

ORDINANCE NO. 097 - 2023

AN ORDINANCE CHANGING THE ZONE FROM A PROFESSIONAL OFFICE (P-1) ZONE TO A COMMERCIAL CENTER (B-6P) ZONE, FOR 1.04 NET (1.04 GROSS) ACRES, FOR PROPERTY LOCATED AT 2717 FLORA FINA STREET (A PORTION OF). (FLORA INVESTMENTS, LLC (AMD); COUNCIL DISTRICT 6).

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WHEREAS, at a Public Hearing held on July 27, 2023, a petition for a zoning ordinance map amendment for property located at 2717 Flora Fina Street from a Professional Office (P-1) zone to a Commercial Center (B-6P) zone, for 1.04 net (1.04 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change by a vote of 10-0; and

WHEREAS, the Urban County Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for property located at 2717 Flora Fina Street from a Professional Office (P-1) zone to a Commercial Center (B-6P) zone, for 1.04 net (1.04 gross) acres, being more fully described in Exhibit “A” which is attached hereto and incorporated herein by reference.

Section 2 – That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

Section 3 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: September 14, 2023



MAYOR

ATTEST:



CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: September 21, 2023-1t

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Rec'd by \_\_\_\_\_

Date: \_\_\_\_\_

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

**IN RE:** **PLN-MAR-21-00018: FLORA INVESTMENTS, LLC (AMD)** - an amended petition for a zone map amendment from a Professional Office (P-1) zone to a Commercial Center (B-6P) Zone, for 1.04 net (1.04 gross) acres, for property located at 2717 Flora Fina Street (a portion of). (Council District 6)

Having considered the above matter on **July 27, 2023**, at a Public Hearing, and having voted **10-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL** of this matter for the following reasons:

1. The proposed Commercial Center (B-6P) zone is in agreement with the 2018 Comprehensive Plan's Goals, Objectives, and Policies, for the following reasons:
  - a. The proposed development supports infill opportunities (Theme A, Goal #2) by developing a vacant tract within an existing development.
  - b. The project will respect the context & design features of areas surrounding development projects by maintaining compatibility with height and density found in the adjoining office park (Theme A, Goal #2.b).
  - c. By configuring the parking areas to the side and rear, and implementing outdoor dining and seating, the proposed development provides adequate greenspace and open space to serve the needs of the intended population (Theme A, Goal #2.c).
  - d. The proposed development will create entertainment and other quality of life opportunities that attract young, and culturally diverse professionals, and a work force of all ages and talents to Lexington (Theme C, Goal #2.d).
  - e. The proposal creates more meaningful and direct pedestrian and multi-modal connections, which contributes to an effective and comprehensive transportation system in this area (Theme D, Goal #1.c).
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
  - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location, as the proposal activates the Flora Fina Street frontage, connects to the existing pedestrian network, and locates parking to the side and rear of the development.
  - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity, as the revised proposal simplifies the site's vehicular circulation, and provides for safer and more direct pedestrian connections both within the site and throughout the larger Hamburg development.
  - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as the proposed design works with the existing landscape, and does not impact any environmentally sensitive areas.
3. This recommendation is made subject to approval and certification of **PLN-MJDP-21-00060: HAMBURG PLACE FARM SIR BARTON WAY OFFICE PARK, LOT M)(AMD)**, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

ATTEST: This 18<sup>th</sup> day of August, 2023.

  
Secretary, Jim Duncan

LARRY FORESTER  
CHAIR

K.R.S. 100.211(7) requires that the Council take action on this request by October 25, 2023.

Note: The corollary development plan, PLN-MJDP-21-00060: HAMBURG PLACE FARM SIR BARTON WAY OFFICE PARK, LOT M) (AMD), was approved by the Planning Commission on July 27, 2023 and certified on August 10, 2023.

Note: A conditional use was approved by the Planning Commission for a parking lot in the P-1 zone on July 27, 2023.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Matt Carter, Engineer.**

**OBJECTORS**

- Elizabeth Weiner, 3340 Peachtree Road, Atlanta, GA representing Hamburg Place Mall.
- Kristina Keith, attorney representing Longship Logistics.

**OBJECTIONS**

- Concerned about the connectivity with the other properties.
- Concerned about the change and the character of the office park, and impacts on the adjoining property to the south.

**VOTES WERE AS FOLLOWS:**

AYES:	(10)	Bell, Barksdale, Davis, Wilson, Forester, Nicol, Meyer, Pohl, Owens, and Worth
NAYS:	(0)	
ABSENT:	(1)	Michler
ABSTAINED:	(0)	
DISQUALIFIED:	(0)	

Motion for **APPROVAL** of **PLN-MAR-21-00018** carried.

Enclosures:

- Amended Application
- Justification
- Legal Description
- Plat
- Development Snapshot
- Staff Reports
- Applicable excerpts of minutes of above meeting

**MAP AMENDMENT REQUEST (MAR) APPLICATION****1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)**

<b>Applicant:</b> FLORA INVESTMENTS LLC, 2413 OGDEN WAY, LEXINGTON, KY 40509
<b>Owner(s):</b> FLORA INVESTMENTS LLC, 2413 OGDEN WAY, LEXINGTON, KY 40509
<b>Attorney:</b>

**2. ADDRESS OF APPLICANT'S PROPERTY**

2717 FLORA FINA ST (A PORTION OF), LEXINGTON, KY 40509

**3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY**

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
P-1	VACANT	B-6P	COMMERCIAL	1.035	1.035

**4. COMPREHENSIVE PLAN**

a. Utilizing Placebuilder, what Place-Type is proposed for the subject site?	REGIONAL CENTER
b. Utilizing Placebuilder, what Development Type is proposed for the subject site? If residential, provide the proposed density	MEDIUM DENSITY NON-RESIDENTIAL / MIXED-USE

**5. EXISTING CONDITIONS**

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
b. Have any such dwelling units been present on the subject property in the past 12 months?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
c. Are these units currently occupied by households earning under 40% of the median income? If yes, how many units? If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing.	<input type="checkbox"/> YES <input type="checkbox"/> NO

**6. URBAN SERVICES STATUS (Indicate whether existing, or how to be provided)**

Roads:	Private
Storm Sewers:	LFUCG
Sanity Sewers:	LFUCG
Refuse Collection:	LFUCG
Utilities:	<input checked="" type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas <input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable





128 E Reynolds Rd, Suite 150  
Lexington, KY 40517  
Ph: 859-559-0516

May 4, 2023

Lexington-Fayette Urban Co. Planning Commission  
200 East Main Street, Suite 700  
Lexington, KY 40507

RE: MAR-21-00018, 2717 Flora Fina Street Zoning & Conditional Use request

On behalf of Flora Investments LLC, we would like submit a rezoning application approximately 1.035 acres from a Professional Office (P-1) zone to a Commercial Center (B-6p) zone to construct a small-tenant shopping and professional office development on the property. A portion, approximately half of the property will remain (P-1) zone and as a requested conditional use serve to support open space, landscaping and parking for the proposed B-6p building development. We submit that this proposal is in accord with the adopted Imagine Lexington 2018 Comprehensive Plan and request approval of the zoning request.

The subject property has been vacant and undeveloped since a May 2003 Sir Barton Office Park zone change from agricultural to a professional office project (P-1) zone. To the south of the site, there is a B-6p development – Burlington Clothing store. To the east contains the larger regional shopping center properties (Hamburg Pavilion) and Regal Movie theatres, to the north is Old Rosebud Road professional office developments (3-story buildings with office units) and Longship truck logistics office. To the west, across Sir Barton Way are higher density residential, apartment homes at two (2) locations on approximately 28 acres. The site is within the Hamburg Place regional multi-zone land use.

Our belief is that the planned development is appropriate for this site and fits within the retail and office development fabric to spur more pedestrian movement and interconnectivity at Hamburg Place. A few areas in Hamburg Pavilion and Sir Barton Office Park have pavement but does not have defined areas for pedestrian movement in terms of sidewalks and pavement marking. The proposed site plan will allow for better movement between Star Shoot Parkway and Old Rosebud Road and deflects from the straight line walled area of the Regal IMAX and 16-screen multi-plex that parallels this site.

This proposal meets many Comprehensive Plan goals and objectives further conforms with the relevant Placebuilder items.

**Theme A, Growing Successful Neighborhoods**

Goal 2: Support Infill & Redevelopment Throughout The Urban Service Area as a Strategic Component Of Growth.

Objective a. Identify areas of opportunity for infill, redevelopment, adaptive reuse, and mixed-use development.

Objective b. Respect the context & design features of areas surrounding development projects and develop design standards and guidelines to ensure compatibility with existing urban form

**Theme C, Creating Jobs and Prosperity**

Goal 1: Support & Showcase Local Assets to Further The Creation of a Variety Of Jobs.

Objective a. Strengthen efforts to develop a variety of job opportunities that lead to prosperity for all.

The Applicant's project will create jobs and provide a job opportunity within a short walking distance to residential communities and within the Hamburg Place transit route. The Applicant acknowledges that a service-related job with this project will develop job opportunities for those with less education, "allowing upward mobility for lower income residents" (Theme C, Diversity Policy 2).

Objective d. Provide entertainment and other quality of life opportunities that attract young, and culturally diverse professionals, and a work force of all ages and talents to Lexington.

A restaurant is planned with the small shopping area tenant and this could be a local connected spot for the nearby residential community and abundant Lexington college student population.

**Theme D, Improving a Desirable Community**

**Goal 1: Work to Achieve an Effective and Comprehensive Transportation System**

Objective c: Concentrate efforts to enhance mass transit along our corridors in order to facilitate better service for our growing population, as well as efficiencies in our transit system.

The existing Lextran Hamburg Place Route 10 runs northbound along Sir Barton Way and bus shelter is at the 2352 / 2376 Sir Barton Way property line and within a few hundred feet of the subject property along mainly existing sidewalks on Flora Fina Street. Future sidewalks with the planned development can help link Star Shoot Parkway to Old Rosebud Road for a better walkable path, connection for professional office tenants to the Hamburg Pavilion retail area.

Attached to this document is a color-coded reflection that addresses the design criteria listed in the corresponding Placebuilder category. Items highlighted in green are represented graphically on the preliminary development plan, items in yellow are addressed in this letter, and items highlighted in orange we do not believe are applicable to the planned development.

**Standards That Are Applicable**  
**SITE DESIGN, BUILDING FORM, & LOCATION**

A-DS4-2 The new construction should be set at an appropriate scale and respect the context of neighboring retail and professional office structures and fit within the context with Imagine Lexington regional center policies and Placebuilder priorities. Planned site will have a 250 foot setback from the four lane boulevard, collector street Sir Barton Way. A small retail and professional office multi-tenant two (2) story building helps step down, transition from the Regal cinemas building to the existing medium density residential communities along Sir Barton Way.

A-DS5-3 Building orientation toward Sir Barton Way and Flora Fina Street should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere. The area between Star Shoot Parkway and Old Rosebud Road has lacked an inviting walkable path between the established Hamburg Pavilion and professional office buildings. A new retail building at 2717 Flora Fina Street could provide a needed boost and connection.

A-DS5-4 Development should provide a pedestrian-oriented and activated ground level. A planned restaurant with seasonal outdoor patio can engage the public and shops will be at a pedestrian rather than vehicle scale. The site helps incorporate walkable commercial and professional office uses for the Star Shoot Parkway, Old Rosebud Road and Sir Barton Way collector streets.

A-DS7-1 Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.

A-DS7-2 The property is adjacent to a few asphalt parking areas and includes previous required landscape screening, trees. A two (2) story building will be built according to Hamburg Place design guidelines and be compatible to adjacent land uses. This criteria is also represented graphically on our preliminary development plan.

C-L17-1 Development aids safe access within the Hamburg Place mixed-use neighborhood with connections to employment, businesses, shopping and entertainment.

C-PS10-3 New development overparking is avoided for the planned site and considers the Zoning Regulations Articles 8, 12, 16, 18 and 20 on land use compatibility with landscaping, open space and parking. If additional parking is needed in the future, adjacent professional office parking spaces could be sought in terms of a shared use agreement.

D-PL7-1 On behalf of the Applicant and our Client, the adjacent property owners stakeholders are being notified individually by mail, phone, e-mail and through a future Zoom meeting. Stakeholders / adjacent property owners within the 500 foot notification radius have been identified and questions / answers opportunities will be continued in virtual meetings and / or phone conversations. The closest residential area is on the west side of Sir Barton Way Road with larger scale residential housing – Hamburg Farms (155 townhome / condominiums and 213 apartments) and the Retreat at Hamburg Place (150 apartments).

E-GR9-4 Planned retail development site takes an underutilized two (2) acre property that has been zoned professional office (P-1) since May 2003 and transforms the space into a small multi-tenant building and serve a smaller scale retail with a restaurant and professional office space. The planned commercial continues the Hamburg Pavilion lifestyle shops, main street theme on 10.35 acres between Star Shoot Parkway and Vendor Way constructed in the early 2000's.

E-GR10-2 The planned development should provide walkable service from the residential apartment communities, adjacent professional office buildings and existing commercial uses.

## **TRANSPORTATION & PEDESTRIAN CONNECTIVITY**

A-DS1-1 Lextran Hamburg Place Route 10 bus shelter on Sir Barton Way is established and with a 525 foot walking distance to the 2717 Flora Fina subject property.

A-DS1-2 A direct link on Flora Fina Street existing and future sidewalk to Lextran Route 10 bus shelter will be provided.

A-DS5-1 City of Lexington government staff including Planning, Bike-Pedestrian Planner, Traffic Engineering and the Area MPO Transportation Planners will be consulted on multimodal infrastructure improvements and how to better reach all users.

D-CO1-1 Site design should include multimodal facilities that reflect and promote the commercial center. Lexington government expertise will be relied in this area to expand and improve how more than vehicle transportation can be accommodated.

D-CO2-1 Building entry and exit points and parking connections will comply with ADA and Kentucky building code to ensure safe facilities for all users and transportation modes.

D-CO2-2 Entry ramps and handicap parking spaces will work within the ADA requirements to accommodate those with disabilities. Paths within and outside the building should consider wheelchair, scooters and other forms of transportation.

## **GREENSPACE & ENVIRONMENTAL HEALTH**

B-PR7-2 The Applicant is incorporating trees on the site; provided, this is a new development / infill project with Hamburg Place. A proposed new building with smaller retail and professional office tenants that fit within the B-6p zone. This criteria is also represented graphically on our preliminary development plan.

B-PR7-3 The Applicant is improving tree canopy on the site. This criteria is also represented graphically on our preliminary development plan.

B-RE1-1 The project is incorporating street trees. This criteria is also represented graphically on our preliminary development plan.



## **Standards Not Applicable**

### **SITE DESIGN, BUILDING FORM, & LOCATION**

A-DS7-3 Parking structure is not proposed with this development plan.

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. Housing is not proposed.

A-DS10-1 Residential land use is not a part of our preliminary development plan.

A-DS11-1 Common public uses that serve as neighborhood focal points, such as parks and schools, should be on single loaded streets. A park / school is not proposed.

D-DN1-1 High density residential development (HR) is not proposed on development plan.

A-DN2-1 Infill residential should aim to increase density. Residential is not planned on site.

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) No proposed residential units for the site.

A-DN3-2 Development should incorporate residential units in commercial centers with context sensitive design. The two (2) acre project does not include residential at the preliminary stages of a zoning request and has been considered by the owner / applicant.

A-EQ3-1 Development should create context sensitive transitions between intense corridor development and existing neighborhoods. Boulevard 4-lane street Sir Barton Way with grass median separates commercial center, professional office zones from residential communities.

A-EQ7-1 There are no proposed schools for the site.

B-PR9-1 There are no environmentally sensitive areas on the site.

B-SU11-1 Preliminary plan at this time, green infrastructure conversation is needed.

C-DI1-1 The site development hasn't considered flexible zoning options at this stage.

C-DI5-1 In Opportunity Zones with a clearly defined local context, consider adaptive reuse to enhance the existing context. Subject property does not qualify as an opportunity zone.

C-LI2-2 There are no known potential or existing gateways on the site.

C-LI2-3 There are no known potential or existing gateways on the site.

C-LI2-4 There are no historic turnpikes, scenic byways, turnpikes, and other scenic roads adjacent to the site.

C-L16-1 Developments should incorporate multi-family housing and walkable commercial uses into development along arterials/corridors. Site does not include housing at this time.

C-PS9-2 No current office space on the site.

C-PS10-2 If needed in the future, shared and flexible parking option will be considered.

D-PL9-1 No historical structures are on the site.

D-PL10-1 The area may not qualify as a prominent location for public art easement.

D-SP3-1 Adequate easements for infrastructure exist in Hamburg Place.

D-SP3-2 There are no proposed cellular tower antennae on the site.

D-SP9-1 There are no proposed housing units on the site.

E-GR4-1 No structures are being removed from the site.

E-GR5-1 No structures are being removed from the site.

E-GR9-1 Planned site does not include residential components.

E-GR10-3 The Applicant is not proposing any common space for the building.

## TRANSPORTATION & PEDESTRIAN CONNECTIVITY

- A-DS5-2 Flora Fina is not a new roadway / access easement, this may prove a vertical edge with the project building and landscaping, trees added with project.
- A-DS10-2 This is a new development and may provide multimodal focal points, further discussion is needed at a future final development plan stage.
- A-DS13-1 There are no stub streets at the property.
- A-EQ3-2 The development is not considered on a corridor and within a regional center.
- A-EQ7-2 No healthcare or social services facilities are proposed for the site at this time.
- B-SU4-1 A passive greenway / floodplain is located on the west side of Sir Barton Way and adjacent to the Retreat at Hamburg Place Apartments, within walking distance to the site.
- C-PS10-1 Shared and flexible parking option could be considered at a future time.
- D-CO4-2 No new roadways are proposed, capacity on existing roadways.
- D-CO4-3 Street pattern and design should consider site topography and minimize grading where possible. Building entries and site grading will be further analyzed.
- D-CO5-1 No new streets are proposed for this site, traffic calming will be considered.
- D-SP1-3 There are no proposed schools for the site, existing sidewalks in the area.
- E-ST3-1 Proposed development is not on a major corridor for park and ride options.

## GREENSPACE & ENVIRONMENTAL HEALTH

- A-DS4-3 The site is a vacant, un-developed property with unremarkable natural features.
- A-EQ7-3 The parking area proposed could serve as a future popup community open space.
- B-PR2-1 There are no environmentally sensitive areas on the site.
- B-PR2-2 No portion of the site is in a floodplain.
- B-PR2-3 No portion of the site is in a floodplain.
- B-PR7-1 No portion of the site has a greenway, tree stand, or stream corridors.
- B-RE2-1 Unsure how green infrastructure could connect to the greenspace network.
- D-SP2-1 There are no school sites.
- D-SP2-2 There are no school sites.
- E-GR3-1 Existing sidewalks along the roadways could lead to safe pedestrian crossings at Star Shoot Parkway and Old Rosebud Road signalized intersections to the greenway west of Sir Barton Way and within the West Wind neighborhood.
- E-GR3-2 There are no unique geographic features on the site.

### **Proposed Conditional Use**

A portion of the 2717 Flora Fina Street portion will remain professional office (P-1) and we would like to submit a Zoning Regulations conditional use permit request relating to Section 8-15 (d) (2) to allow a parking lot in the remnant (P-1) zoned property to serve the planned two (2) story commercial and office building.

Granting the conditional use will not adversely impact public health, safety and welfare. The general P-1 zoned character will be maintained with adjoining properties and allows a reasonable use of property that has been undeveloped since 2003. Shared retail and office parking will be screened appropriately and within the Zoning Regulations requirements. Strict application of the Zoning Regulations would deprive the owner / applicant reasonable use of land and create an unnecessary hardship.

The zoning amendment and conditional use request provides a development opportunity with mixed land use and increased density as intended in the Zoning Ordinance Text Amendment (ZOTA) 2017-8 / Ordinance-005-2018. This planned development encourages walkability through pedestrian connections and accessible transit facilities (Lextran Route 10 bus shelter) is available on Sir Barton Way approximately 500 feet from the subject property. The proposed land use should assist in creating a variety of employment and supports the Imagine Lexington Comprehensive Plan.

Thank you on the consideration, we appreciate the review -

Vision Engineering

MSM/SMM/MBC/JAH

# FLORA INVESTMENTS, LLC PLN-MAR-21-00018 (AMD)

2717 FLORA FINA STREET (A PORTION OF)

Rezoning the property to allow for the construction of a commercial development.

## Applicant/Owner

FLORA INVESTMENTS, LLC  
2413 Ogden Way  
Lexington, KY 40509  
mcarter@visionengr.com



## Application Details

### Acresage:

1.035 net (1.035 gross) acres

### Current Zoning:

Professional Office (P-1) Zone

### Proposed Zoning:

Commercial Center (B-6P) Zone

### Place-type / Development Type:

Regional Center

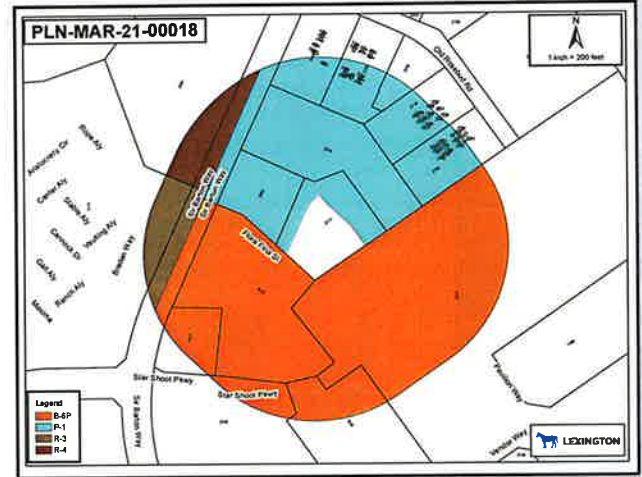
Medium Density Non-Residential / Mixed Use

For more information about the Regional Center Place-Type see *Imagine Lexington* pages 291-292. For more information about the Medium Density Non-Residential / Mixed Use Development Type see page 272.

### Description:

The applicant is seeking to rezone the property to construct a commercial development. The proposed development is comprised of a two-story 22,500 square-foot structure, with restaurant and office space.

The applicant is also seeking a conditional use permit in order to construct 59 additional parking spaces within the remaining portion of existing Professional Office (P-1) zoning surrounding the proposed development.



## Public Engagement

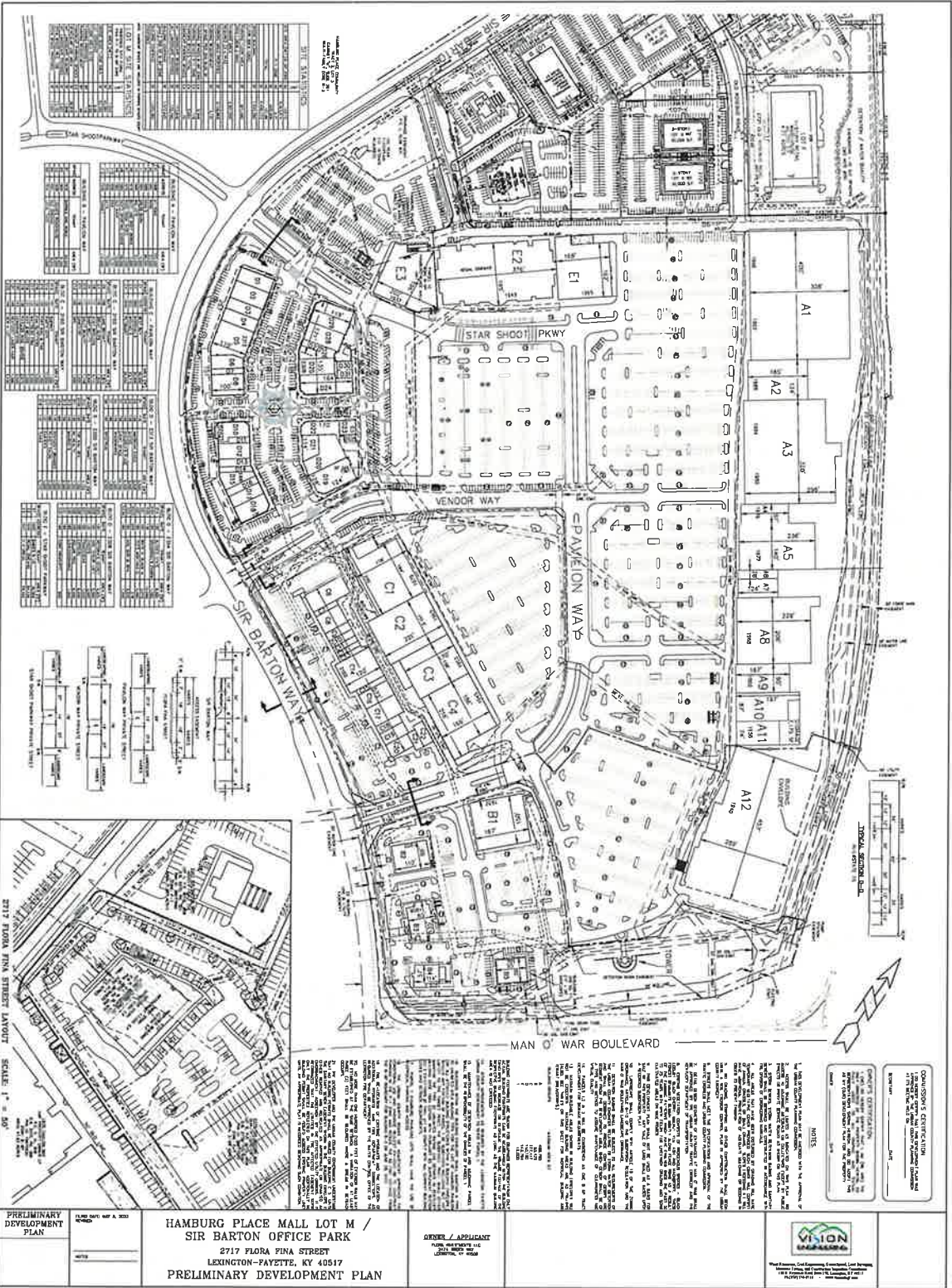
- The letter of justification states that the applicant intends to conduct virtual meetings with property owners within the 500-foot notification area.

## Status

- Public Engagement
- Pre-Application Meeting
- Application Review
- Planning Staff Review
- Technical Review Committee
- Zoning/Subdivision Committee Meetings
- Planning Commission Hearing
- Urban County Council Meeting

DISCLAIMER: Plans are subject to change. Visit the Accela Citizen Portal ([lexingtonky.gov/plans](http://lexingtonky.gov/plans)) or contact Planning for the latest information.

# Development Plan



<p>PRELIMINARY DEVELOPMENT PLAN</p>	<p>2102 0411 001 A 303                  HAMBURG PLACE MALL LOT M /                  SIR BARTON OFFICE PARK                  2717 FLORA PMA STREET                  LEXINGTON-KY 40517                  PRELIMINARY DEVELOPMENT PLAN</p>	<p>OWNER / APPLICANT                  NGTON, INC                  1000 W. MARKET STREET                  LEXINGTON, KY 40502</p>	 <p>VISION ENGINEERS                  1000 W. MARKET STREET                  LEXINGTON, KY 40502                  606-253-1111</p>
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# STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-21-00018: FLORA INVESTMENTS, LLC (AMD)

## DESCRIPTION OF ZONE CHANGE

Zone Change: From a Professional Office (P-1) zone  
To a Commercial Center (B-6P) zone  
Acreage: 1.035 net (1.035 gross) acres  
Location: 2717 Flora Fina Street (a portion of)

## EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	P-1	Vacant
To North	P-1	Medical Office
To East	B-6P	Movie Theater
To South	B-6P	Parking Lot
To West	P-1	Bank



## URBAN SERVICE REPORT

**Roads** - The subject property fronts upon Flora Fina Street, which is a private roadway that extends from Sir Barton Way to an access drive southeast of the subject property. Sir Barton Way is a four-lane divided, major collector street that connects Man O War Boulevard to Winchester Road (US 60). An access easement also extends from Flora Fina Street along the eastern portion of the property, which provides access to the professional office development located to the north.

**Curb/Gutter/Sidewalks** - While much of the area has been developed with curb, gutter and sidewalk facilities, the frontage of the property lacks sidewalk facilities. These facilities will be required to be constructed with the development of the subject property.

**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 property is located in the North Elkhorn Creekwatershed. Stormwater facilities have been constructed throughout the area, including a large stormwater detention basin located to the southwest of the subject property. There are no FEMA Special Flood Hazard Areas or environmentally sensitive areas on the subject property.

**Sanitary Sewers** - The subject property is located in the North Elkhorn sewershed and is served by the West Hickman Wastewater Treatment facility in northern Jessamine County. A sanitary sewer force main serves the Hamburg area. The sanitary sewer system will be extended by the developer as part of the development of this property.

**Refuse** - The Urban County Government serves this portion of the Urban Service Area with refuse collection to individual properties on Tuesdays. Commercial businesses often hire private refuse collection services to replace or supplement Urban County Government collection.

**Police** - The nearest police station is located near Eastland Shopping Center at the Central Sector Roll Call Center, approximately 2½ miles northwest of the subject property, just off Winchester Road.

**Fire/Ambulance** - The nearest fire station (#21) is located about 2¼ miles southwest of the subject property on Mapleleaf Drive, just south of Man O War Boulevard. A new fire station (relocated #17) is planned along Polo Club Boulevard between Winchester Road and Man O War Boulevard. That location is less than one mile north east of the subject property.

**Transit** - LexTran service is available within the area of the subject property. The Hamburg Pavilion Route (#10) has inbound and outbound service less than one-quarter (¼) of a mile from the subject property along Sir Barton Way. The inbound stop is sheltered at this location.

**Parks** - Liberty Park is located approximately one-half (½) of a mile walking distance west of the subject property along Flying Ebony Drive, Star Shoot Parkway and Liberty Road.

## SUMMARY OF REQUEST

The applicant is seeking to rezone a portion of the subject property from a Professional Office (P-1) zone to the Commercial Center (B-6P) zone in an effort to construct a two-story commercial development. In addition, the applicant is seeking a conditional use permit in order to establish a parking lot on the remaining portions of the property not being rezoned with this request.

## PLACE-TYPE

REGIONAL  
CENTER

A regional center is a vibrant hub of commerce, employment, diverse housing opportunities, & entertainment. They include larger buildings with active ground levels, intentional open spaces and plazas, & walkable transportation networks, all to provide the user/resident with a unique experience. A mix of uses is required to cultivate a sustainable center that is adaptable to future conditions and should include higher density residential options. It is often located at major intersections & along primary corridors.

## 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 midrise 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



The intent of the Commercial Center (B-6P) zone is to create centers of activity that promote commerce and retail along major corridors within the community, while supporting existing residential neighborhoods and incorporating new residential opportunities in accordance with the Comprehensive Plan.

The standards contained in this provision are intended to:

- a. Improve the economic base and tax structure of the Lexington metropolitan area by:
  1. Creating a variety of employment, retail, and commerce opportunities, and improving access to these opportunities;
  2. Increasing the supply and mixture of housing types available throughout Lexington, thereby improving overall housing affordability;
  3. Protecting and enhancing the investments of existing B-6P developments by providing redevelopment opportunities that unlock additional potential to better utilize existing zoned land.
- b. Create a sense of place, with experiences and community minded development rather than the over-parked, underutilized suburban model shopping centers of times past by:
  1. Creating strongly defined street edges through orienting buildings to roadways, both internal and external;
  2. Ensuring that intensive operations, such as loading areas, do not adversely impact or effectively



- 3. Reducing the impact of parking on land use consumption and walkability by:
  - i. Encouraging shared parking across complementary professional office and retail uses;
  - ii. Reducing overall parking.
- c. Ensure safe multi-modal transportation options through:
  - 1. Providing walkable developments that function well internally;
  - 2. Creating a well-connected external pedestrian network to adjacent neighborhoods and developments;
  - 3. Providing accessible mass transit facilities that easily connect people to internal destinations;
  - 4. Increasing residential density along major corridors, improving mass transit efficiency;
  - 5. Connecting roadways to provide efficient and direct access for motorists and emergency services.

### PROPOSED USE



The petitioner proposes the rezoning of a portion of the subject property to the Commercial Center (B-6P) zone to allow for the construction of a two-story 22,550 square-foot commercial structure containing first floor restaurant space and second floor office space. The use will be accompanied by 57 on-site parking spaces, and the applicant is seeking a conditional use permit to establish a 59 space parking lot in the Professional Office (P-1) zoned areas around the perimeter of the property.

### APPLICANT & COMMUNITY ENGAGEMENT



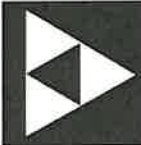
The applicant held a public meeting for comment on the original iteration of the application on November 9, 2021; however, the applicant has not indicated that any further outreach has occurred since the plan was substantially amended and re-filed. The applicant should conduct further outreach to update the surrounding stakeholders on the changes to the content and scope of the request.

### PROPERTY & ZONING HISTORY



The subject property was initially zoned Agricultural District (A-1) until 1969 when it was reclassified to the Agricultural Urban (A-U) zone during the comprehensive rezoning of the city and county. The property was part of a large farm and operated as such until 1997 when the property was rezoned to the Professional Office (P-1) zone and incorporated as part of a professional office park. While a majority of the area has experienced development, the subject property has remained vacant since the 1997 rezoning.

### COMPREHENSIVE PLAN COMPLIANCE



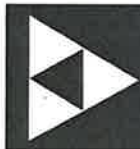
The 2018 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished 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.

The applicant opines that the proposed rezoning for the subject property is in agreement with the 2018 Comprehensive Plan.

#### GOALS & OBJECTIVES

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 grow successful neighborhoods (Theme A) by identifying and utilizing areas of infill (Theme A, Goal #2.a) and creating a development that is compatible with the existing urban form in the area (Theme A, Goal #2.b). The applicant does not provide information as to how this development is compatible with the existing urban form.





The applicant also indicates that the proposed development will create jobs and provide job opportunities within a short walking distance to the nearby apartment communities and within the Hamburg Place transit route. The applicant states that service-related job opportunities are often targeted at those with less education, which can allow upward mobility for lower income residents (Theme C, Goal #1; Theme C, Diversity Policy 2). The applicant stresses that the proposed restaurant and small shopping area will also provide entertainment and other quality of life opportunities that attract young, and culturally diverse professionals, and a work force of all ages and talents to Lexington. The applicant indicates that the development would be a locally connected spot for the nearby residential community and the abundant Lexington college student population.

Finally, the applicant indicates that the proposed project will work to achieve an effective and comprehensive transportation system (Theme D, Goal #1.c). They state that the existing Lextran Hamburg Place Route #10 runs northbound along Sir Barton Way and a bus shelter is located along the frontage of the nearby property at 2352 Sir Barton Way property. They indicate that the stop is within a few hundred feet of the subject property and is connected via frontage sidewalks on Flora Fina Street.

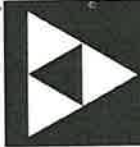
While staff agrees that some of these Goals, Objectives, and Policies can be met with future development of the site, there are other aspects of the Comprehensive Plan which have not been adequately addressed within the applicant's justification. The Comprehensive Plan calls for the integration of adequate greenspace and open space into all development projects, which serve the needs of the intended population (Theme A, Goal #2.b); however, the site does not appear to meet the open space requirements of the B-6P or P-1 zones. Additionally, the applicant is seeking to incorporate the property into the Hamburg Mall B-6P development; however, the site's geographical separation and lack of meaningful connections to the larger mall development make the proposed development incompatible with current urban form (Theme A, Goal #2.b), and the lack of direct pedestrian or multi-modal connections limit the ability to create an effective and comprehensive transportation system in this area (Theme D, Goal #1.c).

#### **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 indicates that the project is located within the Regional Center Place-Type and is a Medium Density Non-Residential / Mixed-Use Development Type. The Regional Center Place-Type is focused on providing a vibrant hub of commerce, employment, diverse housing opportunities, and entertainment. These developments are typically located within or along the edges of neighborhoods and are situated to promote walkability. The proposed development is located at the edge of a large commercial center, the Hamburg Place Mall. To incorporate the site into the established commercial center, the applicant will need to show connections and continuity between the overall Regional Center. Pedestrian connections to the existing development may be difficult to establish at this location, as the property adjoins the rear maintenance and loading areas of the existing B-6P uses, with public access located on the opposite side of the structures. Currently, the applicant is not depicting nor describing the potential integration of the subject property into the established commercial area, and is only demonstrating how the proposed development would integrate with the established professional office park located to the north. As proposed, the applicant has not adequately described how they are located within a Regional Center Place-Type, nor are they depicting a development which would meet the characteristics of the Place-Type.

Additionally, the applicant is seeking to apply the Medium Density Non-Residential / Mixed-Use Development Type. This Development Type is recommended within the Regional Center Place-Type and is meant to be comprised of 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. Finally, these developments may include more employment space for professional office and can include some larger entertainment spaces. The applicant's amended request brings the request closer in line to the Medium Density Non-Residential/ Mixed-Use Development Type by increasing the proposal from one to two stories. However, the structure does not fulfill other aspects of the Development Type that relate to building location and encouraging pedestrian orientation. There is little activation along the Flora Fina Street frontage and the access easement, and pedestrian facilities to access the proposed development and the neighboring commercial development are not adequate to support connectivity.

Finally, the applicant has requested the rezoning of the property to the Commercial Center (B-6P) zone. The intent of this zone is to foster centers of activity that promote commerce and retail along major corridors within the community, while supporting existing residential neighborhoods and incorporating new residential opportunities. The original iteration of the applicant's proposed plan did not meet the required Floor Area Ratio (FAR) of 0.5 in order to incorporate into the existing Hamburg Mall B-6P development. The applicant has since amended the plan to meet the FAR requirements by increasing the size of the building to two stories, as well as dividing the parcel. While the applicant has addressed the FAR issue of the initial application, the request fails to meet key aspects of the intent of the B-6P zone as it lacks intentional open spaces, a walkable transportation network, and meaningful integration into the larger commercial 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 Regional Center 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; A-DS7-1 Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments*

The applicant's proposal includes bays of parking on all sides of the structure, with no activation of the front of the property along Flora Fina Street. The applicant should review opportunities to shift the proposed parking to the rear, and reorient the structure to closer to Flora Fina Street and provide a better pedestrian experience.

*B-SU11-1 Green infrastructure should be implemented in new development, where possible. (E-GR3)*

As the property is primarily open greenspace at this time, the applicant should explore opportunities to retain this existing element for green infrastructure.

*C-PS10-3 Over-parking of new developments should be avoided (B-SU5); C-PS10-2 Developments should explore options for shared and flexible parking arrangements for currently underutilized parking lots.*

The applicant is currently proposing to construct a total of 116 parking spaces to serve the proposed uses. The Hamburg Mall is already significantly overparked, and the subject property is adjacent to several underutilized parking lots to the north and south. The applicant should explore opportunities to reduce the amount of parking proposed on-site and coordinate shared parking agreements with the adjoining lots.



### 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; A-DS10-2 Roadways should provide a vertical edge, such as trees or buildings.*

While the site provides for direct vehicular access between the surrounding uses, 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, and provide greater detail on how the proposed site will incorporate a multi-modal plan. In addition, the applicant should consider shifting the building closer to Flora Fina Street to create a vertical edge.

### 3. Greenspace and Environmental Health

*E-GR3-2: New Focal Points should emphasize geographic features unique to the site.*

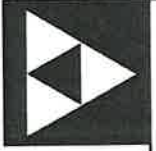
The proposal does not appear to currently meet the open space requirements of Articles 20 of the Zoning Ordinance. In redesigning the site's open space, the applicant should explore utilizing the required open space to create a focal point of usable open space for the site.

## STAFF RECOMMENDS: **POSTPONEMENT**, FOR THE FOLLOWING REASONS:



1. The applicant should describe in greater detail how they meet the Goals, Objectives and Policies specifically those relating to site design, open space, and 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 Regional Center Place-Type, and the Medium Density Non-Residential / Mixed-Use Development Type. The following criteria require further discussion by the applicant:
  - a. A-DS5-3: Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
  - b. A-DS7-1: Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments
  - c. A-DS10-2 Roadways should provide a vertical edge, such as trees or buildings.
  - d. B-SU11-1: Green infrastructure should be implemented in new development. (E-GR3)
  - e. C-PS10-3: Over-parking of new developments should be avoided. (B-SU5)
  - f. C-PS10-2: Developments should explore options for shared and flexible parking arrangements for currently underutilized parking lots.
  - g. 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.
  - h. E-GR3-2: New focal points should emphasize geographic features unique to the site.
3. The applicant should demonstrate compliance with the open space and landscaping requirements of Article 20 of the Zoning Ordinance.

## STAFF REPORT ON CONDITIONAL USE PERMIT REQUEST



In association with the zone change request for the property, the applicant is seeking a conditional use permit within the Professional Office (P-1) zone to operate a parking lot. With any zone change, the Planning Commission shall have the power to hear and decide applications for conditional use permits. These permits are to allow the proper integration into the planning area of uses which are specifically named in this Zoning Ordinance, which may be suitable only in specific locations in the zone only if certain conditions are met and which would not have an adverse influence on existing or future development of the subject property or its surrounding neighborhood.

### ZONING ORDINANCE

Article 6-4(c) states that the Planning Commission may hear and act upon requested conditional uses and variances associated with a zone change. If the Planning Commission should choose to hear a conditional use or variance request, the Planning Commission shall have all of the powers and responsibilities of the Board of Adjustment, as defined in Sections 7-6(a) and 7-6(b) of the Zoning Ordinance. All conditional use and variance applications shall be acted upon by the Planning Commission within ninety (90) days from the date of the application, unless postponed further by the applicant.

Article 8-15(d)(2) states that parking lots are a conditional use in the Professional Office (P-1) zone.

### CASE REVIEW

The applicant is proposing to utilize the 1.073 acre remainder of the subject property that is not being rezoned under this request for use as a parking lot. While parking areas are typically permitted as an accessory use in the P-1 zone, parking areas without another principal use on the parcel require a conditional use permit.

The proposed P-1 parking lot consists of 59 spaces and provides connections to Flora Fina Street and the adjoining Professional Office park to the north. While the parking lot would primarily serve the proposed B-6P zoned restaurant and office space, the applicant is also seeking to allow for cross parking and access with the neighboring office use.

The applicant opines that the parking lot is in keeping with the context of the Hamburg Mall area, and that it will not negatively impact the surrounding area; however, staff has several concerns with the applicant's proposal. First, staff has concerns that the parking lot configuration may result in circulation issues with the neighboring parcel. The proposed parking area is oriented in a different direction than the parking areas on the adjoining site, which may result in vehicular and pedestrian conflicts in the areas where they meet, particularly in the northwest corner of the site.

Additionally, the site does not appear to meet the open space requirements for Article 20 of the Zoning Ordinance. The request provides for areas of both interior and exterior landscaping; however, it does not demonstrate 10% required usable open space and 10% vegetated area requirements. The applicant should demonstrate on the corresponding development plan that all open and vegetated space requirements are being met on both proposed parcels. Accommodating these areas may necessitate a redesign of the proposed parking lot layout.

Finally, staff has concerns regarding the size and scope of impervious areas on-site. The development plan submitted by the applicant shows a total of 116 total parking spaces between the B-6P and P-1 zoned areas provided to accommodate two uses. While there are no longer any minimum parking requirements in the P-1 zone, the site data table on the submitted development plan denotes that the applicant is providing 17 more spaces than were required previously. Hamburg Mall as a whole is already significantly over parked, and surrounding properties appear to also contain more parking than necessary. These large paved surfaces cause increased temperatures and humidity in urban areas, commonly referred to as the urban heat island effect. The applicant should provide greater information on the projected parking demand for the proposed uses, and explore options for reducing the amount of on-site parking in order to provide for greater greenspace and mitigate impacts of the heat island effect.

**STAFF RECOMMENDS: POSTPONEMENT, FOR THE FOLLOWING REASONS:**

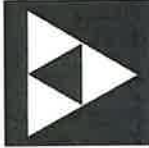


1. The conditional use application should address issues relating to site circulation and safety.
2. The proposed design should demonstrate compliance with the required open space and landscaping requirements.
3. The applicant should provide further justification for the size and scope of the proposed parking areas, and explore options to reduce the number of spaces to decrease the overall amount of impervious surface on-site.
4. Any reconfiguration of the site to address Placebuilder criteria for the rezoning request will substantially change the proposed layout and functionality of the proposed parking lot use.

DAC/TLW  
6/1/2023

Planning Services/Staff Reports/MAR/2021/PLN-MAR-21-00018 FLORA INVESTMENTS LLC(AMD).pdf

# SUPPLEMENTAL STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-21-00018: FLORA INVESTMENTS, LLC (AMD)



## STAFF REVIEW

In the period following the June Subdivision and Zoning Committee meetings, the applicant met with staff to discuss the concerns described within the initial staff report and the comments made during the committee meetings. Since that time, the applicant has submitted updated information including an updated development plan and letter of justification, and has adjusted the requested zoning boundary to create a more conventional shape.

As part of the supplemental information, the applicant provided a new layout of the proposed site. The new design features a building that has been brought as close as possible to Flora Fina Street. In doing so, the parking areas to the south and east of the proposed building have been removed, with areas converted into usable and vegetated open space. The design of the parking areas to the rear of the site has also been updated to provide a more simplified circulation pattern, a decrease in the total amount of parking on-site, and an increase in the amount of landscaping/open space being provided.

## GOALS, OBJECTIVES, & POLICIES

In their revisions, the applicant has addressed several of staff's concerns relating to meeting the Goals, Objectives, and Policies of the 2018 Comprehensive Plan. In response to staff's concerns regarding having adequate greenspace to serve the needs of the population (Theme A, Goal #2.c), the applicant has reconfigured the design of the site and has demonstrated that both the P-1 and B-6P portions of the site meet all open space requirements. The supplemental justification provides further information regarding the design's compatibility with the existing urban form (Theme A, Goal #2.b), detailing how the height and size of the proposed structure are in line with the style of medium-density development present within the adjoining professional office park. Finally, the revised plan creates more meaningful and direct pedestrian and multi-modal connections, which contributes to an effective and comprehensive transportation system in this area (Theme D, Goal #1.c).

## DEVELOPMENT CRITERIA

The revised plan also addresses several of the Development Criteria previously identified by staff.

### 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; A-DS7-1 Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments*

In the revised design, the applicant has shifted the structure closer to the roadway to provide a significantly improved pedestrian experience. The building, outdoor dining and sitting areas, and open space directly adjoin Flora Fina Street. Under the revised plan, parking for the use has been concentrated to the rear of the site, away from the bulk of pedestrian traffic, and adjacent to the professional office parking to the north.

*C-PS10-3 Over-parking of new developments should be avoided (B-SU5); C-PS10-2 Developments should explore options for shared and flexible parking arrangements for currently underutilized parking lots.*

In the revised letter of justification, the applicant indicates that they reached out to adjoining property owners regarding a shared parking agreement; however, the applicant states that their efforts were unsuccessful. Overall, there was a slight reduction in parking spaces from the applicant's initial request, from a total of 116 to 115 spaces. The request also reduces the amount of parking within the B-6P portion of the site, from 56 to 37 spaces.

2. Transportation and Pedestrian Connectivity

*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; A-DS10-2 Roadways should provide a vertical edge, such as trees or buildings.*

The new structure location proposed by the applicant now provides a defined edge along Flora Fina Street, and allows for more direct connections to the Flora Fina pedestrian network and nearby transit routes.

3. Greenspace and Environmental Health

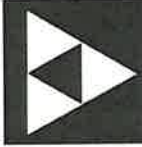
With their supplemental justification, the applicant has demonstrated that the redesigned layout meets both the required usable and vegetated open space requirements for both the P-1 and the B-6P zone. The new design meets the requirements of the Greenspace and Environmental Health criteria, as the proposed design works with the existing landscape, and does not impact any environmentally sensitive areas.

**STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASON:**



1. The proposed Commercial Center (B-6P) zone is in agreement with the 2018 Comprehensive Plan's Goals, Objectives, and Policies, for the following reasons:
  - a. The proposed development supports infill opportunities (Theme A, Goal #2) by developing a vacant tract within an existing development.
  - b. The project will respect the context & design features of areas surrounding development projects by maintaining compatibility with height and density found in the adjoining office park (Theme A, Goal #2.b).
  - c. By configuring the parking areas to the side and rear, and implementing outdoor dining and seating, the proposed development provides adequate greenspace and open space to serve the needs of the intended population (Theme A, Goal #2.c).
  - d. The proposed development will create entertainment and other quality of life opportunities that attract young, and culturally diverse professionals, and a work force of all ages and talents to Lexington (Theme C, Goal #2.d).
  - e. The proposal creates more meaningful and direct pedestrian and multi-modal connections, which contributes to an effective and comprehensive transportation system in this area (Theme D, Goal #1.c).
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
  - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location, as the proposal activates the Flora Fina Street frontage, connects to the existing pedestrian network, and locates parking to the side and rear of the development.
  - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity, as the revised proposal simplifies the site's vehicular circulation, and provides for safer and more direct pedestrian connections both within the site and throughout the larger Hamburg development.
  - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as the proposed design works with the existing landscape, and does not impact any environmentally sensitive areas.
4. This recommendation is made subject to approval and certification of PLN-MJDP-21-00060: HAMBURG PLACE FARM SIR BARTON WAY OFFICE PARK, LOT M)(AMD), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

## SUPPLEMENTAL STAFF REPORT ON CONDITIONAL USE PERMIT REQUEST



### CASE REVIEW

In the period following the June Subdivision and Zoning Committee meetings, the applicant met with staff to discuss the concerns described within the initial staff report relating to the proposed development. Since that time, the applicant has submitted updated information, including an updated development plan and supplemental letter of justification.

The changes in building orientation and proposed zoning boundary line have resulted in some changes to the proposed parking lot within the P-1 zoned portions of the property. By creating a more pedestrian-oriented entrance, a larger portion of parking has been relocated to the rear of the site. This resulted in an increase in the number of spaces within the P-1 parking area, from 59 parking spaces to 78 parking spaces. This increase in scope has resulted in a corresponding increase in the amount of interior landscaping being proposed in the P-1 portion of the site.

The revisions proposed by the applicant address many of staff's initial concerns. With regard to site circulation and safety, the removal of vehicular use area around the southern and eastern portions of the structure has simplified the site circulation for the parking lot, and has reduced the areas of pedestrian conflict. While staff does still have concerns about the visibility at the northwest corner of the site, the revised design as a whole is significantly more safe.

In addition, the applicant's new design demonstrates conformance with the greenspace requirements for both the P-1 and B-6P zoned portions of the property. The applicant indicates that the usable open space requirements will be met with outdoor dining and seating areas around the structure, and that adequate interior landscaping areas are being provided to counteract the increase in the number of parking spaces to the rear.

Finally, the supplemental letter of justification submitted by the applicant indicates that they explored options for cross-parking agreements with neighboring property owners in order to reduce the amount of parking being provided on-site, but were unsuccessful in obtaining a cross-parking agreement. The applicant indicates that adjoining properties were concerned about potential spillover traffic, and that they wished to ensure sufficient capacity to handle both the restaurant and office traffic load on-site.

In review of the applicant's revised submission and the character of the surrounding area, staff finds that the proposed parking lot use is appropriate at this location, and that the facilities available to the property are adequate to serve the site.



**STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASONS:**



1. Granting the requested conditional use permit should not adversely affect the subject property or surrounding properties as the parking lot will be of a sufficient size to accommodate the parking demand for the proposed uses without spilling over into adjacent properties.
2. The parking lot use is consistent with the style and character of the surrounding professional office park.
3. Adequate public facilities will be available in the area to support the proposed parking area.

This recommendation of Approval is made subject to the following conditions:

- a. Provided the Urban County Council approves the requested zone change to the B-3 zone, otherwise the requested conditional use shall be null and void.
- b. The development shall be constructed in accordance with the approved Final Development Plan, or as amended by the Planning Commission.
- c. All necessary permits and approvals shall be obtained from the KY Transportation Cabinet, and Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
- d. Action of the Planning Commission shall be noted on the Development Plan for the subject property.

**COMMISSION'S CERTIFICATION**  
 I DO HEREBY CERTIFY THAT THIS DEVELOPMENT PLAN WAS APPROVED BY THE URBAN COUNTY PLANNING COMMISSION AT ITS MEETING HELD ON \_\_\_\_\_

SECRETARY \_\_\_\_\_ DATE \_\_\_\_\_

**OWNER'S CERTIFICATION**  
 I (WE) DO HEREBY CERTIFY THAT I AM (WE ARE) THE ONLY OWNER(S) OF THE PROPERTY SHOWN HEREON. DO FULLY AWARE OF ALL GRAPHIC AND TEXTUAL REPRESENTATIONS SHOWN HEREON AND DO ADOPT THIS AS MY (OUR) DEVELOPMENT PLAN FOR THE PROPERTY

OWNER \_\_\_\_\_ DATE \_\_\_\_\_

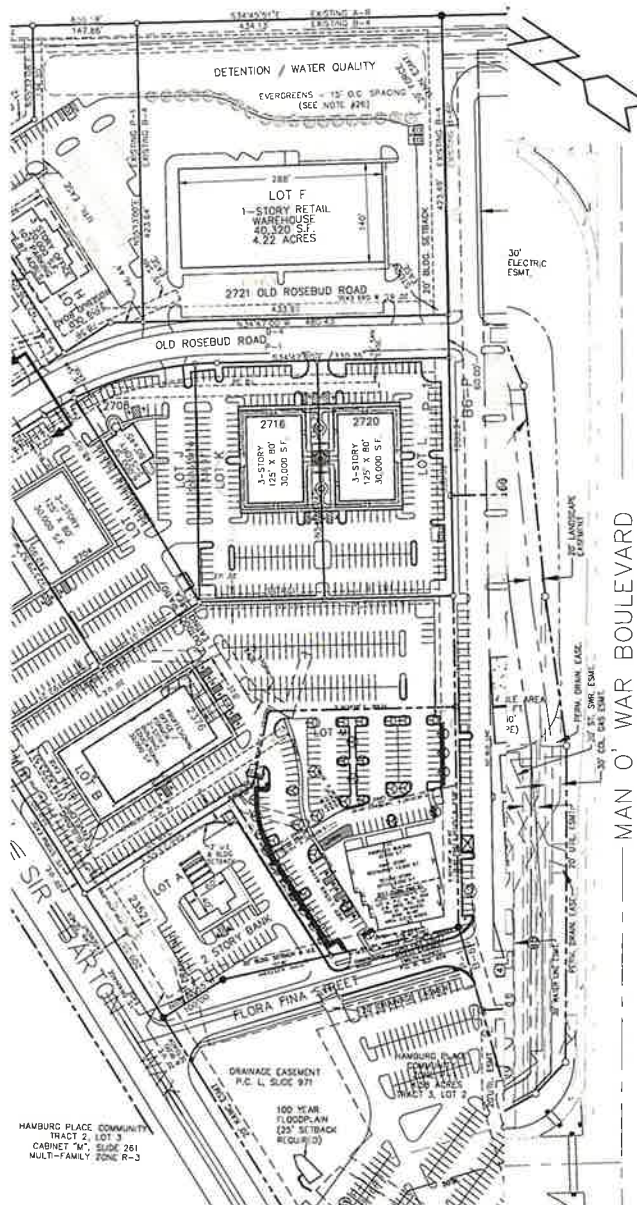
**NOTES:**

- THIS DEVELOPMENT PLAN MAY BE AMENDED WITH THE APPROVAL OF THE URBAN COUNTY PLANNING COMMISSION.
- ACCESS SHALL BE LIMITED AS INDICATED ON THIS PLAN. NO ACCESS TO ADJOINING ARTERIALS OR COLLECTORS EXCEPT BY PUBLIC STREETS OR PRIVATE SERVICE ROADS AS SHOWN ON THIS PLAN.
- STORM SEWERS, STORM WATER RETENTION BASINS AND SANITARY SEWERS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE DIVISION OF ENGINEERING MANUALS.
- ALL AREAS THAT HAVE BEEN DISTURBED BY GRADING WILL HAVE TEMPORARY VEGETATIVE COVER PROVIDED. SUCH COVER WILL CONSIST OF ANNUAL GRASSES OR SMALL TREES. SLOPES EXCEEDING 4:1 WILL HAVE ADDITIONAL PROTECTION OF ADEQUATE MULCHING OR SOILING IN ORDER TO PREVENT EROSION.
- NO GRADING, STRIPPING OR OTHER CONSTRUCTION SHALL BEGIN UNTIL A SOIL EROSION CONTROL PLAN IS APPROVED BY THE URBAN COUNTY ENGINEER.
- STREETS SHALL MEET THE SPECIFICATIONS AND APPROVAL OF THE TRAFFIC ENGINEER AND URBAN COUNTY PLANNING COMMISSION.
- DETAIL DESIGN GEOMETRY OF ENTRANCES AT MAN O' WAR SHALL BE APPROVED BY THE URBAN COUNTY TRAFFIC ENGINEER AND THE KENTUCKY DEPARTMENT OF TRANSPORTATION.
- EXISTING VEGETATION CONSISTS OF INDIGENOUS SPECIES - BLACK LOCUST, BLACK CHERRY, WALNUT, SWEET GUM AND HICKORY. THESE FOREST REMNANTS REMAIN MOSTLY ALONG FENCE ROWS AS A RESULT OF THE FARMING PATTERNS WHICH HAVE EXISTED OVER THE PAST 20 TO 25 YEARS WITH OPEN FIELDS FOR LIVESTOCK GRAZING AND SOME CULTIVATED AREAS ON WOOD RIDGES.
- THIS DEVELOPMENT PLAN SHALL NOT BE USED AS A BASIS FOR SALE OF THIS PROPERTY. ANY SALE OF LAND SHALL BE BASED UPON A RECORDED SUBDIVISION PLAT.
- LANDSCAPE SHALL COMPLY WITH ARTICLE 18 OF THE ZONING ORDINANCE, ARTICLE 6-10 OF THE SUBDIVISION REGULATION AND THE MAN O' WAR BOULEVARD LANDSCAPE ORDINANCE.
- DETENTION BASINS SHALL BE SUBJECT TO ALL REQUIREMENTS OF THE URBAN COUNTY ENGINEER RELATED TO STORM WATER DETENTION AND SHALL BE DESIGNED TO PROVIDE CONTROL OF DRIFTS AND SEDIMENT FROM THE DEVELOPMENT AREA, WHICH DESIGN SHALL BE OF A TYPE AND METHOD TO ASSURE MAINTENANCE OF CLEANLINESS AND VISUAL QUALITY.
- PARCELS 1, 2 & 3 WILL BE CONSIDERED AS ONE B-6P TRACT DEVELOPMENT FOR SIGNAGE REQUIREMENTS.
- MAXIMUM BUILDABLE AREAS SHOWN IN BUILDING ENVELOPES WILL NOT BE EXCEEDED. MAXIMUM BUILDING AREAS ARE AS FOLLOWS (ALSO SEE TABLES ON THIS SHEET FOR INDIVIDUAL BUILDING AND TENANT BREAKDOWNS).

BUILDING GROUPS	MAXIMUM AREA SF.
A	486,792
B	59,428
C	177,412
D	185,980
E	142,784
F	12,000

BUILDING FOOTPRINTS ARE SHOWN FOR GRAPHICS REPRESENTATION ONLY. ACTUAL BUILDING FOOTPRINTS CAN BE REARRANGED WITHIN THE BUILDING ENVELOPES TO INCREASE OR DECREASE THE SQUARE FOOTAGE OF THE RESPECTIVE BUILDING FOOTPRINTS AS LONG AS THE MAXIMUM BUILDING AREA IS NOT EXCEEDED.

- OTHER IMPROVEMENTS AS REQUIRED BY THE LEXINGTON FAYETTE URBAN COUNTY GOVERNMENT TO SERVE PARCEL 1.
- MAINTENANCE OF DETENTION AREAS IN AND ADJOINING PARCEL 1 SHALL BE THE RESPONSIBILITY OF THE OWNERS OF PARCEL 1.
- BUILDINGS WITHIN THE BUILDING ENVELOPE SHALL MAINTAIN A TYPE 2C UNLIMITED AREA BUILDING TYPE FOR THE LIFE OF HAMBURG PAVILION. ALL ATTACHED BUILDING STRUCTURES WITHIN A BUILDING ENVELOPE SHOULD ANY PORTION OF PARCEL 1 BE SUBDIVIDED INCLUDING BUT NOT LIMITED TO THE LARGEST TRACT SUBDIVISION DEFINED IN HAMBURG BUILDING CODE 1984 EDITION WITH SUPPLEMENT 99 SUPPLEMENT SECTION 101.2 EXCEPTS AT THE DISCRETION OF THE URBAN COUNTY ENGINEER.
- PARCEL 1 (HAMBURG PAVILION) LOTS SHALL HAVE THE USE OF RECREATIONAL PARKING AND ACCESS.
- THE URBAN COUNTY BOARD OF ADJUSTMENT APPROVED THE CONDITIONAL USE AND VARIANCE REQUEST CV-2003-88 TO CONSTRUCT PARKING IN THE P-1 ZONE AND REDUCE THE 50 FOOT DISTANCE FROM THE B-6P BOUNDARY FOR BUILDING B-3 ON JUNE 28, 2002.
- THE RE-LOCATION OF EXISTING HYDRANTS AND THE LOCATION OF ADDITIONAL HYDRANTS AND FIRE DEPARTMENT CONNECTIONS, AS REQUIRED, SHALL BE APPROVED BY THE WATER CONTROL OFFICE OF THE LEXINGTON FIRE DEPARTMENT.
- NO MORE THAN ONE HUNDRED (100) FEET OF EXTERIOR WALLS MAY BE ESTABLISHED AT THE SAME SETBACK. A VARIATION OF AT LEAST THREE (3) FEET SHALL BE REQUIRED WHERE A BREAK IN SETBACK OCCURS.
- THE DEVELOPER AND THE URBAN COUNTY GOVERNMENT UNDERSTAND THAT NO BUILDING PERMIT SHALL BE ISSUED FOR BUILDING C-3 UNTIL THE SANITARY SEWER EXISTENCE IS SHOWN IN THE BUILDING ENVELOPE EITHER REMOVED OR RELOCATED AS APPROPRIATE OR GRANTED AN ENCROACHMENT AGREEMENT BY THE FEETED UTILITY OWNERS. IT IS RECOGNIZED THAT THE UTILITIES IN THE AFFECTED EASEMENT SERVE ONLY THE PROPERTIES REVEALED. THE PLANS ADDITIONALLY UNLESS BUILDING PERMIT SHALL BE ISSUED ACROSS EXISTING PROPERTY LINES UNTIL AN APPROPRIATE PLAT IS RECORDED REMOVING SUCH CONDITION.



**SITE STATISTICS**

ITEM	UNIT	VALUE
SITE AREA (NET) (B-6P ZONE)	AC	103.75
ROAD RIGHT-OF-WAY	AC	4.83
NET AREA	AC	98.92
TOTAL	AC	103.75
GRASS BLDG FLOOR AREA	SF	1,075,282
GRASS BLDG FLOOR AREA (100%)	SF	1,075,282
TRADING FLOOR AREA (NET) (B-6P ZONE)	SF	815,430
TRADING FLOOR AREA (100%)	SF	815,430
PARKING AREA (REQUIRED) (A + B + C)	SF	2,820,220
PARKING AREA (PROPOSED)	SF	3,148,918
PARKING REQUIREMENT (A + B + C)	SF	4,121
1 SPACE PER 250 BLDG SF	SF	4,308
PARKING SPACES (B-6P ZONE)	EA	3,588
PARKING SPACES (B-6P ZONE)	EA	118
PARKING SPACES TOTAL	EA	3,706
HANDICAP PARKING SPACES	EA	70
NET LANDSCAPE (REQUIRED)	SF	173,848
NET LANDSCAPE (PROPOSED)	SF	173,848
BUILDING COVERAGE (MAX) (B-6P ZONE)	SF	1,572,826
BUILDING COVERAGE (PROPOSED)	SF	1,075,282

NOTE: HANDICAP SPACES ARE INCLUDED IN PARKING SPACES TOTAL

**LOT M SITE STATISTICS**

PROPOSED 2717 FLORA P-1 TO B-6P ZONE

ITEM	UNIT	VALUE
SITE AREA (NET)	SF	1,051,800
BLDG COVERAGE	SF	450,000
GRASS BLDG FLOOR AREA	SF	13,500
NET COVERAGE	SF	22,500
LOT AREA (NET)	SF	1,051,800
PARKING AREA (REQUIRED)	SF	90
PARKING AREA (PROPOSED)	SF	117
HANDICAP PARKING SPACES	EA	2
VEHICULAR USE AREA	SF	44,772
NET LANDSCAPE AREA (REQUIRED)	SF	4,477
NET LANDSCAPE AREA (PROPOSED)	SF	4,477
NET LANDSCAPE (REQUIRED)	SF	13,532
NET LANDSCAPE AREA (PROPOSED)	SF	13,532
OPEN SPACE (B-6P ZONE)	SF	8,162
USABLE OPEN SPACE (B-6P ZONE)	SF	7,800
OPEN SPACE (B-6P ZONE)	SF	4,980
USABLE OPEN SPACE (B-6P ZONE)	SF	4,628
OPEN SPACE (B-6P ZONE)	SF	8,302
USABLE OPEN SPACE (B-6P ZONE)	SF	8,302

**BUILDING A - PAVILION**

SPACE	ADDRESS	TENANT
A1	1816	AT HOME
A2	1822	BOSS
A3	1828	ADRIAN
A4	1834	GRACE BANK
A5	1840	BIG LOTS
A6	1846	WASH AND WAX
A7	1852	BLACK BIRD BOOKS
A8	1858	DEW'S SERVING FOOD
A9	1864	OLD NAVY
A10	1870	STARBUCKS
A11	1876	WALMART
A12	1882	TARGET

**BUILDING B - PAVILION**

SPACE	ADDRESS	TENANT
B1	1932	MARCO'S AND ADRIAN
B2	1938	STARBUCKS
B3	1944	TOUR'S ROADSHOW
B4	1950	OLD CHICKASAW
B5	1956	TOOKAY



Water Resources, Civil Engineering, Geotechnical, Land Surveying  
 Municipal Planning and Development, Environmental  
 1000 Park Mall, Lexington, KY 40503  
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OWNER / APPLICANT  
 FLOW INVESTMENTS, LLC  
 LEXINGTON, KY 40509

HAMBURG PLACE MALL LOT M /  
 SIR BARTON OFFICE PARK  
 2717 FLORA FINA STREET  
 LEXINGTON-FAYETTE, KY 40517  
 PRELIMINARY DEVELOPMENT PLAN

PLUNG DATE: MAY 5, 2023  
 (REVISED)

PRELIMINARY DEVELOPMENT PLAN

The following description is intended for zoning purposes only. The description represents information depicted on documents of record found in the Fayette County Clerk's office. This description does not represent a boundary survey and should not be used for real estate conveyance or transfer.

**Flora Investments, LLC Parcel  
Zone Change from P-1 to B-6P  
2717 Flora Fina Street  
Lexington, KY 40509**

A tract of land adjoining the north side of Flora Fina Street, within the City of Lexington, County of Fayette, Commonwealth of Kentucky and more particularly described as follows:

Commencing at a point on the northern line of Flora Fina Street as depicted as a variable width Access Easement on Amended Final Record Plat of Hamburg Place Farm Sir Barton Way Office, Section 1, Lots B, J, K, L and M of record at Plat Cabinet M, Slide 959 of the Fayette County Clerk's records, said point being in the existing B-6P Zone delineation and being the southwest corner of Lot M (2717 Flora Fina Street) as depicted on said Amended Final Record Plat (Plat Cabinet M, Slide 959); thence with the north line of said Access Easement and being with Lot M (2717 Flora Fina Street) as shown on the Amended Final Record Plat of Hamburg Place Farm Sir Barton Way Office, Section 1, Lots B, J, K, L and M of record at Plat Cabinet M, Slide 959 of the Fayette County Clerk's records; thence for one (1) call:

1. North 46°22'23" West a distance of 135.29 feet to a point in the line of north side of said Access Easement and being a point in the line of the above said Lot M (2717 Flora Fina Street) as depicted on said Amended Final Record Plat (Plat Cabinet M, Slide 959); thence through the lands of the above said Lot M (2717 Flora Fina Street) for five (5) calls:
2. North 23°35'39" East a distance of 173.23 feet;
3. A curve to the right (clockwise) having a radius of 127.50 feet, Arc of 74.24 feet and a chord North 40°16'32" East a distance of 73.20 feet;
4. A curve to left (counter clockwise) having a radius of 212.00 feet, Arc of 49.78 feet and a chord South 39°38'44" East a distance of 49.67 feet;
5. South 46°22'23" East a distance of 107.85 feet:
6. South 34°45'29" East a distance of 87.16 feet to a point in the line of Lot 1A (1970 Pavilion Way) as depicted on the Corrected Amended Final Record Plat of Hamburg Place Mall, Unit 2, Lots 1A, 1D & Lot 1E of record at Plat Cabinet R, Slide 206 of the Fayette County Clerk's records, said point being in the line said existing B-6P Zone delineation line; thence with the line of said Lot 1A (1970 Pavilion Way) and B-6P Zone line for one (1) call:
7. South 55°14'09" West a distance of 216.90 feet to the beginning and containing 1.035 acres Gross and 1.035 acres Net.

**2. FLORA INVESTMENTS, LLC ZONING MAP AMENDMENT AND HAMBURG PLACE FARM (SIR BARTON WAY OFFICE PARK, LOT M DEVELOPMENT PLAN**

- a. **PLN-MAR-21-00018: FLORA INVESTMENTS, LLC (AMD)** – an amended petition for a zone map amendment from a Professional Office (P-1) zone to a Commercial Center (B-6P) Zone, for 1.04 net (1.04 gross) acres, for property located at 2717 Flora Fina Street (a portion of). A conditional use permit is also requested for a parking lot on the remaining P-1 zoned area of the property.

**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 petitioner proposes the rezoning of a portion of the subject property to the Commercial Center (B-6P) zone to allow for the construction of a two-story 22,550 square-foot commercial structure containing first floor restaurant space and second floor office space. The use will be accompanied by 57 on-site parking spaces, and the applicant is seeking a conditional use permit to establish a 59 space parking lot in the Professional Office (P-1) zoned areas around the perimeter of the property.

**The Zoning Committee Recommended: Approval.**

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

1. The proposed Commercial Center (B-6P) zone is in agreement with the 2018 Comprehensive Plan's Goals, Objectives, and Policies, for the following reasons:
    - a. The proposed development supports infill opportunities (Theme A, Goal #2) by developing a vacant tract within an existing development.
    - b. The project will respect the context & design features of areas surrounding development projects by maintaining compatibility with height and density found in the adjoining office park (Theme A, Goal #2.b).
    - c. By configuring the parking areas to the side and rear, and implementing outdoor dining and seating, the proposed development provides adequate greenspace and open space to serve the needs of the intended population (Theme A, Goal #2.c).
    - d. The proposed development will create entertainment and other quality of life opportunities that attract young, and culturally diverse professionals, and a work force of all ages and talents to Lexington (Theme C, Goal #2.d).
    - e. The proposal creates more meaningful and direct pedestrian and multi-modal connections, which contributes to an effective and comprehensive transportation system in this area (Theme D, Goal #1.c).
  2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
    - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location, as the proposal activates the Flora Fina Street frontage, connects to the existing pedestrian network, and locates parking to the side and rear of the development.
    - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity, as the revised proposal simplifies the site's vehicular circulation, and provides for safer and more direct pedestrian connections both within the site and throughout the larger Hamburg development.
    - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as the proposed design works with the existing landscape, and does not impact any environmentally sensitive areas.
  3. This recommendation is made subject to approval and certification of **PLN-MJDP-21-00060: HAMBURG PLACE FARM SIR BARTON WAY OFFICE PARK, LOT M)(AMD)**, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. **CONDITIONAL USE** – In association with the zone change request for the property, the applicant is seeking a conditional use permit within the Professional Office (P-1) zone to operate a parking lot.

**The Zoning Committee Recommended: Approval.**

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

1. Granting the requested conditional use permit should not adversely affect the subject property or surrounding properties as the parking lot will be of a sufficient size to accommodate the parking demand for the proposed uses without spilling over into adjacent properties
2. The parking lot use is consistent with the style and character of the surrounding professional office park.
3. Adequate public facilities will be available in the area to support the proposed parking area.

This recommendation of **Approval** is made subject to the following conditions:

- a. Provided the Urban County Council approves the requested zone change to the B-6P zone, otherwise the requested conditional use shall be null and void.
  - b. The development shall be constructed in accordance with the approved Final Development Plan, or as amended by the Planning Commission.
  - c. All necessary permits and approvals shall be obtained from the KY Transportation Cabinet, and Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
  - d. Action of the Planning Commission shall be noted on the Development Plan for the subject property.
- c. PLN-MJDP-21-00060: HAMBURG PLACE FARM, SIR BARTON WAY OFFICE PARK, LOT M (AMD)  
Council District: 6  
Project Contact: Vision Engineering

Note: The purpose of this amendment is to depict revised development of the lot in support the requested zone change from a Professional Office (P-1) zone to a Commercial Center (B-6P) zone.

Note: The applicant requested and indefinite postponement on March 2, 2022, and submitted a revised plan on May 1, 2023, in support of their revised zone change application.

The Subdivision Committee Recommended Approval, subject to the following revised conditions:

1. Provided the Urban County Council approves the zone change to B-6P; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Urban Forester's approval of tree preservation plan.
5. Greenspace planner's approval of the treatment of greenways and greenspace.
6. United States Postal Service Office's approval of kiosk locations or easement.
7. Denote pedestrian access to proposed building.
8. Clarify location of 15' storm easement on Lot M.
9. Provided the Planning Commission approves a conditional use for a parking lots for the remaining P-1 zone area.
10. Denote compliance with open space requirements for the B-6P zone.
11. Correct parking space number total to 114.
12. Denote multi-modal accommodation improvement plan per Article 12-8(h) of the Zoning Ordinance will be submitted at the time of Final Development Plan.
13. Discuss Placebuilder criteria.

Staff Presentation – Mr. Daniel Crum presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and the general area. He stated that the applicant was seeking a zone map amendment from a Professional Office (P-1) zone to a Commercial Center (B-6P) zone, for 1.04 net (1.04 gross) acres, for property located at 2717 Flora Fina Street. Mr. Crum indicated that this application was to allow construction of a two-story commercial structure with a hibachi restaurant on the first floor, and office space on the second floor. Additionally, Mr. Crum stated that the applicant was seeking a conditional use permit to operate a parking lot.

Mr. Crum highlighted the development plan and noted the changes from the initial development plan including the position of the building, which went from the center of the development, to where it is now in the corner. Mr. Crum continued, stating that the applicant had chosen the Regional Center Place-Type, and the Medium Density Non-Residential/ Mixed Use Development Type. Mr. Crum indicated that Staff was in agreement with those selections on the subject property.

Mr. Crum reviewed of how the applicant is meeting the Goals and Objectives of the Comprehensive Plan including identifying areas for infill, respecting the context of the area, and incorporating adequate green and open space. Additionally, Mr. Crum cited the development criteria that the property met, which consists of maximization of connections for a pedestrian-friendly development, parking oriented to the rear of the property, expansion of safe, and connected multi-modal transportation, and shared parking arrangements.

Mr. Crum concluded his presentation by indicating that Staff is recommending approval for this application, and stated he could answer any questions from the Planning Commission.

Development Plan Presentation – Mr. Tom Martin oriented the Planning Commission to the location and characteristics of the subject property. Mr. Martin emphasized that this was a preliminary development plan and that the commission will see a final development plan in the future. Mr. Martin showcased the access easement that goes across the property, the setbacks, and the 117 parking spaces. Mr. Martin stated that at the time of the final development plan, the applicant would have to have the activation at the front of the property to encourage a good pedestrian experience.

Mr. Martin concluded his presentation stating that Staff was recommending approval and could answer any questions from the Planning Commission.

Commission Questions – Mr. Owens asked a vehicle could go through the access lane and if that lane was just for the restaurant or for the office park as well. Mr. Martin indicated that a vehicle could go through the access lane, but whether the applicant intended to share it would have to be answered by the applicant by the time of the final development plan.

Mr. Nicol stated that he understood Staff wants the applicant to activate Flora Fina, but asked if that was something that the letter of complaints they received was about. Mr. Martin indicated that he had not reviewed the letters thoroughly enough to answer.

Conditional Use Presentation – Mr. Crum indicated that the applicant was requesting a conditional use permit to operate a parking lot in the P-1 portion of the lot. Due to the layout of the property, a portion of the parking lot is in the P-1 zone due.

Mr. Crum detailed how the change in the lot configuration impacted the conditional use request.

Mr. Crum concluded his presentation stating that Staff had reviewed the application and was recommending approval for the conditional use permit.

Applicant Presentation – Matt Carter, engineer for the project, thanked the Planning Commission and indicated that it had been a long road to get to this point. Mr. Carter stated that they had taken Staff's ideas and concerns seriously and reworked the application to get to where they are today. Mr. Carter stated that they are in full agreement with the Staff's recommendations and conditions and would not be presenting a full presentation, but would be happy to answer any questions from the Planning Commission.

Commission Questions – Mr. Owens asked how Mr. Carter foresaw the entrance to the 2<sup>nd</sup> floor of the building. Mr. Carter stated that because this is a preliminary development plan, he does not have all the exact details ironed yet.

Public Comment – Elizabeth Weiner, 3340 Peachtree Road, representative of Hamburg Place Mall, stated that she was not against the development, but had concerns about the connectivity with this property to the other surrounding properties.

Kristina Keith, attorney for Longship Logistics, stated that she was concerned with the change in the character of the office park and the increased use that comes from having a restaurant. Additionally, she stated concerns about the community outreach from the applicant and mentioned they had sent two objection letters for consideration by the Commission.

Commission Questions – Mr. Davis asked about the location of the two objection letters that Ms. Keith discussed and Mr. Crum stated that the letter in front of them was the only official submission Staff had received.

Mr. Nicol asked if Staff's recommendation of approval was contingent on a reciprocal parking agreement with the neighboring businesses. Mr. Crum indicated that the applicant had sufficient parking on site and that the recommendation was not contingent on a reciprocal parking agreement.

Ms. Worth asked if legal staff had looked over the letter of complaint and their assertion that the size of the plot did not fit the criteria of the zone change. Mr. Crum responded, saying that because they are in the Regional Center Place-Type, they are able to fit the criteria necessary.

Applicant Rebuttal – Mr. Carter indicated that the restaurant would only need about 62 parking spots to accommodate how much space they have. Additionally, Mr. Carter indicated that the applicant wanted to make the upstairs office their regional business hub for their restaurants. Mr. Carter asserted that the impact of traffic really should not be an issue.

Mr. Carter responded to the lack of community outreach criticism from Ms. Keith saying that when they originally applied for this zone change 2 years ago, one person came to the meeting and the notification area is small to begin with. Mr. Carter emphasized that they did make an effort to get ahold of everyone and only two people got back with them. Additionally, Mr. Carter indicated that they will have a relationship with the surrounding buildings about sharing parking.

Commission Questions – Mr. Owens asked Mr. Carter to clarify where the entrance of the restaurant would be, as well as where Ms. Keith's business was in relation to the building. Mr. Carter he pointed to the entrance on the development plan as well as Ms. Keith's business, Longship Logistics.

Mr. Bell asked if the concerns brought up by the Division of Traffic Engineering during the subdivision committee meeting had been addressed, and if Staff was satisfied with their solution. Ms. Wade indicated that they were.

Citizen Rebuttal – Ms. Keith reiterated that the applicant had not reached out to them specifically about a reciprocal parking agreement.

Commission Questions – Mr. Pohl asked Ms. Keith to describe the vehicle circulation issues on the map. Ms. Keith differed to her colleague David Allan, who stated that they were concerned that the parking lot of the restaurant would "dump" parking onto their property.

Mr. Davis asked if the applicant would be willing to make a condition to agree to a reciprocal parking agreement with Ms. Keith. Mr. Carter stated they were not opposed to an agreement, they just would like to review the agreement.

Ms. Worth stated she was unclear if a reciprocal parking agreement would solve all of Ms. Keith's problems, and Mr. Allan stated he was not sure either.

Mr. Pohl asked if a barrier along the shared property line would change Mr. Carter's client's intentions and Mr. Carter indicated that he did not think so.

Applicant Comment – Jihad Hallany, engineer for the applicant, highlighted the access easement to Ms. Keith's business and stated that he did not think a barrier would allow for a 20 foot driving lane.

Commission Questions – Ms. Worth asked if Ms. Weiner could point to the spot on the development plan where she is most concerned about. Ms. Weiner said that the plan cuts off where her major concerns were. She did go back to a picture of the intersection, and point out the area she was most concerned with. Additionally stating that she was concerned with truck access for the loading stations for the businesses.

Mr. Nicol asked Ms. Keith what type of business she represented and she indicated that Longship is a trucking logistics company.

Mr. Bell asked Mr. Martin if Staff can add a condition for the applicant to discuss this with Longship and the other business and Mr. Martin indicated that they could with the correct type of language.

Mr. Wilson asked for clarification on the conditional use condition and if the Planning Commission needed to change to "resolved" and Staff indicated it did.

Action – A motion was made by Mr. Wilson, seconded by Ms. Worth and carried 10-0 (Michler absent) to approve PLN-MAR-21-00018: FLORA INVESTMENTS, LLC (AMD) for reasons provided by Staff.

Action – A motion was made by Mr. Wilson, seconded by Mr. Bell and carried 10-0 (Michler absent) to approve PLN-MJDP-21-00060: HAMBURG PLACE FARM, SIR BARTON WAY OFFICE PARK, LOT M (AMD) and adding a condition that parking issues be addressed at the time of the final development plan.

Action – A motion was made by Mr. Wilson, seconded by Mr. Bell and carried 10-0 (Michler absent) to approve the conditional use permit for reasons provided by Staff.