

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

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

COMPREHENSIVE PLAN AND PROPOSED USE

The 2045 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

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

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

The Staff Recommends: Approval, for the following reasons:

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

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

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

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

b. PLN-MJDP-24-00065: SPRINGHURST SUBDIVISION, UNIT 2 (BROOKE PROPERTIES) (AMD) (11/3/24)

* - located at 2094 & 2098 HARRODSBURG ROAD, LEXINGTON, KY.

Council District: 10

Project Contact: Earthcycle Design

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

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

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

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

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

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

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

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

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

Ms. Wade concluded by stating besides those concerns, the conditions from Staff were typical clean-up conditions, and that Staff is recommending approval. Ms. Wade indicated she could answer any questions from the Planning Commission.

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

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

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