

1. **HARRODSBURG ROAD LLC ZONING MAP AMENDMENT & SHRINERS HOSPITAL / MASONIC TEMPLE ASSOCIATION OF LEXINGTON KENTUCKY ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-21-00016: HARRODSBURG ROAD LLC (12/06/21)*- a petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Highway Service Business (B-3), for 7.88 net (9.245 gross) acres, and from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 3.88 net and gross acres, for property at 4085 Harrodsburg 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 applicant is seeking to rezone a portion of the subject property from an Agricultural Urban (A-U) zone to the Highway Service Business (B-3) zone in an effort to construct a continuation of the commercial shopping center located at the corner of Man O War Boulevard and Harrodsburg Road. Additionally, the applicant is seeking to rezone the remaining portion of the subject property from an Agricultural Urban (A-U) zone to the Planned Neighborhood Residential (R-3) zone to develop a separate low density residential development with 14 single family residential lots.

The Zoning Committee Recommended: **Postponement**, for the reasons provided by staff.

The Staff Recommends: **Disapproval**, for the following reasons:

1. The requested rezoning to Highway Service Business (B-3) zone and the Planned Neighborhood Residential (R-3) are not in agreement with the 2018 Comprehensive Plan for the following reasons:
 - a. The requested zones are not recommended zones within the Comprehensive Plan and the applicant has not provided sufficient information as to how the zones fit the proposed Place-Type or Development Type.
 - b. The requested rezoning is not in agreement with the Goals, Objectives, and Policies of the 2018 Comprehensive Plan.
 - c. The proposed development does not meet the intent of the Medium Density Non-Residential / Mixed Use Development Type.
 - d. The requested rezoning is not in agreement with the Development Criteria of the 2018 Comprehensive Plan.
 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 the most appropriate zone for this location.
- b. PLN-MJDP-21-00055: SHRINERS HOSPITAL / MASONIC TEMPLE ASSOCIATION OF LEXINGTON KENTUCKY (12/06/21)* - located at 4085 HARRODSBURG ROAD, LEXINGTON, KY.
Project Contact: Vision Engineering

The Subdivision Committee Recommended: **Postponement**. There were questions regarding access to Harrodsburg Road, the lack of a tree inventory map, the number of proposed drive-through facilities, and internal vehicular and pedestrian connections.

Should this plan be approved, the following requirements should be considered:

1. Provided the Urban County Council rezones the property R-3/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. Department of Environmental Quality's approval of environmentally sensitive areas.
6. United States Postal Service Office's approval of kiosk locations or easement.
7. Dimension all proposed buildings.
8. Discuss proposed access to Harrodsburg Road and need for waiver.
9. Clarify proposed number of drive-through facilities and potential traffic conflicts.
10. Discuss internal vehicular and pedestrian access and connectivity.
11. Clarify if any identified trees meet the Article 26 definition of significant.
12. Discuss Placebuilder criteria.
 - 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.

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- A-DS5-3: Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
- A-DS5-4: Development should provide a pedestrian-oriented and activated ground level.
- A-DS7-1: Parking should be oriented to the interior or rear of the property for nonresidential or multi-family developments.
- A-DS7-2: Any non-residential or multi-family parking not buffered by a building should be screened from the streetscape view and adjacent properties.
- A-DS7-3: Parking structures should activate the ground level.
- A-DS8-1: At the individual street level, medium density housing types should be interspersed with single-family detached units and should be context sensitive.
- A-DS10-1: Residential units should be within reasonable walking distance to a focal point.
- A-DS11-1: Common public uses that serve as neighborhood focal points, such as parks and schools, should be on single loaded streets.
- A-DN2-1: Infill residential should aim to increase density.
- A-DN2-2: Development should minimize significant contrasts in scale, massing and design, particularly along the edges of historic areas and neighborhoods. (D-PL9, E-GR6)
- A-DN3-1: Pedestrian-oriented commercial opportunities should be incorporated within residential neighborhoods.
- A-DN3-2: Development should incorporate residential units in commercial centers with context sensitive design.
- A-EQ3-1: Development should create context sensitive transitions between intense corridor development and existing neighborhoods.
- B-PR9-1: Minimize disturbances to environmentally sensitive areas by utilizing the existing topography to the greatest extent possible.
- B-SU11-1: Green infrastructure should be implemented in new development. (E-GR3)
- C-DI1-1: Consider flexible zoning options that will allow for a wide range of jobs.
- C-DI5-1: In Opportunity Zones with a clearly defined local context, consider adaptive reuse to enhance the existing context.
- C-LI2-2: Non-agricultural uses at or near potential and existing gateways, as mapped in the Rural Land Management Plan, should be buffered.
- C-LI2-3: Design should create a positive gateway character at existing and proposed gateways as identified in the Rural Land Management Plan.
- C-LI2-4: Setbacks, signage, and screening should complement the iconic Bluegrass landscape along Historic Turnpikes, Scenic Byways, Turnpikes, and other scenic roads listed in the RLMP.
- C-LI6-1: Developments should incorporate multi-family housing and walkable commercial uses into development along arterials/corridors.
- C-LI7-1: Developments should create mixed-use neighborhoods with safe access to community facilities, green-space, employment, businesses, shopping, and entertainment.
- C-PS9-2: Modify current office space to include complementary uses.
- C-PS10-2: Developments should explore options for shared and flexible parking arrangements for currently underutilized parking lots.
- C-PS10-3: Over-parking of new developments should be avoided. (B-SU5)
- D-PL7-1: Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
- D-PL9-1: Historically significant structures should be preserved.
- D-PL10-1: Activate the streetscape by designating public art easements in prominent locations.
- D-SP3-1: Adequate right-of-way, lease areas and easements for infrastructure, with emphasis on wireless communication networks should be provided to create reliable service throughout Lexington.
- D-SP3-2: Cellular tower antennae should be located to minimize intrusion and negative aesthetic impacts, and stealth towers and landscaping should be used to improve the visual impact from the roadway and residential areas.
- D-SP9-1: Encourage co-housing, shared housing environments, planned communities and accessory dwelling units for flexibility and affordability for senior adults and people with disabilities.
- E-GR4-1: Developments should incorporate reuse of viable existing structures.
- E-GR5-1: Structures with demonstrated historic significance should be preserved or adapted.
- E-GR9-1: Live/work units should be incorporated into residential developments.
- E-GR9-4: Development should intensify underutilized properties and develop vacant and underutilized gaps within neighborhoods. (E-GR6)
- E-GR10-2: Developments should provide walkable service and amenity-oriented commercial spaces.
- E-GR10-3: Shared common space in commercial developments should be provided to encourage experiential retail programming.

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- A-DS1-1: Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7).
- A-DS1-2: Direct pedestrian linkages to transit should be provided.
- A-DS4-1: A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided. (A-DS2, A-DN1, B-SU1, B-SU2, C-LI7, E-AC5)
- A-DS5-1: Adequate multi-modal infrastructure should be provided to ensure vehicular separation from other modes of transport.
- A-DS5-2: Roadways should provide a vertical edge, such as trees and buildings.
- A-DS10-2: New focal points should be designed with multi-modal connections to the neighborhood.
- A-DS13-1: Stub streets should be connected. (D-CO4)
- A-EQ3-2: Development on corridors should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities). (B-SU3)
- A-EQ7-2: Multi-modal transportation options for healthcare and social services facilities should be provided. (E-ST3)
- B-SU4-1: Where greenspace/community centers are not located within walking distance of a new development, applicants should attempt to incorporate those amenities. (A-DS9)
- C-PS10-1: Flexible parking and shared parking arrangements should be utilized.
- D-CO1-1: Rights-of-way and multi-modal facilities should be designed to reflect and promote the desired place-type.
- D-CO2-1: Safe facilities for all users and modes of transportation should be provided.
- 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.
- D-CO4-2: Roadway capacity should be increased by providing multiple parallel streets, which alleviate traffic and provide multiple route options, in lieu of additional lanes.
- D-CO5-1: Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.
- D-SP1-3: Developments should provide multi-modal transportation infrastructure to school sites, including sidewalks, shared-use paths, and roadways that can accommodate the bus and vehicle traffic associated with the site.
- E-ST3-1: Development along major corridors should provide for ride sharing pick up and drop off locations along with considerations for any needed or proposed park and ride functions of the area. (E-GR10, E-GR7)
- A-DS4-3: Development should work with the existing landscape to the greatest extent possible, preserving key natural features.
- A-EQ7-3: Community open spaces should be easily accessible and clearly delineated from private open spaces.
- B-PR2-1: Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.
- B-PR2-2: Dividing floodplains into privately owned parcels with flood insurance should be avoided.
- B-PR2-3: Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them.
- B-PR7-1: Connections to greenways, tree stands, and stream corridors should be provided.
- 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.
- B-RE1-1: Developments should incorporate street trees to create a walkable streetscape.
- B-RE2-1: Green infrastructure should be used to connect the greenspace network.
- D-SP2-1: Visible, usable greenspace and other natural components should be incorporated into school sites.
- E-GR3-1: Physical and visual connections should be provided to existing greenway networks.
- E-GR3-2: New focal points should emphasize geographic features unique to the site.

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 said the applicant is seeking to develop two separate portions of the property to allow for construction of the continuation of a commercial shopping center located on the corner of Man 'o War Boulevard and Harrodsburg Road (The Fountains of Palomar). This continuation of the shopping center would include six outlots for retail sales. The applicant is proposing to have access from an internal connection to the neighboring center as well as direct access to Harrodsburg Road. He said that the applicant is proposing to rezone the rear of the property to the Planned Neighborhood Residential (R-3) zone to allow for the construction of 21 single-family dwelling units, which will be a blend of attached and detached units. This residential development is proposed to be completely separated from the commercial development, with their only access from Syringa Drive. He said that the proposed development is located along Harrodsburg Road, south of Man 'o War Boulevard and close to the Urban Service Area (USA) boundary. He said that the area is primarily surrounded by residential zoning, Single Family Residential (R-1C) and (R-1D) and Planned Neighborhood Residential (R-3) zones on the north boundary and High Density Apartment (R-4) and Townhouse Residential (R-1T) zones, as well

as a remnant piece of Agricultural Urban (A-U) zone located across Harrodsburg Road. He then displayed the aerial phot of the area and said that the area has two stub streets, one located on Fountain Blue Lane and the other on Syringa Drive. Both of the stub streets are meant to connect into the property to provide access per the Land Subdivision Regulations and the Zoning Ordinance. He said that there is another proposed connection in the vicinity, Captains Court to Syringa Drive, which would create a flow of traffic that would be able to access across this area of the community.

Mr. Bailey said that the staff believes that is important to understand the flow of this application. The initial pre-application meeting for this requested zone change was in July 2021, the applicant filed the application in September 2021, and then went through the Subdivision and Zoning Committee meetings on October 7, 2021. The staff recommended disapproval to the Zoning Committee; however the Committee recommended postponement and requested for more information. The applicant then postponed this application until today's hearing. He said that during that time there was a neighborhood meeting with the applicant, the Palomar Hills neighborhood and the staff on December 20, 2021. He added that one hour prior to this hearing, the applicant submitted a supplemental justification for this application. He said that the adopted meeting schedule allows for submittal of any supplemental information at least 48 hours prior to the public hearing, and this is published in many of the Division of Planning materials. He stated that due to the time of this submittal, the staff was not able to review the supplemental justification and that there will be some differentiation between the staff's presentation and the applicant's.

Mr. Baillie said that the applicant has suggested that they are in agreement with the Goals, Objectives, and Policies of the 2018 Comprehensive Plan, by stating that they are expanding housing choice by accommodating the demand for housing in Lexington responsibly and prioritizing higher density and mixture of housing types. He said that the staff disagrees with this portion of their justification as the applicant is not providing a higher density residential development. He said that the applicant also indicated they are supporting infill and redevelopment throughout the Urban Services Area as a strategic component of growth by identifying areas of opportunity for infill, redevelopment, adaptive reuse and mixed-use development. He said that the proposed development is not an integrated mixed-use development and doesn't adaptively reuse the existing structure, nor does it seek to construct at a density or intensity that might be reflective of a major corridor in the City of Lexington. The applicant indicated they are respecting the context and design features of areas surrounding the development and develop design standards and guidelines to ensure compatibility with existing urban form. He said that the applicant did not expand upon this statement in their justification and did not indicate the context and design features that they're seeking to promote. He added that commercial opportunities in the area are actually more intense than the development that is being proposed. He said that the applicant indicated they are supporting and showcasing local assets to further the creation of a variety of jobs. He said that the applicant has not provided any information regarding the forms of jobs that might be created through the development of this subject property. He said that the applicant also indicated they are improving a desirable community by supporting a model of development that focuses on people first to provide accessible community facilities and services to meet the health safety and quality of life needs of Lexington-Fayette County residents and visitors. He said that the applicant again has not provided any information regarding the facilities to be incorporated into the proposed development. He added that this proposed development is not pedestrian oriented and completely separated from the surrounding residential context.

Mr. Baillie said that the applicant indicates that the project is located within the Corridor Place-Type. He said that the corridors major focus is on commerce and transportation. One emphasis of the 2018 Comprehensive Plan was to overhaul some of the intensity along these corridors, so they would be the areas of the most intense, economic, residential, and commercial opportunities that would be located within the City of Lexington. This was also meant to add a mix of different land uses with both commercial and residential, which is represented by the recommended zones in this Place-Type. He said that there is discontinuity with what the applicant is applying for. He said that the staff agrees that the front portion of the subject property is a Corridor Place-Type, but the rear portion of the subject property is distinct and separated from the corridor and the commercial development, and is more associated with the adjacent neighborhood.

Mr. Baillie said that the applicant also indicated that they are proposing the Medium Density Non-Residential / Mixed Use Development Type. This Development Type is primarily meant to be community-serving commercial uses, services, places of employment, and/or a mix of uses within mid-rise structures with a higher Floor Area Ratio (FAR). The mixture of structures is meant to include the option to allow for commercial opportunities and multi-family residential units, but the 2018 Comprehensive Plan does not require residential development to occur. However, the 2018 Comprehensive Plan is flexible and does allow for the intensification of the corridors as well as allowing the applicant to apply without having to include certain elements within the application. He said that there is a real focus on the Medium Density Non-Residential / Mixed Use Development Type to get more integration with the multi-modal connections, pedestrian access, and orienting buildings along the street and avoiding over parking. He said that most of the parking is meant to be internal to the site and not the primary focus of the development, which should be the architecture and the buildings and the activity that occurs there. He said that the applicant has not provided any information regarding the Medium Density Non-Residential / Mixed Use Development Type within their application. The commercial portion and the residential portion of the site are both low-density and low-intensity, and therefore do not meet the description of this Development Type. Single-family residential is explicitly described within the 2018 Comprehensive Plan as a low-density housing option.

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Mr. Baillie said that there are six recommended zones within the Corridor Place-Type and the Medium Density Non-Residential / Mixed Use Development Type. Five of them allow the mix of residential and commercial uses, but don't require them. He said that the applicant hasn't applied for any of the recommended zones and that the proposed zoning differs from the established zoning in the area. He said that the 2018 Comprehensive Plan does allow for flexibility, but the applicant must justify the types of zones they are using and how they meet the 2018 Comprehensive Plan and the Development Criteria. He said that the applicant hasn't provided additional information regarding how the proposed zone is in agreement with the 2018 Comprehensive Plan. He said that at the time of the pre-application meeting, the applicant was supplied with instructions to style their justification based on the development criteria associated with the Place-Type and the Development Type and indicate what they are seeking to do on the property and show how they are meeting the 2018 Comprehensive Plan. He added that the development criteria is a distillation of the Goals, Objectives and Policies of the 2018 Comprehensive Plan and therefore show agreement with the 2018 Comprehensive Plan through their integration on the development plan and in the applicant's justification letter. He added that prior to this meeting, there was not any review of the development criteria provided by the applicant. He said that the staff reviewed the development criteria that could be applicable to this development, which there is a significant number not addressed by the applicant. This lack of a complete justification led to a request by the staff after the October 7, 2021 Zoning Committee meeting. The response to that request was submitted to the staff by the applicant one hour prior to this hearing.

Mr. Baillie said that the 2018 Comprehensive Plan also encourages neighborhood engagement. He said that the applicant did meet with neighborhood representatives prior to submitting the application. He said that the applicant proposed two separate development types to the neighborhood, one was a multi-family residential and the other was a low density residential and low intensity commercial option. He added that there was an impression given that the staff preferred an option with higher density. He stated the staff never gave that impression and did not ever review a multi-family residential development plan.

Mr. Baillie reiterated that this is a zone change from the Agricultural Urban (A-U) zone to the Highway Service Business (B-3) zone and the Planned Neighborhood Residential (R-3) zone, for low density residential and low density / intensity commercial development, not an application for rezoning from A-U zone to an R-4 and/or R-5 zone, or for high density residential. He stated that there have many letters of objection submitted to the staff that oppose this zone change stating an opposition to high-density residential rather than a discussion of the B-3 and R-3 zones, which were requested by the applicant and are being presented today. These letters have been distributed to the Planning Commission for their review.

Mr. Baillie said that the staff is recommending disapproval for this zone change for the following reasons:

1. The requested rezoning to Highway Service Business (B-3) zone and the Planned Neighborhood Residential (R-3) are not in agreement with the 2018 Comprehensive Plan for the following reasons:
 - a. The requested zones are not recommended zones within the proposed Place-Type of the Comprehensive Plan and the applicant has not provided sufficient information as to how the zones fit the proposed Place-Type or Development Type.
 - b. The requested rezoning is not in agreement with the Goals, Objectives, and Policies of the 2018 Comprehensive Plan.
 1. The proposed development is not an integrated mixed-use development, it does not adaptively reuse the existing structure, nor does the proposed development seek to construct at a density or intensity that might be reflective of a major corridor in Lexington (Theme A, Goal #2, Theme A, Goal #2.a).
 2. The proposed development does not indicate the context and design features that they are seeking to promote; commercial opportunities actually represent a decrease in intensity and density of use compared to the neighboring commercial development (Theme A, Goal #2.b).
 3. The application does not indicate what forms of jobs might be created that will support and showcase local assets to create a variety of jobs (Theme C, Goal #1).
 4. The proposed development does not incorporate safe and integrated pedestrian facilities into the proposed development; nor is the proposed development pedestrian-oriented (Theme D, Goal #1.a).
 5. The proposed rezoning and associated development does not improve traffic operation strategies (Theme D, Goal 1.d).
 - c. The proposed development does not meet the intent of the Medium Density Non-Residential / Mixed Use Development Type as established on page 271 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 met 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-DS5-3: Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
 3. A-DS5-4: Development should provide a pedestrian-oriented and activated ground level.
 4. A-DS7-1: Parking should be oriented to the interior or rear of the property for nonresidential or multi-family developments.
 5. A-DN3-1: Pedestrian-oriented commercial opportunities should be incorporated within residential neighborhoods.

6. B-SU11-1: Green infrastructure should be implemented in new development. (E-GR3)
 7. C-DI1-1: Consider flexible zoning options that will allow for a wide range of jobs.
 8. C-LI6-1: Developments should incorporate multi-family housing and walkable commercial uses into development along arterials/corridors.
 9. C-LI7-1: Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.
 10. C-PS10-3: Over-parking of new developments should be avoided. (B-SU5)
 11. D-PL9-1: Historically significant structures should be preserved.
 12. D-PL10-1: Activate the streetscape by designating public art easements in prominent locations.
 13. E-GR4-1: Developments should incorporate reuse of viable existing structures.
 14. E-GR9-4: Development should intensify underutilized properties and develop vacant and underutilized gaps within neighborhoods. (E-GR6)
 15. E-GR10-2: Developments should provide walkable service and amenity-oriented commercial spaces.
 16. A-DS1-2: Direct pedestrian linkages to transit should be provided.
 17. A-DS5-1: Adequate multi-modal infrastructure should be provided to ensure vehicular separation from other modes of transport.
 18. A-DS5-2: Roadways should provide a vertical edge, such as trees and buildings,
 19. A-DS13-1: Stub streets should be connected. (D-CO4)
 20. A-EQ3-2: Development on corridors should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities). (B-SU3)
 21. D-CO1-1: Rights-of-way and multi-modal facilities should be designed to reflect and promote the desired place-type.
 22. D-CO2-1: Safe facilities for all users and modes of transportation should be provided.
 23. 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.
 24. D-CO4-2: Roadway capacity should be increased by providing multiple parallel streets, which alleviate traffic and provide multiple route options, in lieu of additional lanes.
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 the appropriate zone for this location.

Commission Questions – Mr. Penn asked when the staff met with the applicant. Mr. Baillie said that there were several meetings with the applicant, some were in person meetings prior to their submission of the application and there have been two meetings since the October 7, 2021 sub-committee meeting, as well as numerous telephone calls requesting more information.

Mr. Baillie stated that the chat box on Zoom is not the appropriate area to add public comment since it is not part of the public record. He asked that citizens make public comments at the appropriate time to the Planning Commission.

Development Plan Presentation – Mr. Martin presented a rendering of the preliminary development plan associated with the zone change. He said that there are revised conditions, which were distributed to the Planning Commission, recommending that the following conditions be considered only if the Commission elects to approve the preliminary development plan, as follows:

1. Provided the Urban County Council rezones the property R-3/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. Department of Environmental Quality's approval of environmentally sensitive areas.
6. United States Postal Service Office's approval of kiosk locations or easement.
7. Dimension all proposed buildings.
8. ~~Discuss proposed access to Harrodsburg Road and need for waiver.~~ Remove proposed Harrodsburg Road access from the development plan.
9. Clarify proposed number of drive-through facilities and potential traffic conflicts.
10. ~~Discuss internal vehicular and pedestrian access and connectivity.~~ Revise plan to provide vehicular access to Syringa Drive.
11. Clarify if any identified trees meet the Article 26 definition of significant.
12. ~~Discuss Placebuilder criteria.~~ Denote typical residential townhouse and lot information, including dimensions and height of townhouse.

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Mr. Martin displayed a color rendering and identified Harrodsburg Road, Palomar Boulevard, and Syringa Drive. The Fountains of Palomar, a shopping center, is being constructed to the east of the subject property. He said that Fountain Blue Lane will extend through that development, and continue into the subject property. He said that the revised development plan is proposing a right-in / right-out access from Harrodsburg Road. He then identified the proposed residential area in the rear of the development and said that there are twenty-three townhouses and eight single-family homes. They are also proposing six commercial structures, with two of the buildings having proposed drive-through facilities. He said that the Traffic Impact Study that was submitted along with this application, mentions three drive-through facilities. He identified the proposed landscaping that will buffer the residential from the commercial uses. The applicant has added pedestrian connections throughout the residential area, and a two-way circulation around the commercial structures.

Mr. Martin reiterated that this is a preliminary development plan and if this plan should be approved, there are concerns that will need to be addressed. Some of those concerns are landscaping, site lighting, and functionality and location of the dumpsters. He said that there are notes on the plan that do reflect concerns that the staff had addressed on previous developments, such as building façades, presentation or orientation to Harrodsburg Road, and increased landscaping. He said that the staff expressed concern regarding the access and connectivity proposed on this plan, from the date of its submittal. This is a paramount issue on this property and on its impact to the neighborhood, to the adjoining developments, and as well as to the impact on our roadway system. He said that the adopted 2018 Comprehensive Plan emphasizes arterial development, which heightens the need for connectivity, good access control and management along our arterial roadways.

Mr. Martin said that this is the only commercial area that would have access to only arterial roads, with an exception of some commercial business located along north New Circle Road. Access to commercial areas is likely onto collector streets. He said that the established hierarchy is based on engineering principles, and is incorporated into the Land Subdivision Regulations and into the Zoning Ordinance on how a transportation system functions. He said that the arterial roads are defined as the second rank in the classification under expressways, and should be used only for the movement of vehicles and preferably should not provide for vehicular access to adjacent properties. Interruption of traffic flow should be permitted only at street intersections, which should contain medians, acceleration lanes, and left turn storage lanes. Principal arterial roadways carry the major portion of vehicular trips entering and leaving the urban area, providing traffic to our suburban areas, as well as the majority of through movements. He said that Fountain Blue Lane will serve as a service road, which by definition has two or more open ends connecting at intersections with streets that run perpendicular to the service road and its adjacent street of higher classification. This provides access to the property but reduces the conflict and the number of access points to the arterial road. He said that the proposed right-in / right-out doesn't meet these regulations and that this development would create a new conflict point from Man O War Boulevard to Madrone Way, as vehicles try to cross multiple lanes of Harrodsburg Road, which has a high volume of traffic and higher speeds.

Mr. Martin said that the staff believes that it is imperative that there be a vehicular access from the commercial area of subject property to Syringa Drive. He said it is discouraged, at times, to have commercial traffic travel through a residential area, but due to infill considerations and the fact that development happens in stages, there may be the need for traffic calming and other methods to address that traffic. He said that Syringa Drive will provide an outlet for traffic. He then displayed an aerial photo of the subject property with highlighted areas of how the traffic could travel through the development, which depicts Fountain Blue Lane connecting to Syringa Drive, then to Captains Court and to Madrone Way. These connect street would function as a service road. This will alleviate the traffic and the pressure from Harrodsburg Road, which will benefit the neighbors and the traveling public on Harrodsburg Road. He said that the proposed development plan doesn't address access management nor connectivity, and therefore, does not meet the Land Subdivision Regulations or the Zoning Ordinance requirements. He added that the staff is aware of the concern with cut-through traffic and the maintenance of the pavers located at the entrances to the neighborhood. He said that the staff is recommending disapproval of this development plan.

Mr. Martin said that should this development plan be approved, the staff is recommending the proposed access to Harrodsburg Road be removed. The staff would like to clarify the proposed number of drive-throughs and the potential traffic conflicts, and to clarify the significant trees. The staff is asking the applicant to revise the development plan to provide vehicular access to Syringa Drive. The staff is also asking the applicant to denote the typical residential townhouse and lot information.

Traffic Impact Study – Mr. Stuart Kearns, MPO/Transportation Planning, presented the staff report and recommendations for the Traffic Impact Study that was submitted along with this zone change application. He said that the Transportation staff has concern with the access to Harrodsburg Road and the lack of connectivity to the adjacent neighborhoods. He said that the existing conditions on Harrodsburg Road is a 4-lane, divided minor urban arterial with a speed limit of 55 mph and the latest Average Annual Daily Traffic count is from 2019, which is 32,533 vehicle trips per day. The existing conditions on Man O War Boulevard is a 4-lane, divided principle urban arterial with a speed limit of 45 mph and the latest Average Annual Daily Traffic count is from 2018, which is 16,315 vehicle trips per day. He said that the proposed development will create approximately 239 vehicle trips per day during the a.m. peak hours and approximately 291 vehicle trips per day during the p.m. peak hours. He said that this study took the Ethington Heights and the Fountains of Palomar developments into account when calculating traffic.

Mr. Kearns said that the study analyzes existing and full buildout peak hour conditions at five existing intersections and one proposed intersection along Harrodsburg Road, and three potential scenarios that would impact and be impacted by those intersections. He displayed a chart of the Level of Service (LOS) Criteria that the intersections are analyzed upon, as follows:

Level of Service (LOS)	Signalized Intersections	Unsignalized Intersections
	A	Less than 10
B	10 – 19	6 – 9
C	20 – 34	10 – 19
D	35 – 54	20 – 29
E	55 – 80	30 – 45
F	More than 80	More than 45

Mr. Kearns said that the through traffic for Harrodsburg Road at the intersection with Wellington Way during the a.m. peak hours is currently a LOS of B, with the through traffic at Wellington Way operating as LOS of E. The same intersection during the p.m. peak hours is currently a LOS of D, with Wellington Way operating as LOS of F. The full buildout scenario proposes the through traffic at Harrodsburg Road at the intersection with Wellington Way during the a.m. peak hours a LOS of C and the through traffic at Wellington Way proposing as LOS of E. The same intersection during the p.m. peak hours is proposing a LOS of D, with Wellington Way proposing as LOS of F. These are similar to the existing volumes.

The through traffic at the intersection of Harrodsburg Road and Man O War Boulevard during the a.m. peak hours is currently a LOS of D, with the through traffic at Man O War Boulevard operating as LOS of E. The same intersection during the p.m. peak hours is currently a LOS of E, with Man O War Boulevard operating as LOS of E. The full buildout scenario proposes the through traffic at Harrodsburg Road at the intersection with Man O War Boulevard during the a.m. peak hours a LOS of E and the through traffic at Man O War Boulevard proposing as LOS of F. The same intersection during the p.m. peak hours is proposing a LOS of F, with Wellington Way proposing as LOS of F.

The through traffic at the intersection of Harrodsburg Road and Fountainblue Lane during the a.m. and p.m. peak hours is currently a LOS of A, with the through traffic at Fountainblue Lane operating as LOS of E, which is mostly the traffic exiting the development. The full buildout scenario proposes the through traffic at Harrodsburg Road at the intersection with Fountainblue Lane during the a.m. peak hours a LOS of A and the through traffic at Fountainblue Lane proposing as LOS of E. The same intersection during the p.m. peak hours is proposing a LOS of B, with Fountainblue Lane proposing as LOS of E.

The through traffic at the intersection of Harrodsburg Road and Madrone Way during the a.m. and p.m. peak hours is currently a LOS of B, with the through traffic at Madrone Way operating as LOS of E. The full buildout scenario proposes the through traffic at Harrodsburg Road at the intersection with Madrone Way during the a.m. peak hours a LOS of C and the through traffic at Madrone Way proposing as LOS of F. The same intersection during the p.m. peak hours is proposing a LOS of C, with Madrone Way proposing as LOS of E.

The through traffic at the intersection of Harrodsburg Road and Palomar Boulevard, which is an unsignalized intersection, during the a.m. and p.m. peak hours is currently a LOS of B, with the through traffic at Palomar Boulevard operating as LOS of F. The full buildout scenario proposes the through traffic at Harrodsburg Road at the intersection with Palomar Boulevard during the a.m. peak hours a LOS of B and the through traffic at Palomar Boulevard proposing as LOS of F. The same intersection during the p.m. peak hours is proposing a LOS of D, with Palomar Boulevard proposing as LOS of F. He added that this intersection does not yet meet the metrics that would warrant the establishment of a traffic signal.

Mr. Kearns said that the staff disagree with some of the assertions of the traffic impact study as it neglects the benefits of the distribution of traffic with the connection to Syringa Drive. The connection of Syringa Drive allows for the distribution of traffic, while also acting as an alternative access point for the neighborhood, without needing to get onto Harrodsburg Road. Furthermore, the staff does not agree that the right-in / right-out access is needed and the access located at Fountainblue Lane can handle the proposed site traffic and without creating safety issues.

Commission Question – Mr. Michler asked if the staff had any concern with the pedestrian safety at the right-in / right-out access to Harrodsburg Road. Mr. Kearns said that there is pedestrian access and safety for the entire site. He said that the proposed development plan doesn't give the Palomar residents a pedestrian access into this development. They would need to walk along Harrodsburg Road into the development, which would be next to the right turn lane, adding more potential conflicts between pedestrians and vehicles. The pedestrian safety concerns are an issue with the proposed development.

Mr. Bell said the traffic on Madrone Way will be cumbersome when the new Chick-fil-a opens, as well as the homes and townhouses are developed. Then adding the traffic from this development will take away the appeal of Bowman Mill Road being a country road. Mr. Kearns said that there is the need for connectivity and the more connections there are into the neighborhood, the more the traffic will be dispersed. Most of the traffic traveling on the Harrodsburg Road and Man O War Boulevard will

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remain on those roads. Most of the connectivity will be benefiting the residents of the neighborhood. Mr. Bell added that he is anticipating the increased traffic being forced through the neighborhoods, which raises concerns for the residents.

Applicant Presentation – Mr. Bruce Simpson, attorney; Jihad Hillany and Mark McCain, Vision Engineering; and Phillip Sewell, Sewell Commercial Brokerage, were present representing the petitioner. Mr. Simpson said that they met with the neighborhood approximately a year prior this development was submitted. They had an extensive discussions regarding development option and development opportunities. He said that the neighborhood preferred the same type of development that is being constructed on the Ethington property, consisting single family homes, townhouses, and commercial, which is the same as this proposed development. He added that the people who live closest to the development and who will be most impacted by the development are the ones that should be given the greater deference of what the usual consequences of the developments are, such as traffic, noise, lights, and incompatible developments. He added that following a meeting with the staff, they had changed their plan to incorporate higher density townhouses. He said that they have had several meetings with the staff regarding this application. He said that the neighbors are not familiar with the impacts of the Comprehensive Plan on their homes and many did not receive any notification of a tract of land being changed to high density development on this site. He added that one of the strongest elements of the 2018 Comprehensive Plan was community engagement. He then said that one of the major concerns with the neighbors of this development is the tenuous situation with the school system and they wanted to limit residential density because it can have an adverse impact on their schools. He said that the impact on schools is never considered by this body in any zone change and that it is of critical importance with this neighborhood.

Mr. Simpson said that the initial filing for the zone change was for single-family with retail and after meeting with the staff, whose preference was high-density residential, which is what the 2018 Comprehensive Plan seeks along the corridors. He said that the Comprehensive Plan also seeks context sensitivity with respect to development, which is if the proposed development relatively contextual and compatible with the surrounding neighborhood. He said that this property is surrounded by single-family and this is an important factor to the neighbors. He said that if a real estate developer believes that they can increase density, they would do so and they're not because there isn't a market for vertical increase in density of the commercial space. He said that he believes that there is high demand for retail on this corridor and there isn't much vacant land. He added that they believe this is a workable plan because it was contextually sensitive to the neighbors, who do not want to have big tall buildings in their backyards. They would have one-story buildings, single-family houses and townhouses, with a screen barrier around the entire property that includes an eight-foot fence, enhanced with landscaping, and brick columns. He said that there will be pedestrian access for the neighbors.

Mr. Simpson said in regards to Mr. Kearns and Mr. Bell's comment about increased traffic, that by following the policy of the Comprehensive Plan to increase density along the corridors there will be an increase in traffic. He then said that the Comprehensive Plan is a guide and says that zone changes are reviewed on a case by case basis and the context of the property of what you're seeking to do that. He said that in this case, there is extremely low-density residential completely surrounding this site. He then displayed a color rendering of the site and identified the single-family homes surrounding it. He also displayed the revised development plan and said they mirrored the plan of the Ethington development, which is just south of this property. This development includes with commercial along Harrodsburg Road, followed by townhomes, and then single-family homes nearest the existing homes. He said that the proposed B-3 zone has a wide variety of uses, which are neighborhood oriented types of businesses and provide potential employment.

Mr. Simpson said that he communicated with the staff, who suggested that the applicant address that the homes will be an enhanced residential component, which they agreed and filed it prior to this hearing. He then displayed a rendering of the proposed screening of the enhanced landscaping that they have committed to apply during discussions with the neighbors, and would be resolved at the time of the Final Development Plan. He said that they will fine tune the proposal with every property owner regard what they would need in terms of screening. He then displayed the greenspace areas on the development plan, which is also an element of the Comprehensive Plan. He said that there is approximately 50,000 square-feet of greenspace incorporated for the residents and the shoppers. He then displayed a drawing of a similar development to show the street trees, a park area with a playground, and the maintenance of the significant trees that are currently on the site. He said that this development will create a sense of place, gathering spots for social interaction, pedestrian connectivity throughout the development. He then displayed a pedestrian connection into the retail site. He also displayed the buffer between the existing residential homes from the commercials uses. He said that there is another park area near the shopping for customers to enjoy, which will provide another pedestrian access point to the neighborhood and into Palomar.

Phillip Sewell, Sewell Commercial Real Estate Broker, said that the Harrodsburg Road corridor has always had a desire for additional retail. He said that the retail in the Beaumont Centre is 99.5% occupied and those retail spaces located along the southern portion of Harrodsburg Road to the Jessamine County line are approximately 98% occupied. He said that he receives calls from many businesses that would like to locate on this corridor, such as fast food, dry cleaners, medical offices, dance and karate studios, and florists. He said that there may be some available spaces, but they can't be defined for potential tenants to be incorporated. He added that the commercial area in this proposed plan does meet the requirements of the majority of the potential retailers. He said that the national companies want exposure and to be readily accessibility. He asks developers to try to develop commercial space within the constraints of being able to entertain and provide for the type of retail that we want to be serviced.

Mr. Simpson concluded that they worked with the neighborhood to come up with an accommodating plan that was sensitive to the surrounding neighbors. He furthered that it was their intent to increase density to the level that it would be marketable and successful. He believes that density can't be maxed out everywhere. All of the site's features need to be looked at, including the surrounding developments and their investments. He believes that it's fair and equitable to accommodate them with something similar in height, scale, and location. He also believes that this development is in compliance with the Comprehensive Plan based on the goals and objectives. It seems to be that the only discussion today is the amount of density. He said that a zone change can be approved based on the Comprehensive Plan or under the alternative justifications described in KRS 100.213, which states that the applicant shows that the existing zone is inappropriate and that the proposed zoning is appropriate. He said that this property is not suited for agricultural land and the Agricultural Urban (A-U) zone is no longer appropriate. He then read the intent of the zone, which states that land should remain in this zone until public facilities and services are or will be adequate to serve the urban uses, which it all is available and can be made to serve this development. He then said that the proposed residential and commercial zoning is exactly the same as what is being developed 50 feet to the south of this site. He said that it is dense enough within the context of being compatible to our neighbors in Palomar. He submitted proposed findings of fact for approval to the Planning Commission, which are as follows:

- I. The proposed zone map amendment is substantially in conformance with the 2018 Comprehensive Plan based on the following Finding of Facts:
 - A. The proposed B-3 and R-3 uses will provide much needed housing and retail space along the Harrodsburg Road corridor. The proposed mixed use zoning will provide for a well-integrated mixture of townhomes, single-family homes and commercial retail, all of which will be compatible with the existing residential neighborhoods that border the subject property on three sides; all of this is encouraged by the Comprehensive Plan.
 - B. The proposal rezoning contains pedestrian and bicycle connections from the proposed residential units to the proposed retail businesses which is strongly encouraged by the 2018 Comprehensive Plan.
 - C. The proposed rezoning will provide much needed greenspace within the development. This will create an attractive place to live, work and shop which is also promoted by the 2018 Comprehensive Plan.
 - D. The proposed rezoning will generate mini parks or social gathering places within the interior of the development. These will serve as attractive focal points for the residents and retail consumers; all of which is encouraged by the 2018 Comprehensive Plan.

ALTERNATIVE JUSTIFICATION FOR APPROVAL OF THE ZONE MAP AMENDMENT

The existing zoning classification for the subject property being agricultural urban (A-U) is inappropriate because the subject property is inside the Urban Services Area and bounded on three sides by single family residential homes. As stated in the "Intent" section of this ordinance, the A-U zone is "intended to control the development of rural land within the Urban Service Area over a period of time so as to manage the growth of the community. In order to avoid premature or improper development, land should remain in this zone until public facilities and services are or will be adequate to serve urban uses." There is no dispute that public facilities and services are available to serve the subject property. Water, gas, electric, fiber optic cable, phone lines and sanitary sewers are available. In fact, a new public sanitary sewer line has been constructed to serve this development and other parcels which front along Harrodsburg Road from the intersection of Man O War Boulevard and Harrodsburg Road to the Villages at South Elkhorn. The subject property will be served by new sanitary sewer line and will not need to be connected to the Palomar neighborhood sewer system.

The principal uses in the A-U zone are also the same uses permitted in the Agricultural Rural (A-R) zone which is expressly devoted to land uses outside of the Urban Services Area. The two principal uses listed in the A-R zone are: "(1.) Land used solely for agricultural purposes, including small farm wineries and equine-related activities, as outlined in KRS 100 and (2.) single-family detached dwellings. The A-U zone also expressly permits "farm tours and hayrides." The subject property has not been used for agricultural purposes for more than 60 years. The Masons and Shriner's Hospital owned the subject property for 38 years until they sold it to the applicant in 2021. The Mason's used the property for their meetings and fish fry's to raise money for their organization. Prior their use the property was used only as a single-family home.

Urban development has surrounded the subject property and it has been ripe for urban development since the Palomar subdivision was first establish in the 1980's. Agricultural uses such as growing crops, raising cattle, breeding, boarding, and training horses are wholly incompatible when such uses are surrounded by single family subdivisions. No hayrides or farm tours will take place on the subject property. There is no farm to tour and there is no hay on the property for a hayride. The existing A-U zone is not appropriate given its location within the urban core of Lexington and surrounded by higher intensity urban uses. However, the proposed mixed-use zoning of B-3 and R-3, for commercial and residential uses, respectively is appropriate. The demand for residential housing has been high in Lexington for more than 2 years. Housing prices have increased significantly. Similarly, there is a need for commercial uses in the Harrodsburg Road corridor. Approximately 98% of the existing zoned retail space between the Beaumont commercial center at the intersection of Harrodsburg Road and New Circle Rd and the Bellerive commercial development just across the Fayette County line in northern Jessamine County is fully leased. Within 560 feet of the subject property to south is a commercially and residentially zoned property also fronting Harrodsburg Rd. This property known as the Ethington property is being developed in the same manner that is being proposed for the subject property, to wit: commercial, townhomes and single-family homes. The

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Fountains commercial development adjoins the subject property to the north along Harrodsburg Rd. The proposed zoning with its context sensitivity to the surrounding residential homes is more appropriate. Thus, this proposed zone change can most certainly be approved based on KRS 100.213(1)(a). (The existing zoning classification given to the subject property is inappropriate, and the proposed zoning classification for the subject property is appropriate.)

Commission Questions – Mr. Penn said that the staff is suggesting connectivity and asked the applicant why that wasn't mentioned in his presentation. He then asked the applicant if they are in agreement with the staff in regards to the connectivity issue. Mr. Simpson said that they are not in agreement with the staff. He added that when the zone change for the Fountains of Palomar was approved, the neighbors expressed grave concern regarding cut-through traffic and by connecting Syringa Drive to this development, they would only encourage more cut-through traffic. He added that there is pedestrian and bicycle connectivity from Palomar and from the Ethington development. He said that the traffic on Harrodsburg Road will continue to increase every year, because the City of Lexington grows approximately 35,000 people every ten years. Mr. Penn then asked if the development plan is a placeholder to get the zone change. Mr. Simpson said that this is a preliminary development plan and is the concept of what is proposed to be created, and that the zoning is what is important at this point of time.

Mr. Michler asked if there was a tree inventory included with their application. Mr. Simpson said that a tree inventory was not initially included with the application. He said that Mr. Kimmer may present to the Planning Commission at the time of the Final Development Plan. He said that the Urban County Forester has previously identified four trees, as the most worthy for preservation. Mr. Michler then said that the property has many other large and significant trees and asked if those would be preserved. Mr. Simpson said that those trees were also surveyed and they are not in the best of condition and not expected to have much more of a life expectancy. He reiterated that the time for discussion about preserving trees is at the time of the Final Development Plan. Mr. Michler restated that the lack of connection with Syringa Drive was determined to be appropriate by the applicant in responding to the neighbor's wishes, which would force the neighborhood to access this development via Harrodsburg Road. He then asked why the applicant is allocating a higher number of numbers traveling through the neighborhood than the staff is allocating. Mr. Simpson said there currently is cut-through traffic and that they don't want to add to that traffic. This plan is designed to encourage the neighbors to walk and there are two pedestrian/bicycle paths. Mr. Michler then asked if the increased number of vehicles would increase at the Harrodsburg Road access. Mr. Simpson said that the Traffic Impact Study doesn't take the current cut-through traffic into account. He said that if this development proposed maximum density with apartments there would be a very high number of increased vehicles on Harrodsburg Road and the Level of Service would be impacted. He said that with the denser commercial component and a low residential component is a compromise with the conflicting policies in the Comprehensive Plan.

Ms. Worth asked for clarification that the planning staff is not arguing against the zone change, it's a matter of if there is a zone change, what's the correct zoning. Mr. Baillie said that this property is currently zoned as Agricultural Urban (A-U) and is set up for a zone change. The applicant has submitted an application and associated development plan that staff responded to. The staff found that the application and associated development plan lacking in agreement to the Comprehensive Plan and therefore is recommending disapproval.

Note: Ms. Barksdale left the meeting at 4:00 p.m.

Citizen Comments – Scott Sandberg, 4028 Santee Way, said that he is concerned with additional cut-through traffic. Said that the Comprehensive Plan is only a guideline and believes that a compromise can be met, since every circumstance is different. He believes that the applicant's proposal is a compromise and addresses the Comprehensive Plan.

Carl Heuckroth, 4121 Amberwood Court, said that he is against any solution that includes apartments. He is supportive of the applicant's proposal that includes the blend of townhomes and residential homes to provide density and is better for the existing Palomar residents. He said that the proposed homes could join the Palomar amenities. He is also concerned with the increase of traffic.

Sam Dunn, 2204 Peppertree Court, said that he has concerns about the character of the neighborhood. He said that he is in favor of the proposed development because it is compatible with the existing neighborhood. He said that the traffic study doesn't tell the entire story, and that there is a transition of younger children in their neighborhood and he is concerned about the safety on their streets.

Kaitlyn Colvin, 4012 Palomar Blvd., said that she also concerned with safety and cut-through traffic. In agreement to the applicant's proposal and that it is congruent with the 2018 Comprehensive Plan, in that it increases density with commercial use. Believes that any high density development would put stress on the beautiful greenspaces within Palomar. She said that the connectivity of the pathways to the proposed development are respectful and conscientious to the neighborhood.

Gerald Pierson, 4085 Syringa Dr., said that he is in support of the applicant's proposal. He believes that it is preserving the character of the existing neighborhood and the quality of life. He is concerned with Syringa Drive becoming a cut-through street. He is also concerned with the increase of traffic at the Palomar Road and Harrodsburg Road intersection.

Marty and Bill May, 4005 Santee Way, said that they are in support of the applicant's proposal. They are also concerned with the cut-through traffic on their street and increase of traffic if a larger development is proposed.

Jay Conne, 2032 Glade Lane, said that he also supports the applicant's proposal and believes that there is a need for more commercial shopping and restaurants on this corridor. He is also concerned with the cut-through traffic. He also expressed concern regarding the Comprehensive Plan and it's not a dictatorial rule that must be obeyed.

Joan Tackett, 4032 Santee Way, said she also supports the applicant's proposal and if higher density apartments are developed at this location, it would be detrimental to homes value. She is also concerned with the increased traffic.

Chester Tackett, 4032 Santee Way, said that his backyard is in very close proximity to this site and will be impacted by this development. He is in agreement with the applicant's proposal and opposed to anything with greater density.

Casey Weesner, 4024 Santee Way, a real estate agent, said that there is a high demand for single-family homes and townhouses and supports the applicant's proposal. He is also concerned with the cut-through traffic.

Victoria Bradley, 4017 Palomar Blvd., said that she is in support of the applicant's proposal and opposed to increasing density in this area. She is also concerned with pedestrian and bicycle safety and the increase of traffic.

Ryan Wellman, 4016 Santee Way, said he is supportive of single-family homes being constructed behind his home and will not dramatically impact the traffic in the neighborhood. He said that he is in support of the applicant's proposal.

Tom Adler, 2221 Mangrove Dr., said that he is in support of the applicant's proposal. He is also concerned with the cut-through traffic and fears that it would get even worse if a higher density proposal were enacted.

Alli Keener, 4056 Palmetto Dr., said that she is in support of the applicant's proposal because it keeps with the context of the neighborhood. She said there is a need for more single-family homes and townhouses in this area.

Cyndi Greathouse, 4020 Santee Way, said that she is in support of the applicant's proposal because they are trying to incorporate the neighborhood's desires. She said that connecting Syringa Drive would be detrimental to the neighborhood, but a pedestrian access would suffice.

Melissa Pop, 4081 Palomar Blvd., said that she is in support of the applicant's proposal and opposes to a higher density plan. She is also concerned with increased traffic.

Brad Kerkhoff, 4009 Peppertree Dr., President of Palomar Hills Association, said that he is in support of the applicant's proposal and that he believes that it will flow with the existing neighborhood. He said that the association had several meetings with the applicant and that they desire to bring the proposed residences into part of the neighborhood association. He said that he is concerned with the increase of traffic if Syringa Drive is connected.

Farzad Taghaddosi, 3932 Palomar Cove Lane, said that he is in support of the applicant's proposal. He believes that any kind of development should be sensitive and integrate with the existing community.

Dan Schott, 4029 Santee Way, said that he is in support of the applicant's proposal. He is concerned with the cut-through traffic.

Karen Sandberg, 4028 Santee Way, said that she is in support of the applicant's proposal, because it maintains the quality of the neighborhood. She is also concerned with the cut-through traffic.

Don Kral, 4008 Santee Way, said that he is in support of the applicant's proposal, he believes that it will improve the neighborhood. He said that he is concerned with the increase cut-through traffic. He is also concerned with the right-out access that increase more traffic through the neighborhood.

Dan Keener, 4056 Palmetto Dr., said that he is in support of the applicant's proposal. He is also concerned with the cut-through traffic.

Applicants Rebuttal – Mr. Simpson said that he is impressed with the number of neighbors in support and that the Planning Commission listens to the responses and their needs. He believes that the application is a plan worthy of acceptance and that it is supportive of the Comprehensive Plan and that based on the evidence of this case, it has been established that the existing zoning of agricultural is inappropriate and that the proposed zoning of commercial and residential is appropriate. He asked that the Planning Commission support this application and the neighbors.

Citizen Rebuttal – There were no citizen rebuttal to this application.

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Staff Rebuttal – Mr. Baillie said the adopted 2018 Comprehensive Plan includes the Placebuilder element, which is meant to allow for the Goals, Objectives and Policies to be reflected in the application of a zone change. He said that in this case, the applicant neglected to do such an analysis and provide evidence for agreement with the Comprehensive Plan. He said that many of the applicant's and the resident's discussions are for better connectivity, better and safe access to businesses and to residential, clear distinction between commercial areas and residential areas. He said that all of these are outlined within the Comprehensive Plan, which the applicant chose not make any of those statements. He said that the applicant applied the Corridor Place-Type across the entirety of the site. He said that one of the residents stated that "this is not a corridor, this is our home." Staff agrees and the applicant didn't make any argument but a corridor until today. The staff reviewed this application, provided comment and then a recommendation based off the applicant's information that was provided. He said that prior to today the applicant had not made a recommendation for an enhanced neighborhood and low-density residential development, even though it was discussed at the pre-application meeting, which was August 2021.

Mr. Baillie said that the applicant had a real estate specialist that mentioned medical facilities and other types of facilities what would be rentable, and produce value along the Harrodsburg Road corridor. These are aspects that the staff and the applicant had discussed many times, and which the applicant stated was not applicable on this site.

Mr. Baillie said that the contextual review of this development. Development criteria A-DS4-2, which recommends that new construction should be context of a neighborhood. The recommendation for a single-family into the townhouse development and then into slightly more intense commercial zoning, is called for in the Comprehensive Plan and was a recommendation by the staff.

Mr. Baillie said that in regards to the statements of high-density residential, that recommendation has never been part of this application. From the time of the pre-application meeting, the applicant indicated that their goal for this area was not to provide high-density residential. The applicant applied Corridor Place-Type and the Medium Density Non-Residential / Mixed Use Development Type, which is not being applied to the B-3 zone in this application. He said that the applicant's findings presented today, didn't provide any conditional zoning restrictions for the property, which would was a necessary element for the Planning Commission approval of the adjacent B-3 zone change. He added that the applicant hasn't provided substantial evidence that the B-3 zone is the most appropriate zone for this location. The B-1 zone is a recommended zone in the Comprehensive Plan and an allowable zone for all of the proposed uses seen here today. The B-1 zone's intent in the Zoning Ordinance is to provide greater connectivity with the neighborhood. The B-3 zone is specifically focused on highway services. He said that the staff is supportive of the enhanced neighborhood and the transition from a neighborhood to a commercial complex. He said that the staff still has concerns with the B-3 zoning on the front portion of the property and for not meeting or being in agreement with the Comprehensive Plan, specifically the items outlined in the staff report and the findings that have presented for disapproval. Some of these items are direct pedestrian linkages to some of the buildings, bike and pedestrian safety, the amount of trees along street frontages, which are all elements that the neighborhood representatives discussed, but are not represented in this application. He said that the staff is continuing their recommendation of disapproval based off the information that was found in the applicant's application.

Ms. Wade thanked Mr. Simpson for forwarding his findings of facts to Ms. Jones, which have also been shared with the Planning Commission. She said in regards to Mr. Simpson's comment about notice to the citizens, notice is required for a zone change is to property owners within 500 feet from the subject property, whereas KRS requires that only adjacent parcel need to be notified. She said that Fayette County goes above and beyond in terms of what the state requires for this process. She added that neighborhood associations are also notified.

Mr. Martin clarified that when the staff reviews a development plan, it is as if the zoning were already in place. He said that this development doesn't meet the Zoning Ordinance nor the Land Subdivision Regulations in terms of access and connectivity. He added that the proposed access will require the Planning Commission to grant relief from those regulations. He added that access spacing have standards that are clearly stated and required. He said that connectivity respects everyone's needs, the residents and the vehicles traveling on Harrodsburg Road. He added that cut-through traffic will never disappear, it is only going to increase, because it increases with growth. He said that Mr. Simpson answered Mr. Bell's question about increased traffic on the country roads, that growth will create more pressure on those roads, as well as on local streets.

Commission Questions – Ms. Worth said that Mr. Baillie stated the B-1 zone may be a more appropriate zoning for this area and if this was zoned as B-1, would it address some of the issues presented today. She then asked that is the applicant decided to apply for the B-1 zone, would they need to withdraw the current application or an amendment could done to this application. Mr. Baillie said that there would need to be a postponement by the applicant and an amendment regarding the B-1 zone, which is a recommended zone for the Corridor Place-Type. However, it would necessitate a change from applicant's proposed development, because of setback requirements and the interactions of the buildings and the street.

Ms. Meyer said that Mr. Baillie's rebuttal spoke to many issues that need to be addressed before an approval can be reached on this zone change.

Mr. Michler said that he appreciated all of the citizen's presentations at this hearing and coming to speak. He also appreciated their concern regarding the cut-through traffic. He then said that the Planning Commission is charged with keeping local neighborhood traffic off of the arterial roadways. If an access to the neighborhood isn't required, then all of the local vehicular traffic will be forced onto Man O War Boulevard and Harrodsburg Road. He said that even with the bicycle and pedestrian access, there will still be neighbors that chose to drive to these amenities in this development. He believes that it's important to connect our neighborhoods to our retail and shopping.

Mr. Penn said that a lot of time could have been saved today if the applicant had worked with the staff after the Technical Committee, Subdivision Committee and Zoning Committee meetings. Many of the issues and concerns, such as Placebuilder, if the proposed zone is appropriate zone, and connectivity, should have been worked ahead of this hearing. He then said that that he appreciated Mr. Simpson's work with neighborhood, but he doesn't appreciate the setting of "if you don't agree to this proposal, you're going to get this." He said that he is unsure if the B-3 zone or the B-1 zone should be at this location. He also doesn't believe that the applicant gave the Placebuilder criteria much consideration, which is a major element of the Comprehensive Plan. Sending that criteria to the staff an hour prior to the meeting isn't appropriate and doesn't give the staff appropriate time to review it and to prepare an additional staff report prior to this hearing.

Mr. Nicol said that he agrees with Mr. Penn's comment. He believes that the non-residential portion, located in the front of the subject property is being overlooked and that there is a great need for retail along this corridor. He said that the development would be more acceptable if the development criteria had been more embraced by the applicant, and the access on Harrodsburg Road were better addressed. He said that after spending hours of listening to how much the citizens don't want apartments and would prefer 24 single-family residences, which is only a portion of the overall development plan and also only a portion of the overall zone change process, he wishes that the applicant had spent more time on the process before presenting to the Planning Commission. This would have allowed for a decision to move forward and a consensus to be reached more easily, with the neighbors consideration and their considerations.

Ms. Meyer asked if this discussion is continued with no action on the zone change what would be the next step for this zone change. Ms. Wade said that the generally the Planning Commission has 90 days to consider an application. However, this zone change was filed in September and the Planning Commission's 90 days have expired. She said to ask the Law Department if the applicant's submittal of the supplemental justification will extend that time frame. Also, if the applicant agrees to continuing this zone change to another date would allow for greater review. Mr. Jones said that this application was filed under the emergency order by the Governor of Kentucky at the time of the pandemic. The staff has moved this application as if it were a normal application, but a continuation would be permitted because of that order. In regards to this afternoon's submittal of the justification, she said that decision is to be made by the Planning Commission.

Mr. Bell asked the applicant if they would like to continue this zone change application. Mr. Simpson said that they didn't intimidate the citizens into believing that if they accept this proposal that high-density apartments would be constructed at this site. He presented a case today that the staff had never once rebutted that the existing zone was inappropriate for this property, nor that the proposed zone was appropriate. Therefore, he believes that this application is undisputed in terms of being justified for approval. In regards to whether a B-1 zone or B-3 zone would be more appropriate for this site, that would just add more time to this discussion. He added that the staff prefers higher density than what the neighbors are willing accept and also what the developer has promised them. He is asking for the Planning Commission's approval based on the case that the existing zoning is inappropriate and the commercial need and residential need on this property. He reiterated that the development plan is only a preliminary development plan and still requires much more work. He said that the access issues will be further discussed at a later date. Today's hearing is for the land use and zoning.

Mr. Nicol said that the Planning Commission's frustration is the fact that there isn't a conclusion with the staff. He said that the connectivity was not addressed as necessary. He then asked the applicant why they proposed the B-3 zone and not the B-1 zone, which is the portion that is unresolved with the staff. Mr. Simpson said that they didn't resolve the front portion of the property with the staff is because they didn't propose a high-density development. He added that there isn't a market for vertical commercial and that the density comes with the variety of uses that are allowed in the B-3 zone, which are all neighborhood related. He said that the Fountains of Palomar and a portion of Beaumont Centre is zoned as B-3 zoning, therefore it is currently on this corridor. Mr. Nicol said that there hasn't been a request made today for more dense non-residential.

Mr. Bell asked for the staff's comments. Mr. Baillie said that the B-1 zone is more flexible and focused on those uses that associated with neighborhoods. The B-1 zone allows for similar type uses, but are focused on neighborhood orientation. He said that in association with Mr. Simpson's density statement, the staff is only responding to the development type that was applied for with this application, which is the Medium Density Non-Residential / Mixed Use Development Type and is described in the Comprehensive Plan. Staff has also described the elements of a corridor development. In regards to what the applicant is proposing, and proper transition into neighborhoods, he said that the rear portion of this application is more neighborhood oriented, which the staff agrees with. However, with the front portion, the staff is seeking either an agreement with the Comprehensive Plan or a justification that shows agreement with the Comprehensive Plan through the Development Criteria. He said that the Development Criteria has elements that get to the best type of development for neighborhoods and for the users of

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

these properties. He said that it is problematic for Mr. Simpson to state that the staff hasn't rebutted anything to the B-3 zone, whereas the staff report, in its entirety has identified why the B-3 zone is not appropriate as being proposed.

Mr. Simpson said that he disagrees with Mr. Baillie because he has told Mr. Simpson many times that this proposal isn't dense enough, and that the floor area ratio (FAR) is the lowest on this corridor. He reiterated that the staff has always asked for more density than what they want to provide to these neighbors. He said that Mr. Baillie is confused as to how a zone change gets approved. It isn't only the Comprehensive Plan and its development criteria. Under the law, it says that if the existing zoning is inappropriate and the proposed zoning is appropriate and there isn't any rebuttal, they are entitled to get approval.

Mr. Baillie asked the Chair if he could respond to one element of Mr. Simpson's comment. Mr. Baillie clarified that he is a staff member and the representative of staff for zone change application. He stated that he doesn't make recommendations, but relays the information described within the Comprehensive Plan and the specific application. He said that what he presented today, was the knowledge of the whole staff, which includes more than thirty individuals, backed by the recommendations of the Comprehensive Plan. These recommendations presented today are those found in the Comprehensive Plan, as adopted by this Planning Commission in 2018.

Mr. Michler said that the applicant didn't ask for the Planning Commission to continue this hearing to another day and agrees with Mr. Nicol that it could have been close to an approval.

Zoning Action – A motion was made by Mr. Michler, seconded by Mr. Penn, to disapprove PLN-MAR-21-00016: HARRODS-BURG ROAD LLC, for the reasons provided by the staff.

Commission Discussion – Mr. Penn said that this isn't a court of law and the Planning Commission is dependent upon their legal department and the staff to guide them. He added that there are means to work this out, without having these types of debates within the Planning Commission for such a long period of time. He said that he feels he has been forced into this issue and it's now time to make a decision.

Mr. Bell said that there was a large number of citizens present today and he believes that they may be confused at this point, which is unfortunate. He added that this system does work and we're in the process of doing that. He said that he believes that every commissioner present heard the citizens today. He added that the Planning Commission attempted to provide a platform of compromise here and that he supports Mr. Penn's and Mr. Michler's motion.

Ms. Worth clarified that the Planning Commission is agreeing that they heard the neighbors and going forward, if a new proposal for this property were to be submitted, their comments will be continued to be taken into consideration about the future of their neighborhood.

Vote - 8-0 (Barksdale, Forester, and Pohl absent).

Development Plan Action – A motion was made by Mr. Penn, seconded by Ms. Worth, and carried 8-0 (Barksdale, Forester, and Pohl absent) to postpone indefinitely PLN-MJDP-21-00055: SHRINERS HOSPITAL / MASONIC TEMPLE ASSOCIATION OF LEXINGTON KENTUCKY.

