighboring development, while also protecting Richmond Road, which is an identified gateway into Lexington.

4. This recommendation is made subject to approval and certification of PLN-MJDP-22-00028: Collins & Orrell Property (DF Lexington), 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 29th day of July, 2022.


Secretary, Jim Duncan

LARRY FORESTER
CHAIR

Note:The corollary development plan, PLN-MJDP-22-00028: Collins & Orrell Property (DF Lexington), was approved by the Planning Commission on June 23, 2022 and certified on July 7, 2022.

K.R.S. 100.211(7) requires that the Council take action on this request by September 21, 2022.

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

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (9) Barksdale, Bell, Davis, de Movellan, Michler, Nicol, Penn, Pohl, and Worth

NAYS: (0)

ABSENT: (2) Forester, Meyer

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-22-00008** carried.

SUPPLEMENTAL STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-22-00008: DF LEXINGTON PROPERTIES II, LLC



STAFF REVIEW

In the period following the June Subdivision and Zoning Committee meetings, the applicant met with staff to discuss the proposed rezoning. Following those meetings, the applicant reviewed staff's and zoning sub-committee's comments, and modified their application regarding the proposed development and its agreement with the 2018 Comprehensive Plan. New information submitted by the applicant includes an updated development plan and supplementary justification. The new information provided by the applicant addresses the majority of staff's concerns.

The materials submitted specifically focuses on those Development Criteria that were deficient within the original application. These elements were specifically focused on how the proposed development would promote a safe pedestrian facilities within and along the public right-of-way (A-DS5-3, D-CO2-2), implement green infrastructure while minimizing the impact on the adjacent developments and infrastructure (B-SU11-1), and incorporate street trees and tree canopy into the site redevelopment (B-PR7-2, B-PR7-3, B-RE1-1). Within the supplementary documentation and the revised development plan, the applicant has described and depicted a more robust and delineated pedestrian system that connects to all access points to the proposed building. Additionally, the applicant indicates that they will be bring a broader green infrastructure project to the property during the redevelopment of the whole of the Don Franklin Auto Dealership site. Finally, the applicant included greater information regarding the viability of the proposed tree canopy, including the incorporation of street trees along the service road.

CONDITIONAL ZONING RESTRICTIONS

While the staff agrees that these elements of the Comprehensive Plan can be met with the proposed zone change and associated development plan, there are concerns that future land uses within the Highway Service Business (B-3) zone can have negative impacts on the surrounding development and could negatively impact Richmond Road, which is an identified gateway into Lexington. In an effort to alleviate some of the potential adverse impacts, staff recommends the incorporation of conditional zoning restrictions. Specifically, staff recommends the prohibition of the following uses: adult entertainment establishments, adult bookstores, and adult video stores, drive-through windows accessory to restaurants, billboards, and outdoor loud speakers or music.

Staff can now recommend approval of the proposed zone change from a Neighborhood Business (B-1) zone to a restricted Highway Service Business (B-3) zone for the properties located at 3440, 3450 and 3454 Richmond Road, as the proposal is in agreement with the 2018 Comprehensive Plan, including the applicable Goals and Objectives, and Development Criteria.

STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASON:



1. A restricted Highway Service Business (B-3) zone is in agreement with the 2018 Comprehensive Plan's Goals, Objectives, and Policies, for the following reasons:
 - a. The proposed project will increase the number of higher paying job opportunities than those traditionally associated with the current retail operations on site (Theme C, Goal #1.a), and will aid in the retention and expansion of a large employer in Lexington (Theme C, Goal #2.a).
 - b. The proposed project will increase access to electrified vehicles and the electrical vehicle charging stations that will assist Lexington in reducing emissions and its carbon footprint (Theme B, Goal #2).
 - c. The proposed development will provide greater connectivity throughout the area by adding new pedestrian access and improved options for all users (Theme A, Density Policy #1; Theme B, Sustainability Policy #1 and Restoration Policy #4; Theme D, Connectivity Policy #3; Theme D, Goal #1.b)
 - d. The proposed development will increase the tree canopy coverage to help off-set the impacts of the heat island effect caused by the proposed development and paved areas on-site (Restoration Pillar III, Protection Policy #7).
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site creates a safer development that supports pedestrian mobility to and from the proposed development.
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity through the inclusion of safe facilities for the potential users, through the incorporation of enhanced pedestrian facilities along the property's frontages and leading to the service road and along the southern portion of the properties.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will increase tree canopy coverage, include street trees, and establish green infrastructure that will help alleviate the impact on the surrounding development and the stormwater system.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning:
 - a. The following uses shall be prohibited:
 - i. Adult entertainment establishments, adult bookstores, and adult video stores.
 - ii. Drive-through windows accessory to restaurants.
 - iii. Billboards.
 - iv. Outdoor loud speakers or music.These restrictions are appropriate and necessary to reduce the potential impact of the allowable uses on the neighboring development, while also protecting Richmond Road, which is an identified gateway into Lexington.
4. This recommendation is made subject to approval and certification of PLN-MJDP-22-00028: Collins & Orrell Property (DF Lexington), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.



C-PS10-3 Over-parking of new developments should be avoided. (B-SU5)

While staff understands the importance of vehicle display spaces and the need to provide parking for employees and visitors to the proposed establishment, there is concern that there is a greater amount of parking than what is necessary for the proposed project. The applicant should clarify the need for the quantity of spaces.

2. Transportation and Pedestrian

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.

The applicant indicates that they are expanding and improving the multi-modal network on their site. Staff would like the applicant to describe in greater detail how the proposed changes provide a safer and more diverse transportation network for all users.

3. Greenspace and Environmental Health

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.

The proposed use of the subject property for the sale of vehicles is often tied with a high amount of paved surfaces. The amount of paved surfaces in urban localities causes increased temperatures and humidity in urban areas, commonly referred to as the urban heat island effect. The applicant should review how they might integrate a greater amount of tree canopy that would reduce the impact of the heat island effect caused by surface parking lots.

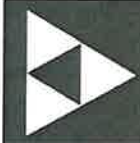
B-RE1-1 Developments should incorporate street trees to create a walkable streetscape.

The applicant is proposing to shift the location of pedestrian facilities to the northern edge of the service road. The applicant should review whether the incorporation of street trees can provide a vertical buffer along the roadway, making for a safer pedestrian experience. In addition, the applicant must provide the required landscaping associated with the Richmond Road Ordinance.

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.



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 redevelop the properties to allow for a Medium Density Non-Residential / Mixed-Use Development Type. The Corridor Place-Type is Lexington's major roadways 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 Richmond Road, which is an identified Corridor within the Comprehensive Plan. Staff agrees with the applicant's proposed Place-Type.

Within their application, the petitioner describes that the Medium Density Non-Residential / Mixed-Use Development Type is the most appropriate Development Type, as they are seeking to redevelop the subject properties to include vehicular retail sales and service. They indicate that they are seeking to maximize the development on site with a two-story structure, which will include a new vehicle showroom, sales offices and auto service/maintenance facility. Staff agrees that the proposed Development Type can be appropriate for the subject properties.

Finally, the applicant has requested the rezoning of the property to the Highway Service Business (B-3) zone. This zone is not a recommended zone associated the Corridor Place-Type and the Medium Density Non-Residential / Mixed-Use Development Type. While the B-3 zone is not a recommended zone, an applicant can seek any zone, providing the applicant's justification addresses the criteria of the Place-Type and Development Type, while also addressing the intent of the Place-Type and Development Type. The applicant indicates that the subject properties will allow for the economic growth along a major corridor and is surrounded by similarly zoned land with similar land uses. The applicant indicates that this portion of Richmond Road is characterized by businesses that serve the traveling public, including, without limitation, several auto dealerships, a gas station, fast food and casual restaurants, two auto parts stores, and a dry cleaner. They opine that this is an opportunity to allow an enhancement of the area with an updated development that is consistent with the established character and compliments the other highway service businesses in the immediate area.

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 2018 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 applicable criteria are defined based on the proposed Corridor Place-Type and Medium Density Non-Residential / Mixed-Use Development Type.

While the applicant has addressed some of the Development Criteria, there are areas of concern as to how the applicant has applied or not applied the development criteria. The following criteria should be further described by the applicant to demonstrate how they are in agreement with the Comprehensive Plan.

1. Site Design, Building Form and Location

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

The proposed project includes pedestrian access from the service road along a reoriented pedestrian facility. However, the applicant is not providing internal circulation or external connections along the southeastern access point into the site. The applicant should review the pedestrian facilities within the site, as well as all access points to public right-of-way.

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

Development Criteria are focused on implementation with new development and how it will impact the surrounding developments. As this development is proposed, there will be an impact on stormwater management, the applicant should demonstrate how they are seeking to provide green infrastructure on-site, enhancing green infrastructure off-site, or cannot meet this criteria.

SUMMARY OF REQUEST

The applicant is seeking to rezone the subject properties from a Neighborhood Business (B-1) zone to the Highway Service Business (B-3) zone in an effort to expand a vehicle sales establishment.

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

MEDIUM DENSITY NON-RESIDENTIAL / MIXED USE

Primary Land Use, Building Form, & Design

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

Transit Infrastructure & Connectivity

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

Parking

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

PROPOSED ZONING



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

PROPOSED USE



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.

APPLICANT & COMMUNITY ENGAGEMENT



The applicant has not provided information related to any public engagement for the proposed zone change.

PROPERTY & ZONING HISTORY



The subject properties were initially rezoned from Agricultural District (A-1) to the Agricultural Urban (A-U) zone in 1969 during the comprehensive rezoning of the City and the County. Shortly thereafter, in 1971, the subject properties were rezoned to the Neighborhood Business (B-1) zone to allow for the construction of neighborhood serving retail. The rezoning was in agreement with the Squires Neighborhood Plan, which was also adopted in 1971 and sought to provide greater resources to an area that was rural in character. Since the rezoning, two ordinances have been developed along Richmond Road, which sought to protect and beautify the corridor. These plans include the Richmond Road Landscape Ordinance and the Richmond Road Pedestrian Facility Ordinance.

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-22-00008: DF LEXINGTON PROPERTIES II, LLC

DESCRIPTION OF ZONE CHANGE

Zone	From a Neighborhood Business (B-1) zone
Change:	To a Highway Service Business (B-3) zone
Acreage:	1.90 net (2.78 gross) acres
Location:	3440, 3450 & 3454 Richmond Road

EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	B-1	Retail / Vacant
To North	P-1	Medical / Dental Offices
To East	B-3	Gas Station
To South	B-3	Vehicle Sale Establishment
To West	B-3	Vehicle Sale Establishment



URBAN SERVICE REPORT

Roads - The subject properties are accessed by an unnamed service road that provides access to the businesses located along Richmond Road (US 25). Richmond Road is a four-lane highway at this location with a large median that separates outbound and inbound traffic. A KYTC safety project is planned within the area of the subject properties along Richmond Road. This project proposes to re-orient many of the intersections, creating what is commonly referred to as an “R-cut”, which will restrict left turns from minor roadways onto Richmond Road and direct traffic to delineated u-turn areas.

Curb/Gutter/Sidewalks - This portion of Richmond Road was constructed without curb, gutter and sidewalks. The unnamed service road includes curb and gutter, and has sidewalks located along the southern side of the roadway.

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 East Hickman watershed. This area is part of a larger drainage system that flows into the Jacobson Park reservoir. Storm sewers do exist to serve the subject properties along the frontage of 3440 Richmond Road and connect to the floodplain located southwest of the subject properties. There are no FEMA Special Flood Hazard Areas or known flooding issues on the subject properties.

Sanitary Sewers - The subject properties are located within the East Hickman sewershed and will be serviced by the sewage treatment facility in northern Jessamine County. Sanitary sewer capacity will need to be verified by the Capacity Assurance Program (CAP) prior to certification of the final development plan.

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

Police - The closest police station to the subject property is the East Sector Roll Call Center, located off Centre Parkway in the Gainesway area, approximately three miles to the southwest of the properties.

Fire/Ambulance - Fire Station #21 located on Mapleleaf Drive, outside of Man o’ War Boulevard, is the nearest station to the subject properties, approximately 1¼ miles to the northeast of the proposed development. Additionally, Fire Station #9 is located approximately 1½ miles to the northwest of the site along Richmond Road, inside New Circle Road.

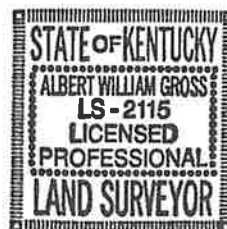
Transit - LexTran service is available within the immediate area of the subject property. The Richmond Road (#11) and the Night Woodhill Drive (#51) routes have inbound service approximate ¼ of a mile northwest of the subject properties along North Eagle Creek Drive.

Parks - Jacobson Park is located less than one mile walking distance east of the subject properties.

DF Lexington Properties II, LLC Property
Zone Change from B-1 to B-3
3440, 3450 & 3454 Richmond Road
Lexington, Fayette County, Kentucky

A TRACT OR PARCEL OF LAND SITUATED SOUTH OF AND ADJACENT OT RICHMOND ROAD APPROXIMATELY 860 FEET EAST OF THE CENTERLINE INTERSECTION OF EAGLE CREEK DRIVE AND RICHMOND ROAD IN SOUTHEAST LEXINGTON, FAYETTE COUNTY, KENTUCKY AND BEING MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

BEGINNING AT A POINT in the centerline of Richmond Road, said point being at the extended common line of 3390 and 3440 Richmond Road; thence with the centerline of Richmond Road South 43 Degrees 36 Minutes 14 Seconds East a distance of 300.11 feet to a point in the extended common line of 3454 and 3470 Richmond Road; thence with said common line South 49 Degrees 32 Minutes 57 Seconds West a distance of 416.78 feet to a point; thence leaving said common line North 38 Degrees 30 Minutes 47 Seconds West a distance of 299.90 feet to a point; thence North 49 Degrees 33 Minutes 33 Seconds East a distance of 390.13 feet **TO THE POINT OF BEGINNING** and containing 2.78 Gross Acres and 1.90 Net Acres.



UPDATED 05.02.2022

DF LEXINGTON PROPERTIES II, LLC (PLN-MAR-22-00008)

3440, 3450 AND 3454 RICHMOND ROAD

Rezone the property to allow the redevelopment of the property to a vehicle sales establishment.

Applicant/Owner

DF LEXINGTON PROPERTIES II, LLC
650 South Highway 27, Ste. 5
Somerset, KY 42501
branden.gross@dentons.com



Application Details

Acreage:

1.90 net (2.78 gross) acres

Current Zoning:

Neighborhood Business (B-1) zone

Proposed Zoning:

Highway Service Business (B-3) zone

Place-type / Development Type:

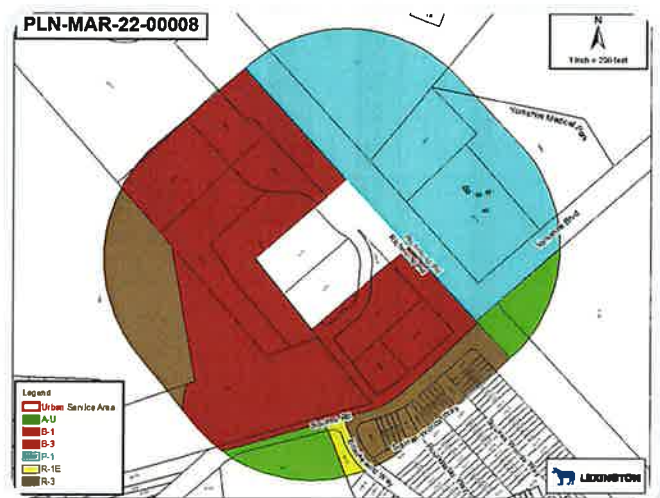
Corridor

Medium Density Non-Residential / Mixed-Use

For more information about the Corridor Place-Type see *Imagine Lexington* pages 303-304. For more information on Medium Density Non-Residential / Mixed-Use Development Type see page 272.

Description:

The applicant is seeking to rezone the subject property to the Highway Service Business (B-3) zone to allow the redevelopment of the property to allow Don Franklin Auto to construct a new vehicle showroom, sales offices and auto maintenance facility.



Public Engagement

- No information has been provided related to public engagement.

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

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

area on which car display parking and EV Charging spaces are located. As you know, parking will be addressed again as part of the final development plan.

- D-CO2-2 - Applicant intends to improve pedestrian sidewalks (from 3-4' to 5') along the service road. There will also be pedestrian access points for crossing locations through the parking lot and at access points. The Applicant intends for there to be pedestrian access from this development to the balance of the auto mall. Further, the development plan now states that pedestrian access to the balance of the auto mall will be resolved at the final development plan.
- B-PR7-2 – As part of complying with the Richmond Road Ordinance, the Applicant plans to have a group of a trees at Richmond Road on the small lot. The Applicant believes it would be able to add another group of trees on its southern tract near the reservoir as part of the final development plan. That can be discussed along with the green infrastructure plans as part of the final development plan.
- B-PR7-3 – Currently, there are not many trees located on the site. Under the applicable ordinances and regulations, the Applicant will plant both perimeter and internal trees in the parking lot. The Applicant will increase the tree canopy to 20%. That is the same percentage as required under the B-1 zone.
- B-RE1-1 – The public service road was not designed for street trees along the Applicant's side of the road. But, the Applicant is willing to install some small trees along that road. The viable locations and species should be discussed at the time of the final development plan as part of the pedestrian access conversation.

Let me know if you need any additional information.

Sincerely,



P. Branden Gross

cc: DF Lexington Properties II LLC
Don Franklin Auto

大成 DENTONS

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June 21, 2022

Urban County Planning Commission
Division of Planning – Planning Services Section
101 E Vine Street, Floor 7
Lexington, KY 40507

Re: Supplemental Justification Letter – DF Lexington Properties II LLC
3440, 3450 and 3454 Richmond Road / PIDN 38085760, 34503460, 20413602
From: Neighborhood Business (B-1) Zone
To: Highway Service Business (B-3) Zone

Dear Members of the Planning Commission:

We submit this supplemental justification letter for DF Lexington Properties II LLC's ("Applicant") to provide you with additional information requested from planning staff related to community outreach and the Placebuilder.

- As set forth in D-PL7-1 of our justification letter, we have had community outreach: "I have spoken with the representatives of The Cove Lake Village Apartments on the other side of the reservoir, and it supports the zone change. I have spoken with representatives of the townhouses of Squires Woods (east of Squires Road) and the adjacent the gas station and a dry cleaner; none of them foresaw an issue with the zone change. On behalf of the Applicant, I have offered to meet with those stakeholders in person or to provide the same with additional information."
- A-DS5-3 – The building is oriented toward the public service road. The Applicant intends to improve pedestrian sidewalks along the service road. There will also be pedestrian access points for crossing locations through the parking lot and at access points to safely reach other off site businesses. Further, the development plan now states pedestrian access will be resolved at the final development plan.
- B-SU11-1 – At this time, the applicant intends to incorporate green infrastructure off site on its southern tract near the reservoir. There will be opportunities for a rain gardens bioswale or other green infrastructure on that site. The development plan now states green infrastructure will be resolved at the final development plan.
- C-PS10-3 – The development is not overparked. The Applicant is providing the required parking under the zoning ordinance: 58 spaces based on the use and SF of the building. Technically, the parking for the display cars are inventory storage and not parking spaces. Also, EV Charging spaces should not be considered parking spaces for the purpose of evaluating whether the project is overparked. The development plan now designates the

- A-EQ7-2 No healthcare or social services facilities are proposed for the property.
- B-SU4-1 This is a small development, and the Applicant is not proposing any greenspace/community centers.
- C-PS10-1 Due to safety and security concerns, the Applicant intends to discourage the general public from accessing the property.
- D-CO4-2 No new roadways are proposed for the property. There is plenty of capacity on existing roadways.
- D-CO5-1 No new streets are proposed for the property.
- D-SP1-3 There are no proposed schools for the property.
- E-ST3-1 Due to safety and security concerns, the Applicant intends to discourage the general public from accessing the property, and it is not proposing any park and ride facilities.

GREENSPACE & ENVIRONMENTAL HEALTH

- A-DS4-3 There are no key natural features to preserve on the property.
- A-EQ7-3 There are no proposed community open spaces.
- B-PR2-1 There are no environmentally sensitive areas on the property.
- B-PR2-2 No portion of the property is in a floodplain.
- B-PR2-3 No portion of the property is in a floodplain.
- B-PR7-1 No portion of the property has a greenway, tree stand, or stream corridors.
- B-RE2-1 The property is land-locked from the greenspace network; provided, however, the Applicant also anticipates other opportunities to incorporate green infrastructure into the project, including, without limitation, rain gardens and bioswales for water quality. The Applicant is committed to discussing those opportunities with planning staff at the final development plan phase.
- D-SP2-1 There are no school sites.
- D-SP2-2 There are no school sites.
- E-GR3-1 The property is land-locked from the greenspace network; provided, however, the Applicant also anticipates other opportunities to incorporate green infrastructure into the project, including, without limitation, rain gardens and bioswales for water quality. The Applicant is committed to discussing those opportunities with planning staff at the final development plan phase. Further, the Applicant will provide the enhanced landscaping required under the Richmond Road ordinance
- E-GR3-2 There are no unique geographic features on the property.

Sincerely,



P. Branden Gross

cc: DF Lexington Properties II LLC
Don Franklin Auto

B-RE1-1 The project will incorporate trees, and along with the new sidewalk, the project will enhance the walkable street scape in the area. Further, the Applicant will provide any enhanced landscaping required under the Richmond Road landscaping ordinance.

Standards Not Applicable

SITE DESIGN, BUILDING FORM, & LOCATION

- A-DS3-1 There is no proposed multi-family residential development for the property.
- A-DS7-3 There is no proposed parking structure for the property.
- A-DS8-1 There is no proposed housing for the property.
- A-DS10-1 There are no proposed residential units for the property.
- A-DS11-1 There are no proposed common public uses for the property.
- A-DN2-1 There are no proposed infill residential units for the property.
- A-DN3-1 There are no residential neighborhoods within the immediate vicinity of the property; provided, this project will bring new pedestrian access to an area with multi-modal gaps.
- A-DN3-2 This is not a commercial center project.
- A-EQ7-1 There are no proposed schools for the property.
- C-DI5-1 The property is not in an Opportunity Zone.
- C-LI2-2 The property is not located in or near the Rural Land Area.
- C-LI2-3 The property is not located in the Rural Land Area.
- C-LI2-4 The property is not located in the Rural Land Area, and there are no historic turnpikes, scenic byways, turnpikes, and other scenic roads adjacent to the property listed in the Rural Land Management Plan; provided, however, in addition to the Zoning Ordinance, the Applicant will provide any enhanced landscaping required under the Richmond Road landscaping ordinance.
- C-PS9-2 The Applicant intends to remove the existing industrial-style buildings from the property; provided, however, there is currently small-ancillary offices therein.
- C-PS10-2 Due to safety and security concerns, the Applicant intends to discourage the general public from accessing the property.
- D-PL9-1 There are no historically significant structures on the property.
- D-PL10-1 Given the small area of the property, the Applicant does not intend to designate a public art easement.
- D-SP3-2 There are no proposed cellular tower antennae on the property.
- D-SP9-1 There are no proposed housing units on the property.
- E-GR5-1 There are no historically significant structures on the property.
- E-GR9-1 This is not a residential development.
- E-GR10-3 The Applicant is not proposing any common space for the property.

TRANSPORTATION & PEDESTRIAN CONNECTIVITY

- A-DS1-1 The property does not abut a transit route; provided, this project will bring new pedestrian access to an area with multi-modal gap.
- A-DS10-2 The Applicant is not proposing any new focal points.
- A-DS13-1 The Applicant is proposing any new streets at the property.

E-GR10-2 The Applicant intends to increase pedestrian access to the area, which will allow pedestrian access to and from its automobile maintenance facilities. Customers would have the ability safely walk to other businesses and amenities located near the property.

TRANSPORTATION & PEDESTRIAN CONNECTIVITY

A-DS1-2 The property does not abut a transit route, but with the proposed additional pedestrian facilities, this project will allow the Service Road to reach closer to the transit stop at S. Eagle Creek Drive. This item is represented graphically on our amended preliminary development plan. This project will also expand the electrical vehicle charging station infrastructure.

A-DS4-1 There are no residential neighborhoods within the immediate vicinity of the property, but this project will increase the sidewalks on the Service Road, along the Richmond Road corridor.

A-DS5-1 During the final development phase, the Applicant intends to consult planning staff to ensure that adequate multi-modal infrastructure is provided to ensure vehicular separation from other modes of transport on the property.

A-DS5-2 The Applicant's vehicular use area and other trees will create a vertical edge along the Service Road.

A-EQ3-2 The intended use of the property is more intense than its current use, and it will be slightly more dense. This project will also further the connectivity in this area with a new public sidewalk, which will allow additional pedestrian access to the transit stop at N. Eagle Creek Drive. This project will also expand the electrical vehicle charging station infrastructure.

D-C01-1 The Applicant is not providing any new rights-of-way, but it will construct a new sidewalk along the Service Road. This area of the Service Road does not have a sidewalk. This criteria is also represented graphically on our amended preliminary development plan.

D-CO2-1 During the final development phase, the Applicant intends to consult planning staff to ensure that safe facilities are provided for all users on the property. At this time, the Applicant is graphically illustrating an example of such facilities on the preliminary development plan.

D-CO2-2 This project will further the connectivity in this area with a new public sidewalk to provide safe facilities are provided for all users on the property. At this time, the Applicant is graphically illustrating an example of such facilities on the preliminary development plan.

GREENSPACE & ENVIRONMENTAL HEALTH

B-PR7-2 The Applicant will incorporate trees on the property. Further, the Applicant will provide any enhanced landscaping required under the Richmond Road landscaping ordinance. There may be an opportunity to group trees. During the final development phase, the Applicant intends to consult planning staff to discuss such grouping.

B-PR7-3 The Applicant is improving tree canopy on the property with additional interior and perimeter trees on the property. Further, the Applicant will provide any enhanced landscaping required under the Richmond Road landscaping ordinance. There may be an opportunity to group trees. There are currently very few trees on the property.

B-PR9-1 This project is a redevelopment of a fully developed site, and the Applicant does not anticipate any major elevation grading. There are no environmentally sensitive areas on the property.

B-SU11-1 At this time, there are few trees on the property, and those trees are perimeter trees along the rear of the property. We anticipate a number of new perimeter and internal trees will be added to the property as part of the project. The Applicant also anticipates other opportunities to incorporate additional green infrastructure into the project, including, without limitation, rain gardens and bioswales for water quality. The Applicant is committed to discussing those opportunities with planning staff at the final development plan phase. Further, in addition to the Zoning Ordinance, the Applicant will provide any enhanced landscaping required under the Richmond Road landscaping ordinance.

C-D11-1 The B-3 Zone will Don Franklin Auto to have up to 12 additional employees, with a total of 12-15 employees to work as managers, sales people, clerks and automotive technicians at the new dealership.

C-L16-1 It is anticipated that the project will have new pedestrian connections. There will be a connection from the building to the public sidewalk to the adjacent gas station. This project will also further the connectivity in this area with a new public sidewalk. This item is represented graphically on our amended preliminary development plan. This project will also expand the electrical vehicle charging station infrastructure.

C-L17-1 It is anticipated that the project will have new pedestrian connections. There will be a connection from the building to the public sidewalk to the adjacent gas station. This project will also further the connectivity in this area with a new public sidewalk. Further, the project will allow additional employment and business opportunities. There is currently very little greenspace on the property, and the Applicant anticipates additional perimeter and internal greenspace in the project. This project will also expand the electrical vehicle charging station infrastructure.

C-PS10-3 Don Franklin Auto intends to use the property as an auto dealership, and the Applicant and planning staff will need to discuss this issue further with planning staff as the final development plan phase. At this time, the Applicant is showing the required number of parking spaces under the Zoning Ordinance, plus the number of parking spaces for new vehicles that Don Franklin Auto anticipates is needed.

D-PL7-1 I have spoken with the representatives of The Cove Lake Village Apartments on the other side of the reservoir, and it supports the zone change. I have spoken with representatives of the townhouses of Squires Woods (east of Squires Road) and the adjacent the gas station and a dry cleaner; none of them foresaw an issue with the zone change. On behalf of the Applicant, I have offered to meet with those stakeholders in person or to provide the same with additional information.

D-SP3-1 There are adequate right-of-way and infrastructure in this area. This item is represented graphically on our amended preliminary development plan. Further, project will also expand the electrical vehicle charging station infrastructure.

E-GR4-1 The Applicant intends to remove the existing buildings to construction a new generation dealership.

E-GR9-4 Currently, the property is primarily used for a paint and sign businesses. The proposed automobile maintenance facilities will intensify the use of the property with this zone change.

compliments with the other uses in the area. We submit that the project could be evaluated as the Corridor Place Type classified as Medium Density Non-Residential / Mixed Use Density. The end-user and end-use is known, but the Applicant does not have the final details for the building. The Applicant expects to seek a final development plan for this property later this summer to allow construction to start in the fall. Attached hereto is a color-coded reflection of how we have addressed the design criteria listed in that Placebuilder category. Items highlighted in green are represented graphically on our amended preliminary development plan, items in yellow are addressed in this letter, and items highlighted in orange we do not believe are applicable to our proposal.

Standards That Are Applicable

SITE DESIGN, BUILDING FORM, & LOCATION

A-DS4-2 The neighboring structures to the northwest are dealership buildings that are one to two stories. The structures to the southeast are one story, but there is sufficient buffering between the properties with the Service Road. Further, Don Franklin Auto anticipates that its new building will be located closer to Richmond Road than the existing building on 3440 Richmond Road.

A-DS5-3 It is anticipated that the portion of the building oriented toward Richmond Road will have transparent full-glass walls to showcase the open, transparent and modern design of the interior. This item is represented graphically on our amended preliminary development plan.

A-DS5-4 It is anticipated that the project will have new pedestrian connections. There will be a connection from the building to public sidewalk to the adjacent gas station. This project will also further the connectivity in this area with a new public sidewalk. This item is represented graphically on our amended preliminary development plan.

A-DS7-1 Don Franklin Auto anticipates that its new building will be located closer to Richmond Road than the existing building on 3440 Richmond Road, and the majority of the parking will be located to the side of the building. Auto dealerships are often the victims of after-hour theft of parts from vehicles, and it is best to have vehicles in visible-lighted areas.

A-DS7-2 Don Franklin Auto anticipates that its new building will be located closer to Richmond Road than the existing building on 3440 Richmond Road, and the majority of the parking will be located to the side of the building. Auto dealerships are often the victims of after-hour theft of parts from vehicles, and it is best to have vehicles in visible-lighted areas. The parking will be buffered with landscaping under the Zoning Ordinance, the Service Road and any required landscape buffering under the Richmond Road landscaping ordinance.

A-DN2-2 The neighboring structures to the northwest are dealership buildings that are one to two stories. The structures to the southeast are one story, but there is sufficient buffering between the properties with the Service Road. Further, Don Franklin Auto anticipates that its new building will be located closer to Richmond Road than the existing building on 3440 Richmond Road. There should not be any significant contrasts in scale, massing or design.

A-EQ3-1 There are no residential neighborhoods within the immediate vicinity of the property; provided, however, Don Franklin Auto anticipates that its new building will be located closer to Richmond Road than the existing building on 3440 Richmond Road.

Theme D, Connectivity Policy #3). Once the multi-modal access is complete along this section of the Service Road, the neighborhoods located further from the property along Squires Road and Richmond Road will have additional transportation options to access these businesses as customers and/or employees (Theme D, Goal 1, Objective b.).

As set forth above, the B-3 Zone change would bring jobs and opportunity to the area, the area already has the infrastructure in place to support the zone change, it would encourage reduction of the city's carbon footprint, and this new auto dealership will compliment the other uses in the area. The zone amendment complies with KRS 100.213, because the B-3 Zone is in agreement with the Goals and Objectives of the 2018 Comprehensive Plan.

KRS 100.213(1)(a)

Alternatively to the above argument, the Applicant is proceeding under KRS 100.213(1)(a) that the existing classification is an inappropriate zoning classification and the proposed zoning classification is appropriate. An applicant has the discretion to determine which of the statutory options it intends to use under KRS 100.213(1) to prove the justification for the map amendment. More importantly, an applicant is not obligated to provide for alternative justifications. If an applicant chooses to proceed under KRS 100.213(1)(a), then an analysis of the comprehensive plan is not applicable to that argument.

The B-1 Zone is an inappropriate zone for the Land. The B-1 Zone is intended to "accommodate neighborhood shopping to serve the needs of the surrounding residential area," and the shopping facilities "should be oriented to the residential neighborhood." Section 8-16 of the Zoning Ordinance. As discussed above, the property is oriented toward Richmond Road, and there are no neighborhoods in the immediate vicinity. This portion of the Richmond Road corridor serves the traveling public. The B-1 Zone for the property may have been appropriate in the past, but the B-1 Zone is now at odds and out of character under the current Zoning Ordinance. The B-1 Zone is an inappropriate zone for the property.

The B-3 Zone is an appropriate zone for the property. As its name suggests, the B-3 Zone provides services for the traveling public along the highways of Lexington. The B-3 Zone dominates the immediate vicinity (other than this property) along Richmond Road from Man O' War Boulevard to Squires Road. This portion of the Richmond Road corridor is characterized by businesses that serve the traveling public, including, without limitation, several auto dealerships, a gas station, fast food and casual restaurants, two auto parts stores, and a dry cleaner. The B-3 Zone is an appropriate zone for the property.

The zone amendment complies with KRS 100.213. The B-1 Zone is an inappropriate zoning classification for the Land, and the B-3 Zone is an appropriate zoning classification for the Land.

DEVELOPMENT CRITERIA / PLACEBUILDER

Placebuilder does not recommend the B-3 Zone for any areas of Lexington; provided, however, an auto dealership at this location would enhance the aesthetic of the area and

trees or greenspace on the property. This is an opportunity to allow an enhancement of the area with a new development that would be consistent with the area and compliment the other highway service businesses in this area.

This project will grow the number of employment opportunities in the area, thus relieving some pressure to expand the Urban Service Area in the adjacent area (Theme E, Goal 1, Objective d.). Don Franklin Auto is proposing to expand its operations for a new Genesis dealership. Currently, Don Franklin Auto employ 163 people in Lexington, with an average salary of approximately \$76,000. Don Franklin Auto offers full health benefits, career training, and retirement savings opportunities. At this time, only approximately three employees are dedicated to Genesis vehicles. Upon completion of the Genesis dealership, Don Franklin Auto anticipates having up to 12 additional employees working at the Genesis dealership. Those 12-15 employees will include managers, sales people, clerks and automotive technicians. And, unlike the auto mechanics of the past, automotive technicians are highly skilled experts who are able to work on both the traditional mechanical systems and the complex electronic systems that are controlled primarily by computers (even more so with the coming evolution of electrified vehicles). It is common that only a high school diploma or equivalent is necessary to be trained as an automotive technician. So, this project will increase job opportunities for those with less education, “allowing upward mobility for lower income residents” (Theme C, Diversity Policy 2). As contemplated by the Goals and Objectives of the 2018 Comprehensive Plan, this project will increase the number of job opportunities paying higher compensation and benefits to employees than retail jobs, but without the advanced level of education required by professional jobs (Theme C, Goal 1, Objective a.). This is a major opportunity to retain and expand a large employer in Lexington and to create new jobs in a high-tech employment sector (Theme C, Goal 2 Objective a.).

This project will further sustainability in Lexington through the expansion of electrical vehicles and electrical vehicle charging stations in Lexington. 2018 Comprehensive Plan admits that “Lexington is a long way from relinquishing the automobile as the primary mode of transportation for the majority of residents ...” (Theme B, Pillar II, Sustainability). This project will provide Lexingtonians with expanded opportunities to purchase electrical vehicles. Further, Don Franklin Auto will expand the electrical vehicle charging infrastructure in the city. Currently, Don Franklin Auto’s Nissan dealership provides the only electrical vehicle charging station along this portion of the Richmond Road corridor. This project will include an additional electrical vehicle charging station on the property. Without electrical vehicle charging stations, the adoption of electrical vehicles will not happen. Lastly, Don Franklin Auto will service electrified vehicles from the new dealership. This project will increase customer’s access to electrified vehicles and the electrical vehicle charging stations that will assist Lexington in reducing emissions and its carbon footprint (Theme B, Goal 2).

There already exists mass transit and multi-modal infrastructure in this area of Lexington. However, this infrastructure is still being developed and it is not continuous. For example, there is currently no continuous pedestrian access on this portion of the Service Road. Further, this is no direct pedestrian way between Man O War Boulevard and Squires Road. This project will further the connectivity in this area through new pedestrian access to improve viable options for all users (Theme A, Density Policy #1; Theme B, Sustainability Policy #1 and Restoration Policy #4;

The B-3 Zone dominates the immediate vicinity (other than this property) along Richmond Road from Man O' War Boulevard to Squires Road. There are no residential properties within the immediate vicinity. The Cove Lake Village Apartments are located on the other side of the reservoir, and the townhouses of Squires Woods are located east of Squires Road. The Applicant owns the properties to the northwest of the property on which Don Franklin Auto's existing dealership buildings are located. To the southeast of the property, there is a gas station, auto parts store and a dry cleaner. Don Franklin Auto's proposed use of the property as an auto dealership would be consistent with the other businesses in the vicinity and would not negatively affect any residential areas.

Don Franklin Auto intends to expand its operations with a Genesis dealership. Genesis Motor is the luxury vehicle division for Hyundai Motor Group. Genesis Motor is quickly transitioning away from the internal-combustion engine, and Genesis Motor has announced that it plans to eliminate internal-combustion engine from new models by 2025. In conjunction with those plans, Genesis Motors is rolling out a new design for its dealerships that includes a transparent and open floorplan, indoor vehicle delivery area and infrastructure to support its upcoming portfolio of electrified Genesis models. Genesis Motor has designated Lexington and Louisville as the metro areas in Kentucky for these new-generation dealerships. Don Franklin Auto is working with Genesis Motors on the final plans for Genesis dealership. The Applicant expects to seek a final development plan for this property later this summer to allow Don Franklin Auto to start construction in the fall. Applicant is committed to keep planning staff apprised of the final plans as promptly and often as possible over the next months.

Comprehensive Plan

As discussed below, this project meets numerous goals and objectives of the Comprehensive Plan, and further complies with relevant standards articulated in "Placebuilder" included as part of the Comprehensive Plan.

This property is a natural fit for the B-3 Zone. As set forth in Section 8-20 of the Zoning Ordinance, the B-3 Zone is intended to provide uses that are "necessary to the economic vitality of the community but may be inappropriate in the other zones" and special consideration to the relationship to the other land uses in the area should be given. As stated above, there are no neighborhoods in the immediate vicinity. Richmond Road is a part of US Highway 25, which is a major arterial highway that runs through Fayette County. This area of Richmond Road is characterized by businesses that serve the traveling public, including, without limitation, several auto dealerships, a gas station, fast food and casual restaurants, two auto parts stores, and a dry cleaner. The Applicant will rely upon the existing street system, which is adequate to serve its traffic needs. The Applicant proposes to enhance the right-in / right-out entrance median along Richmond Road at the Service Road. This is an opportunity to allow an enhancement of the area with an updated development that is consistent with the area and compliments the other highway service businesses in this area.

This is an opportunity to improve the aesthetics of this area of Richmond Road. The existing development on the property has two industrial-designed buildings. There are very few

大成 DENTONS

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May 2, 2021

Urban County Planning Commission
Division of Planning – Planning Services Section
101 E Vine Street, Floor 7
Lexington, KY 40507

Re: Justification Letter – DF Lexington Properties II LLC
3440, 3450 and 3454 Richmond Road / PIDN 38085760, 34503460, 20413602
From: Neighborhood Business (B-1) Zone
To: Highway Service Business (B-3) Zone

Dear Members of the Planning Commission:

We submit this justification letter for DF Lexington Properties II LLC's ("Applicant") application for a zone map amendment request for 3440, 3450 and 3454 Richmond Road from Neighborhood Business (B-1) Zone to Highway Service Business (B-3) Zone. The property is approximately 1.90 acres net (2.78 acres gross), and comprised of three lots: 0.928, 0.913, and 0.11 acres, respectively, per the Property Valuation Administrator. There is approximately only 1.80 acres that is developable. The Applicant is proposing a preliminary plan for redevelopment of the property to allow Don Franklin Auto to construct a new vehicle showroom, sales offices and auto maintenance facility. Don Franklin Auto operates several dealerships on adjacent property. As discussed below, B-3 Zone is a natural fit for this particular property.

Don Franklin Auto is a multi-generational family run business. From its humble beginnings with a single dealership in Columbia, Kentucky, it has grown to over 29 locations and 900 employees throughout Kentucky. It currently operates 43 dealerships at those 29 locations. This rezoning will allow Don Franklin Auto to construct a new Genesis dealership. This is the first phase of a multiple phase project to redevelop and improve all of Don Franklin Auto's dealerships at this location. Approval of this application will allow Don Franklin Auto to remain, and improve its operations, in Lexington, while enhancing the aesthetic in the area.

Currently, the property is zoned B-1 and consists of two buildings constructed in the early to mid-1980s. The existing buildings have an industrial design. The smallest lot is vacant and separated by a publicly maintained service road ("Service Road") that connects Richmond Road to Squires Road. Most recently the other two lots have been used for sign and paint stores and a physical therapy office. We expect that those existing businesses will vacate the property in the near future. Don Franklin Auto intends to remove those two older buildings to construct a state-of-art dealership on the property.

Record ID: PLN-MAR-22-00008

Filing Received: 05/02/2022

Pre-Application Date: 04/18/2022

Filing Fee: \$550.00

MAP AMENDMENT REQUEST (MAR) APPLICATION

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

Applicant: DF LEXINGTON PROPERTIES II, LLC, 650 S HIGHWAY 27, STE. 5, SOMERSET, KY 42501
Owner(s): DF LEXINGTON PROPERTIES II, LLC, 650 S HIGHWAY 27, STE. 5, SOMERSET, KY 42501
Attorney: BRANDEN GROSS, 300 WEST VINE STREET, STE 1200, LEXINGTON, KY 40507

2. ADDRESS OF APPLICANT'S PROPERTY

3440, 3450, & 3454 RICHMOND RD, LEXINGTON, KY 40509

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

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
B-1	RETAIL/VACANT	B-3	AUTO SALES	1.9	2.78

4. COMPREHENSIVE PLAN

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

5. EXISTING CONDITIONS

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

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

Roads:	LFUCG
Storm Sewers:	LFUCG
Sanity Sewers:	LFUCG
Refuse Collection:	Private
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



Enclosures:

Application
Justification
Legal Description
Plat
Staff Report
Applicable excerpts of minutes of above meeting

June 23, 2022

Minutes
Page 2

- (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)

FINAL REPORT

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DISQUALIFIED: (0)

Motion for Approval of PLN-ZOTA-22-00009 carried.

Enclosures: Application
 Justification
 Staff Report
 Planning Commission Recommended Text
 Applicable excerpts of minutes of above meeting