

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


**IN RE: PLN-MAR-22-00015: DUTCH BROS, LLC** - a petition for a zone map amendment from a Planned Neighborhood (R-3) zone to a Neighborhood Business (B-1) zone, for 0.2916 net (0.3516 gross) acres, for property located at 507 S Limestone (a portion of). (Council District 3)

Having considered the above matter on **February 23, 2023**, at a Public Hearing, and having voted **8-1** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **DISAPPROVAL** of this matter for the following reasons

1. The requested rezoning to Neighborhood Business (B-1) is not in agreement with the 2018 Comprehensive Plan for the following reasons:
  - a. The requested rezoning is not in agreement with the Goals, Objectives, and Policies of the 2018 Comprehensive Plan.
    1. The proposed development does not seek to construct at a density or intensity that might be reflective of a major corridor in Lexington, and is out of context with the surrounding area (Theme A, Goal #2.b).
    2. The low density and single-user vehicle focus detract from the effectiveness of mass transit in this area (Theme D, Goal #1.c).
    3. The design of the site may reduce the effectiveness of the overall transportation system by introducing additional vehicular conflicts on Colfax Street and South Limestone (Theme D, Goal #1).
    4. The application encourages the use of single-occupancy vehicles and will increase greenhouse gas emissions at this location (Theme B, Goal #2.d).
  - b. The proposed development is not in agreement with 2021 Imagine Nicholasville Road plan.
    1. The proposal does not increase the intensity of land uses along the corridor (Goal #1).
    2. The scale of the proposed development does is not in accordance with the height design requirements for the Urban Center Typology.
  - c. The proposed development does not meet the intent of the Medium Density Non-Residential Mixed Use Development Type as established on page 272 of the Comprehensive Plan.
  - d. The requested rezoning is not in agreement with the Development Criteria of the 2018 Comprehensive Plan. The following Development Criteria are not being meet with the proposed rezoning.
    1. A-DS4-2: New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.
    2. A-DS7-3: Development should create context-sensitive transitions between intense corridor development and existing neighborhoods.
    3. C-L17-1: Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.
    4. DPL7-1: Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
    5. C-LI6-1: Developments should incorporate multi-family housing and walkable commercial uses into development along arterials/corridors.

6. A-EQ3-2: Development on corridors should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities)
7. D-CO2-1: Safe facilities for all users and modes of transportation should be provided.
8. 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.
9. B-SU11-1: Green infrastructure should be implemented in new development.
2. There have been no major unanticipated changes of an economic, social or physical nature in the area of the subject property since the adoption of the 2018 Comprehensive Plan.
3. The applicant has not provided evidence as to why the current zoning is inappropriate and the proposed zoning is appropriate for this location.

ATTEST: This 10<sup>th</sup> day of March, 2023.

  
 Secretary, Jim Duncan

LARRY FORESTER  
 CHAIR

K.R.S. 100.211(7) requires that the Council take action on this request by May 24, 2023.

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

**OBJECTORS**

- Amy Clark, 628 Kastle Road

**OBJECTIONS**

- Concerned about the hazard this presents to pedestrians in this near campus location.

**VOTES WERE AS FOLLOWS:**

AYES:	(8)	Barksdale, Bell, Davis, de Movellan, Forester, Michler, Meyer, and Worth
NAYS:	(1)	Nicol
ABSENT:	(2)	Penn and Pohl
ABSTAINED:	(0)	
DISQUALIFIED:	(0)	

Motion for **APPROVAL** of **PLN-MAR-22-00015** carried.

Enclosures:      Application  
                          Justification  
                          Legal Description  
                          Plat  
                          Development Snapshot  
                          Staff Report  
                          Applicable excerpts of minutes of above meeting