

# 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.

## 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.

## COMPREHENSIVE PLAN COMPLIANCE



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.

### GOALS, OBJECTIVES & POLICIES

The applicant opines that they are in agreement with the adopted Goals, Objectives, and Policies of the 2018 Comprehensive Plan. The applicant indicates that the proposed project will increase job opportunities for those with less education, "allowing upward mobility for lower income residents" (Theme C, Diversity Policy #2). The applicant cites the current employment for the overall Don Franklin development and states that they anticipate this 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). The applicant stresses that the proposed project 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.a).

Furthermore, the applicant opines that this project will further sustainability in Lexington through the expansion of electrical vehicles and electrical vehicle charging stations in Lexington. The applicant cites the 2018 Comprehensive Plan, which states "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). The proposed project will provide Lexingtonians with expanded opportunities to purchase electrical vehicles. The applicant indicates that Don Franklin Auto will expand the electrical vehicle charging infrastructure in this portion of the city because they will include electrical vehicle charging stations on the property. 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).

Staff agrees that the increase in available buying options for vehicles, as well as the integration of new technologies, are important to the environmental sustainability of Lexington, but the staff does have concerns regarding the environmental impact of vehicular sales lots in general. 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. Theme B calls for an increase in canopy and the need to reduce the effects of impervious surfaces. The applicant should review potential solutions that would reduce the impact of the heat island effect caused by surface parking lots and display areas.

The applicant indicates that they are providing 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). They indicate that once the multi-modal access is complete along this section of the unnamed service road, the neighborhoods located further from the properties along Squires Road and Richmond Road will have additional transportation options to access these businesses as customers and/or employees (Theme D, Goal #1.b). Staff would like the applicant to expand upon the new multi-modal options that are being proposed for the subject properties. The properties currently include pedestrian facilities along the north-side of 3440 and 3450 Richmond Road, on the south side of the service road. The applicant is seemingly shifting that pedestrian service to the northern portion of the service road, but does not seem to be including alternative connectivity, nor do the proposed facilities connect to any established facilities on the neighboring properties to the west. While staff understands that the applicant may seek to redevelop other parcels in the area in the future, the staff does not observe an increase in connectivity being proposed by this project.

### PLACE-TYPE, DEVELOPMENT TYPE, AND ZONE

In an effort to allow for the greatest contextual development of Lexington's Urban Service Area, applicants are asked to identify a Place-Type based on the location of the subject property. Within each Place-Type there are recommended Development Types based on the form and function of the proposed development. Based on the Place-Type and Development Type there are also several recommended zones that are most appropriate based on the Goals, Objectives, and Policies of the 2018 Comprehensive Plan. While these zones are the ideal



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.





*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.