

**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.