

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.