

ORDINANCE NO. 133 - 2021

AN ORDINANCE CHANGING THE ZONE FROM A WHOLESALE AND WAREHOUSE BUSINESS (B-4) ZONE TO A NEIGHBORHOOD BUSINESS (B-1) ZONE, FOR 0.84 NET (2.51 GROSS) ACRES, FOR PROPERTIES LOCATED AT 2670 SANDERSVILLE ROAD. (CLARK CENTRAL, LLC; COUNCIL DISTRICT 2).

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WHEREAS, at a Public Hearing held on October 28, 2021, a petition for a zoning ordinance map amendment for properties located at 2670 Sandersville Road from a Wholesale and Warehouse Business (B-4) zone, to a Neighborhood Business (B-1) zone, for 0.84 net (2.51 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, this 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 2670 Sandersville Road from a Wholesale and Warehouse Business (B-4) zone, to a Neighborhood Business (B-1) zone, for 0.84 net (2.51 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: December 7, 2021



MAYOR

ATTEST:



CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: December 14, 2021-lt

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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-21-00015: CLARK CENTRAL LLC** - a petition for a zone map amendment from a Wholesale and Warehouse Business (B-4) zone to a Neighborhood Business (B-1) zone, for 0.84 net (2.51 gross) acre, for property located at 2670 Sandersville Road. (Council District 2)

Having considered the above matter on **October 28, 2021**, 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 requested Neighborhood Business (B-1) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
  - a. The proposed project will grow successful neighborhoods (Theme A) by creating a development that is compatible with the existing urban form in the area (Theme A, Goal #2.b), while also meeting community needs by incorporating commercial options into an area that has become increasingly residential in nature. The project will not alter the planned character for the area as it is adjoined by complementary single-family and multi-family residential neighborhoods across Sandersville Road and Citation Boulevard, self-storage warehousing to the south of the parcel, and several industrial uses on Buck Lane.
  - b. The proposed project seeks to incorporate greenspace and open space along the edges of the subject property (Theme A, Goal #2.c), while promoting positive and safe social interactions with the surrounding neighborhood by providing safe and delineated pedestrian sidewalks and paths to the convenient store and restaurant (Theme A, Goal #3.b; Theme D, Goal #1.a and #1.b).
  - c. The rezoning will maximize development on vacant and underutilized land within the Urban Service Area (Theme E, Goal #1.d) in an effort to preserve the urban and rural balance (Theme E, Goal #1).
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 site adds amenities within an area that is primarily residential in nature, while supporting pedestrian mobility.
  - b. The proposed rezoning includes safe facilities for the potential users of the site by prioritizing the inclusion of safe pedestrian facilities. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
  - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, limits the impacts on the surrounding environment, and adds tree canopy coverage in the form of landscape buffers and property perimeter screening.
3. This recommendation is made subject to approval and certification of **PLN-MJDP-21-00049: RML-Citation (Hillenmeyer Interest LTD.)(Clark Pump-N-Shop)(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 15<sup>th</sup> day of November, 2021.

  
Secretary, Jim Duncan

**LARRY FORESTER**  
CHAIR

Note: The corollary development plan, PLN-MJDP-21-00049: RML-Citation (Hillenmeyer Interest LTD.)(Clark Pump-N-Shop)(AMD) was approved by the Planning Commission on October 28, 2021 and certified on November 11, 2021.

K.R.S. 100.211(7) requires that the Council take action on this request by January 26, 2021.

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

**OBJECTORS**

▪ None

**OBJECTIONS**

▪ None

**VOTES WERE AS FOLLOWS:**

AYES: (10) Barksdale, Bell, Davis, de Movellan, Forester, Meyer, Michler, Nicol, Penn, and Worth

NAYS: (0)

ABSENT: (1) Pohl

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-21-00015** carried.

Enclosures: Application  
Justification  
Plat  
Staff Report  
Applicable excerpts of minutes of above meeting

## MAP AMENDMENT REQUEST (MAR) APPLICATION

### 1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)

**Applicant:**

CLARK CENTRAL, LLC, PO BOX 1433, ASHLAND, KY 41105

**Owner(s):**

RML CONSTRUCTION LLC, 3609 WALDEN WAY, LEXINGTON KY 40517

**Attorney:**

NICK NICHOLSON, 300 WEST VINE STREET, STE 2100, LEXINGTON, KY 40507

### 2. ADDRESS OF APPLICANT'S PROPERTY

2670 SANDERSVILLE ROAD, LEXINGTON, KY 40511

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

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
B-4	VACANT	B-1	GAS STATION & CONVENIENCE STORE	0.84	2.51

### 4. COMPREHENSIVE PLAN

a. Utilizing Placebuilder, what Place-Type is proposed for the subject site?	ENHANCED NEIGHBORHOOD
b. Utilizing Placebuilder, what Development Type is proposed for the subject site? If residential, provide the proposed density	LOW 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:	LFUCG
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



September 7, 2021

Lexington-Fayette Urban County Planning Commission  
Lexington-Fayette Urban County Government  
101 E. Vine Street, 7<sup>th</sup> Floor  
Lexington, Kentucky 40507  
ATTN: Jim Duncan

Re: 2650 Sandersville Road

Dear Mr. Duncan:

I am writing to advise the Planning Commission that Clark Central, LLC has the permission of RML Construction, LLC to file an application for a zone change from its Wholesale and Warehouse (B-4) zone to Neighborhood Business (B-1) zone for its proposed development on the above listed address that is owned by RML Construction.

Best Regards;

RML Construction, LLC

By: D. Ray Ball, Jr.

Its: Administrative Partner



**NICK NICHOLSON**  
DIRECT DIAL: (859) 231-3950  
Nick.Nicholson@skofirm.com

300 WEST VINE STREET  
SUITE 2100  
LEXINGTON, KY 40507-1801  
MAIN: (859) 231-3000  
FAX: (859) 253-1093

September 7, 2021

Lexington-Fayette Urban County Planning Commission  
Lexington-Fayette Urban County Government  
101 East Vine Street  
Lexington, KY 40507

**Zone Change Request for 2670 Sandersville Road**

Dear Members of the Planning Commission:

We represent Clark Central, LLC the operator for Clark's Pump-N-Shop convenience stores ("Clark" or "Applicant") and on its behalf have filed a zone change request for the property located at 2670 Sandersville Road (the "Property"). The Property consists of 0.84 net (2.51 gross) acres currently zoned Wholesale and Warehouse Business (B-4) zone and is subject to a development plan for a gas station and convenience store. The Applicant's request is to rezone the Property to Neighborhood Business (B-1) zone to allow for the proposed convenience store to have kitchen and food preparation facilities to allow for the full offerings of the successful Clark Pump-N-Shop locations already a part of Lexington's community.

This request is in agreement with the Comprehensive Plan for the multitude of reasons outline below. Primarily, the Zone Map Amendment Request offers a chance to develop longtime vacant land inside the Urban Service Area for much needed neighborhood commercial use. This is an ideal location for the proposed use as the Property is located at the corner of Sandersville Road and Citation Boulevard and was approved for a gas station and convenience store as part of PLN-MJDP-17-00042. As further explained below, the typical Clark Pump-N-Shop store is not a permissible use in the B-4 zone as it has facilities to prepare foods like breakfast sandwiches and fried chicken. In talking through solutions to this situation with the Planning Staff, Clark proposes to rezone the Property to Neighborhood Business (B-1) zone in order to install its location as called for by the existing development plan with the full range of services offered in similar convenience stores throughout Lexington.

In addition to upholding the Urban Service Area preservation strategy, this project is appropriate infill in an area that is increasingly residential but lacks neighborhood services. As such, the proposed development meets several community needs, encourages community interaction through pedestrian connectivity, all while respecting its neighbors with landscaping buffers and greenspace. As the Planning Commission is aware, this part of Lexington along Sandersville, Greendale, and Citation has become increasingly residential over the past few years. Unfortunately, the neighborhood services and commercial opportunities have not kept pace with the residential growth. This zone change offers an excellent opportunity to bring a neighborhood commercial use to the area without having to go against an existing approved development plan.

This zone change will not change the character of the area as it is adjoined by complementary single-family and multi-family residential neighborhoods across Sandersville Road and Citation Boulevard, self-storage warehousing to the south of the parcel, and several industrial uses on Buck Lane. It will also provide a much-needed service for the vehicular traffic in the area as there is not a gas station located on Citation, Sandersville, or Greendale Road in spite of their importance to the surrounding transportation system. In fact, the nearest gas station to the Property is over 2 miles away on either Leestown Road or Georgetown Road as they both intersect New Circle Road. This zone change will ensure that a commercial development shown on an approved development plan on vacant business land will have the necessary interior facilities to ensure it is able to be successful and compete with similarly situation convenience stores throughout Lexington.

As outlined above, the proposed project meets the following Goals and Objectives of the Comprehensive Plan:

**Theme A - Growing Successful Neighborhoods**

**Goal 2:** Support infill and redevelopment throughout the Urban Service Area as a strategic component of growth.

**Objectives:**

- a. Identify areas of opportunity for infill, redevelopment, adaptive reuse, and mixed-use development.
- b. Respect the context and design features of areas surrounding development projects and develop design standards and guidelines to ensure compatibility with existing urban form.
- c. Incorporate adequate greenspace and open space into all development projects, which serve the needs of the intended population.

**Goal 3:** Provide well-designed neighborhoods and communities.

**Objectives:**

- a. Enable existing and new neighborhoods to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expand options for mixed-use and mixed-type housing throughout Lexington-Fayette County
- b. Strive for positive and safe social interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians and various modes of transportation.
- c. Minimize disruption of natural features when building new communities.

**Theme B - Protecting the Environment**

**Goal 3:** Apply environmentally sustainable practices to protect, conserve and restore landscapes and natural resources.

**Objectives:**

- c. Incorporate green infrastructure principles in new plans and policies, including, but not limited to, land use and transportation.

**Theme C – Creating Jobs & Prosperity**

**Goal 1:** Support & showcase local assets to further the creation of a variety of jobs.

**Objectives:**

- d. Encourage development that promotes and enhances tourism.

**Theme E - Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land**

**Goal 1:** Uphold the Urban Service Area concept.

**Objectives:**

- b. Ensure all types of development are environmentally, economically, and socially sustainable to accommodate the future growth needs of all residents while safeguarding rural land.
- c. Emphasize redevelopment of underutilized corridors.
- d. Maximize development on vacant land within the Urban Service Area and promote redevelopment of underutilized land in a manner that enhances existing urban form and/or historic features.

**Goal 3:** Maintain the current boundaries of the Urban Service Area and Rural Activity Centers; and create no new Rural Activity Centers. To ensure Lexington is responsive to its future land use needs, this Goal shall be superseded and no longer in effect upon completion of Theme E, Goal 4, Objective D.

**Placebuilder**

The Property is located at the intersection of Citation Boulevard and Sandersville Road – an area of town that has become increasingly residential over the past few years. As this is a small tract near under-construction residential land, the natural Place Type is Enhanced Neighborhood and the Development Type is Low Density Non-Residential/Mixed Use. We submit that this classification is appropriate due to the location of the Property well outside the downtown core and the surrounding 2<sup>nd</sup> tier urban neighborhoods and the proposed use is a necessary amenity for the neighborhood and the traveling public in the area that maintains the recent development trends in the area. The B-1 zone is one of the suggested zoning categories for this Place Type.

Also submitted with the Zone Map Amendment Request is the color-coded reflection of how the proposed project addresses the design criteria for the selected Development Types. Items highlighted in green are represented graphically on the submitted preliminary development plan; items in yellow are addressed in this letter, and items highlighted in orange are not applicable to this proposal.

**Standards Applicable to Our Proposal – Not Shown on Development Plan**

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

- A-DS12-1 Medium-high density development should be located nearest to neighborhood-serving commercial areas. This parcel will be across Sandersville Road from a large



- residential area that is currently under development. This is a perfect location for a commercial parcel.
- A-DN3-1 Pedestrian-oriented commercial opportunities should be incorporated within residential neighborhoods. This parcel will be across Sandersville Road from a large residential area that is currently under development. This is a perfect location for a commercial parcel.
- B-SU11-1 Green infrastructure should be implemented in new development. (E-GR3). Green infrastructure.....
- C-DI1-1 Consider flexible zoning options that will allow for a wide range of jobs. The neighborhood business zone should allow for more flexibility in the types of jobs allowed as opposed to the current warehousing zone.
- C-LI7-1 Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment. This parcel will be across Sandersville Road from a large residential area that is currently under development with very little existing commercial use that is focused towards neighborhood users. The proposed development plan has several vehicular and pedestrian connections for the traveling public and the pedestrian from the neighborhood.
- C-PS10-3 Over-parking of new developments should be avoided. (B-SU5) The site plan is not over-parked.
- D-PL2-1 Developments should aim to provide a neighborhood-serving use that does not already exist in the vicinity, or that fills a specific need. This development provides a specific need that is not in the area.
- D-PL7-1 Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application. A neighborhood meeting has been scheduled to discuss the development.
- D-SP3-1 Adequate right-of-way, lease areas and easements for infrastructure, with emphasis on wireless communication networks should be provided to create reliable service throughout Lexington. There is adequate right-of-way provided.
- E-GR9-2 Low-intensity business uses that will provide neighborhood amenities should be incorporated into existing neighborhoods. This parcel will be across Sandersville Road from a large residential area that is currently under development. This is a perfect location for a commercial parcel.
- E-GR9-4 Development should intensify underutilized properties and develop vacant and underutilized gaps within neighborhoods. (E-GR6) This parcel will be across Sandersville Road from a large residential area that is currently under development. This will add a neighborhood use on a vacant parcel that is adjacent to a neighborhood under development.
- E-GR10-2 Developments should provide walkable service and amenity-oriented commercial spaces. The proposed development is a pedestrian-friendly site design for a much-needed fuel center and convenience store in a growing area of town.

#### TRANSPORTATION & PEDESTRIAN CONNECTIVITY

- A-DS4-1 A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided. (A-DS2, A-DN1, B-SU1, B-SU2, C-LI7, E-AC5). The proposed development is a pedestrian-friendly site design for a much-needed fuel center and convenience store in a growing area of town.
- A-DS5-1 Adequate multi-modal infrastructure should be provided to ensure vehicular separation from other modes of transport. The proposed development is a pedestrian-friendly site design for a much-needed fuel center and convenience store in a growing area of town.
- D-CO2-1 Safe facilities for all users and modes of transportation should be provided. The proposed development is a pedestrian-friendly site design for a much-needed fuel center and convenience store in a growing area of town.
- D-CO2-2 Development should create and/or expand a safe, connected multimodal transportation net-work that satisfies all users' needs, including those with disabilities. The proposed development is a pedestrian-friendly site design for a much-needed fuel center and convenience store in a growing area of town.

#### **Standards Applicable to Our Proposal – Shown on Development Plan**

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

- A-DS5-3 Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere. The proposed development is a pedestrian-friendly site design for a much-needed fuel center and convenience store in a growing area of town.
- A-DS5-4 Development should provide a pedestrian-oriented and activated ground level. The proposed development is a pedestrian-friendly site design for a much-needed fuel center and convenience store in a growing area of town.
- A-DS7-1 Parking should be oriented to the interior or rear of the property for nonresidential or multi-family developments. Parking is orientated to the interior of the property that is properly screened.
- A-DS7-2 Any non-residential or multi-family parking not buffered by a building should be screened from the streetscape view and adjacent properties. Parking is orientated to the interior of the property that is properly screened.

#### TRANSPORTATION & PEDESTRIAN CONNECTIVITY

- A-DS1-2 Direct pedestrian linkages to transit should be provided. LexTran does not provide service on Sandersville Road at this time, but the site plan provides pedestrian linkage to Citation Boulevard.
- A-DS5-2 Roadways should provide a vertical edge, such as trees and buildings. The site plan established the canopy at the required front yard line and is proposed street trees along Sandersville Road.

#### GREENSPACE & ENVIRONMENTAL HEALTH

- A-DS4-3 Development should work with the existing landscape to the greatest extent possible, preserving key natural features. This is being done where feasible.
- B-PR7-1 Connections to greenways, tree stands, and stream corridors should be provided. While these natural features are not a part of this parcel, the site plan is connecting pedestrian infrastructure to the larger open space area along Citation Boulevard.
- B-PR7-2 Trees should be incorporated into development plans, prioritize grouping of trees to increase survivability. This is being done where feasible.
- B-PR7-3 Developments should improve the tree canopy. This is being done where feasible.
- B-RE1-1 Developments should incorporate street trees to create a walkable streetscape. This is being done where feasible.
- E-GR3-1 Physical and visual connections should be provided to existing greenway networks. While these natural features are not a part of this parcel, the site plan is connecting pedestrian infrastructure to the larger open space area along Citation Boulevard.

#### **Standards That Are Not Applicable to Our Proposal**

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

- A-DS4-2 New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities. There are no adjacent structures to conflict with the proposed development.
- A-DS10-1 Residential units should be within reasonable walking distance to a focal point. There is no proposed residential use with this application.
- A-DS11-1 Common public uses that serve as neighborhood focal points, such as parks and schools, should be on single loaded streets. There is no proposed common public space with this application.
- A-DN2-1 Infill residential should aim to increase density. There is no proposed residential use with this application.
- 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). There are no adjacent structures to conflict with the proposed development.
- A-DN3-2 Development should incorporate residential units in commercial centers with context sensitive design. There is no proposed residential use with this application.
- A-EQ7-1 School sites should be appropriately sized. This is not a school site.
- B-PR9-1 Minimize disturbances to environmentally sensitive areas by utilizing the existing topography to the greatest extent possible.
- C-DI5-1 In Opportunity Zones with a clearly defined local context, consider adaptive reuse to enhance the existing context. This is not an Opportunity Zone site.

- C-LI6-2 ADUs and/or affordable housing options should be incorporated into existing and new single-family residential development. (A-DN5). There is no proposed residential use with this application.
- C-PS9-2 Modify current office space to include complementary uses. There is no current office space on the subject property.
- C-PS10-2 Developments should explore options for shared and flexible parking arrangements for currently underutilized parking lots. There is not another adjacent commercial user in need of flexible parking arrangements or a current underutilized parking lot.
- D-PL9-1 Historically significant structures should be preserved. There are no existing structures on the site.
- D-PL10-1 Activate the streetscape by designating public art easements in prominent locations. There are no plans for public art on the site.
- D-SP1-1 Elementary and middle schools should be located within residential neighborhoods, and high schools primarily along collector streets. (A-EQ7). This is not a school site.
- D-SP1-2 An open and inviting school campus/locale should utilize frontage on single-loaded streets (also true for other support facilities, like parks, community centers, social services, healthcare). This is not a school site.
- D-SP3-2 Cellular tower antennae should be located to minimize intrusion and negative aesthetic impacts, and stealth towers and landscaping should be used to improve the visual impact from the roadway and residential areas. There are no proposed cell towers on the site.
- D-SP9-1 Encourage co-housing, shared housing environments, planned communities and accessory dwelling units for flexibility and affordability for senior adults and people with disabilities. There is no proposed residential use with this application.
- E-GR4-1 Developments should incorporate reuse of viable existing structures. There are no existing structures on the site.
- E-GR5-1 Structures with demonstrated historic significance should be preserved or adapted. There are no existing structures on the site.
- E-GR9-1 Live/work units should be incorporated into residential developments. There is no proposed residential use with this application.
- E-GR9-3 Less intense multi-family residence types (duplexes, four-plexes, courtyard apartments, etc.) should be incorporated into primarily single-family areas. There is no proposed residential use with this application.
- E-GR10-3 Shared common space in commercial developments should be provided to encourage experiential retail programming. There is no existing commercial development in need of shared common space.

#### TRANSPORTATION & PEDESTRIAN CONNECTIVITY

- A-DS1-1 Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7). There isn't any planned shelter on the site as LexTran does not provide service on Sandersville Road at this time.
- A-DS10-2 New focal points should be designed with multi-modal connections to the neighborhood. Although this is a neighborhood amenity that is well connected, it is not considered a focal point.
- A-DS13-1 Stub streets should be connected. (D-CO4). There are no stub streets on the proposed plan.
- B-SU4-1 Where greenspace/community centers are not located within walking distance of a new development, applicants should attempt to incorporate those amenities. (A-DS9). There will be greenspace & community centers within walking distance of the surrounding neighborhood once developed.
- C-PS10-1 Flexible parking and shared parking arrangements should be utilized. There is not another adjacent commercial user in need of flexible parking arrangements or a current underutilized parking lot.
- D-CO1-1 Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type. Sandersville Road and Citation Boulevard are already established roadways.
- D-CO4-1 Dead-end streets and Cul-de-sacs should be discouraged except where connections are not topographically or environmentally feasible. There are not dead-end streets or cul-de-sacs in this development.
- D-CO4-2 Roadway capacity should be increased by providing multiple parallel streets, which alleviate traffic and provide multiple route options, in lieu of additional lanes. This development is for a small commercial parcel.
- D-CO4-3 Street pattern and design should consider site topography and minimize grading where possible. This development is for a small commercial parcel.
- D-CO5-1 Streets should be designed with shorter block lengths, narrower widths, and traffic calming features. This development is for a small commercial parcel.
- D-SP1-3 Developments should provide multi-modal transportation infrastructure to school sites, including sidewalks, shared-use paths, and roadways that can accommodate the bus and vehicle traffic associated with the site. This is not a school site.
- D-SP6-1 Social services and community facilities should be accessible via mass transit, bicycle and pedestrian transportation modes. (A-EQ7). There are no social services or community facilities associated with this development.

#### GREENSPACE & ENVIRONMENTAL HEALTH

- A-EQ7-3 Community open spaces should be easily accessible and clearly delineated from private open spaces. There are no community open spaces associated with this development.
- B-PR2-1 Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site. There are no environmentally sensitive areas on the site.

- B-PR2-2 Dividing floodplains into privately owned parcels with flood insurance should be avoided. There is no floodplain area on the site.
- B-PR2-3 Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them. There is no floodplain area on the site.
- B-RE2-1 Green infrastructure should be used to connect the greenspace network. This site does not connect to a greenspace network.
- D-SP2-1 Visible, usable greenspace and other natural components should be incorporated into school sites. This is not a school site.
- D-SP2-2 Active and passive recreation opportunities should be provided on school sites. This is not a school site.
- E-GR3-2 New focal points should emphasize geographic features unique to the site. This is a small commercial parcel.

The request is also justified because the existing zoning is inappropriate and improper, and the proposed zoning is appropriate. The current zoning is B-4 for wholesale and warehousing; but, the surrounding area to the west and north of the Property will soon be almost entirely residential in nature. The Property itself, due to the frontage on Sandersville and Citation, is much more connected with these residential uses than the warehousing and industrial zones to the south. The proposed zoning of B-1 will act as a much better buffer and zoning transition between the existing and under development residential uses and the existing industrial area on Buck Lane. The existing zone itself is not a recommended zone for any of the Place Types in Placebuilder, which in-and-of-itself lends credence that our community does not believe the B-4 zone is a part of Lexington's future for new development on vacant parcels like the Property. As such, it is more appropriate to utilize the more flexible and neighborhood-centric zone of the proposed B-1 for the development of the Property.

Additionally, the B-4 zone is inappropriate and the B-1 zone is appropriate in order to properly implement the successful use of a convenience store that is proposed on the approved development plan for the Property. PLN-MJDP-17-00042 shows a gas station and convenience store for the Property. When Clark started talking with the Division of Planning about installing its store on the site, it was explained that the B-4 zone does not allow for the type of kitchen facilities for prepared food to be sold on site. As with all modern gas stations, Clark's stores have small prepared food offerings such as breakfast sandwiches in the morning and fried chicken in the afternoons and evenings. These types of offerings are standard in well run and successful convenience stores. The B-4 Ordinance allows for the "retail sale of groceries; dairy products; bakery goods; meat; beer; health and beauty items; stationery; and similar convenience-type merchandise, when accessory to an automobile service station." Notably missing from this list is prepared food or authorizing the facilities to prepare food. As such, while a gas station is an allowed use in the B-4 zone and approved for the Property, the B-1 zone is necessary to ensure that the store is able to be successful in relation to the modern-day gas station. With this in mind, the Applicant submits that since a gas station is on an approved plan for the Property, but the existing zoning prohibits an element necessary for a modern-day gas station, the B-4 zone is inappropriate for the Property and a zoning of B-1 is appropriate as it allows for the modern-day version of the store contemplated by PLN-MJDP-17-00042.

Lexington-Fayette Urban County Planning Commission  
September 7, 2021  
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We will be at the October public hearing in order to make a complete presentation of this application and request your favorable consideration.

Sincerely,

Stoll Keenon Ogden PLLC

A handwritten signature in dark ink, appearing to read "NR", is positioned above the printed name Nick Nicholson.

Nick Nicholson

NN:NN

001169.166326/8180441.1



## Clark Central, LLC (PLN-MAR-21-00015)

2670 SANDERSVILLE ROAD

Rezoning to allow for the construction of a gas station with a drive-through facility.

### Applicant

CLARK CENTRAL, LLC  
PO BOX 1433  
ASHLAND, KY 41105  
nick.nicholson@skofirm.com



### Owner

RML CONSTRUCTION LLC  
3609 Walden Way  
Lexington, KY 40517



### Application Details

#### Acreage:

0.84 net (2.51 gross) acres

#### Current Zoning:

Wholesale and Warehouse (B-4) Zone

#### Proposed Zoning:

Neighborhood Business (B-1) Zone

#### Place-type / Development Type:

Enhanced Neighborhood

Low Density Non-Residential / Mixed Use

For more information about the Enhanced Neighborhood Place-Type see Imagine Lexington pages 327-328. For more information about the Low Density Non-Residential / Mixed Use Development Type see page 272.

#### Description:

The applicant is seeking to rezone the property to allow for a gas station and associated convenient store with a drive-through facility for the sale of goods and food. For this application the proposed development would include six (6) gas pumps and would be oriented toward Sandersville Road.



### Status

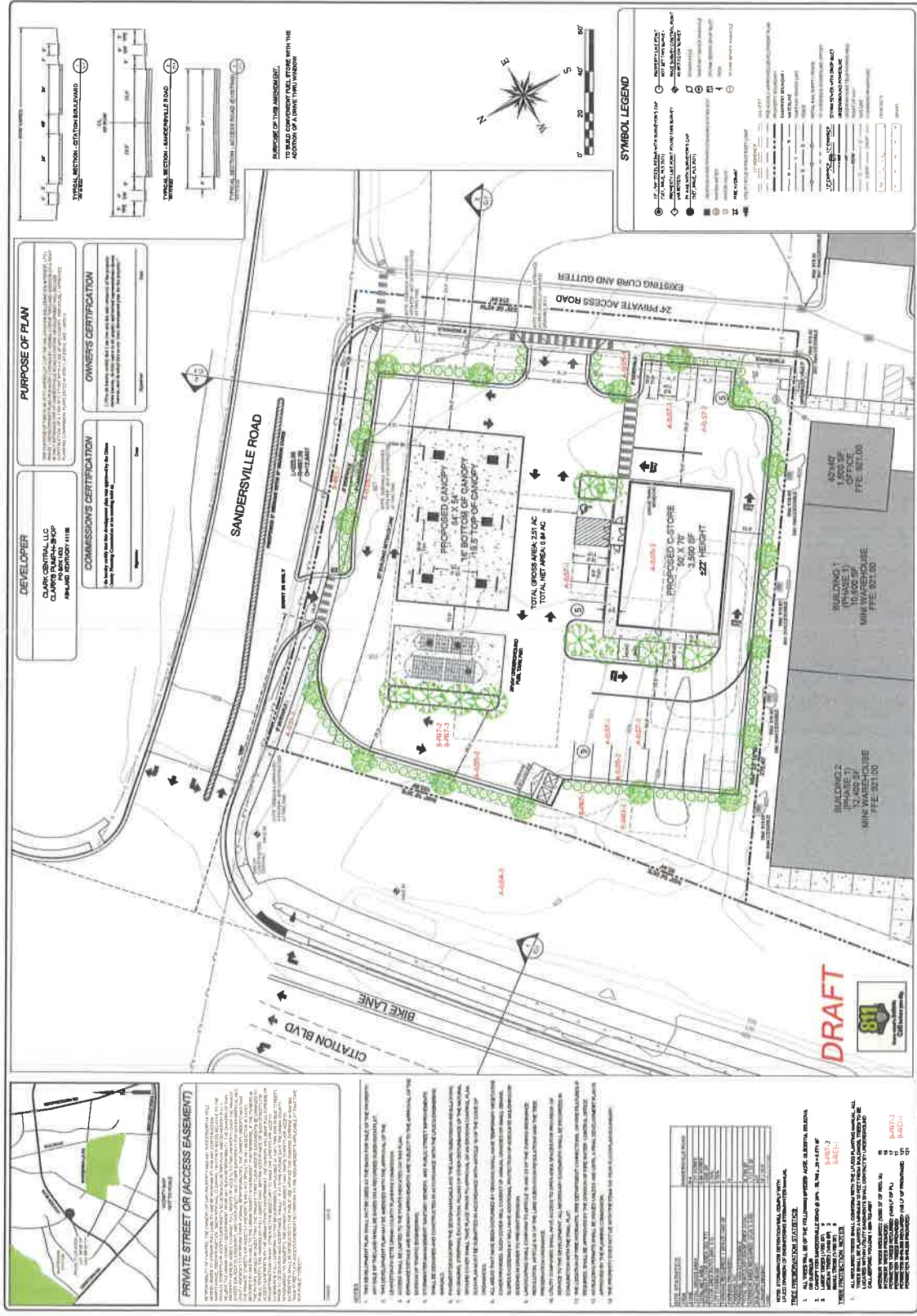
- ☐ Public Engagement
- ☒ Pre-Application Meeting
- ☒ Application Review
- ☐ Planning Staff Review
- ☐ Technical Review Committee
- ☐ Zoning/Subdivision Committee Meetings
- ☐ Planning Commission Hearing
- ☐ Urban County Council Meeting

### Public Engagement

- The applicant indicated that they have scheduled a neighborhood meeting to discuss the development.

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.





# ENHANCED NEIGHBORHOOD

## DEVELOPMENT CRITERIA



### LOW DENSITY NON-RESIDENTIAL / MIXED-USE

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

- A-DS4-2** New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.
- A-DS5-3** Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
- A-DS5-4** Development should provide a pedestrian-oriented and activated ground level.
- A-DS7-1** Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
- A-DS7-2** Any non-residential or multi-family parking not buffered by a building should be screened from the streetscape view and adjacent properties.
- A-DS10-1** Residential units should be within reasonable walking distance to a focal point.
- A-DS11-1** Common public uses that serve as neighborhood focal points, such as parks and schools, should be on single loaded streets.
- A-DS12-1** Medium-high density development should be located nearest to neighborhood-serving commercial areas.
- A-DN2-1** Infill residential should aim to increase density.
- A-DN2-2** Development should minimize significant contrasts in scale, massing and design, particularly along the edges of historic areas and neighborhoods. (D-PL9, E-GR6)
- A-DN3-1** Pedestrian-oriented commercial opportunities should be incorporated within residential neighborhoods.
- A-DN3-2** Development should incorporate residential units in commercial centers with context sensitive design.
- A-EQ7-1** School sites should be appropriately sized.
- B-PR9-1** Minimize disturbances to environmentally sensitive areas by utilizing the existing topography to the greatest extent possible.
- B-SU11-1** Green infrastructure should be implemented in new development. (E-GR3)
- C-DH-1** Consider flexible zoning options that will allow for a wide range of jobs.
- C-DIS-1** In Opportunity Zones with a clearly defined local context, consider adaptive reuse to enhance the existing context.
- C-LI6-2** ADUs and/or affordable housing options should be incorporated into existing and new single-family residential development. (A-DN5)

#### ENHANCED NEIGHBORHOOD

- C-LI7-1** Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.
- C-PS9-2** Modify current office space to include complementary uses.
- C-PS10-2** Developments should explore options for shared and flexible parking arrangements for currently underutilized parking lots.
- C-PS10-3** Over-parking of new developments should be avoided. (B-SU5)
- D-PL2-1** Developments should aim to provide a neighborhood-serving use that does not already exist in the vicinity, or that fills a specific need.
- D-PL7-1** Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
- D-PL9-1** Historically significant structures should be preserved.
- D-PL10-1** Activate the streetscape by designating public art easements in prominent locations.
- D-SP1-1** Elementary and middle schools should be located within residential neighborhoods, and high schools primarily along collector streets. (A-EQ7)
- D-SP1-2** An open and inviting school campus/locale should utilize frontage on single-loaded streets (also true for other support facilities, like parks, community centers, social services, healthcare).
- D-SP3-1** Adequate right-of-way, lease areas and easements for infrastructure, with emphasis on wireless communication networks should be provided to create reliable service throughout Lexington.
- D-SP3-2** Cellular tower antennae should be located to minimize intrusion and negative aesthetic impacts, and stealth towers and landscaping should be used to improve the visual impact from the roadway and residential areas.
- D-SP9-1** Encourage co-housing, shared housing environments, planned communities and accessory dwelling units for flexibility and affordability for senior adults and people with disabilities.
- E-GR4-1** Developments should incorporate reuse of viable existing structures.
- E-GR5-1** Structures with demonstrated historic significance should be preserved or adapted.
- E-GR9-1** Live/work units should be incorporated into residential developments.
- E-GR9-2** Low-intensity business uses that will provide neighborhood amenities should be incorporated into existing neighborhoods.
- E-GR9-3** Less intense multi-family residence types (duplexes, four-plexes, courtyard apartments, etc.) should be incorporated into primarily single-family areas.

Theme Letter - Pillar Abbreviation & Policy Number - Criteria Number

Ex: from Theme A - Design Pillar & Policy #1 - Criteria #1 = A-DS1-1. Full decoder on page ##

Criteria that include additional policy items in parentheses refer to companion policies that will provide additional context to the related criteria.



## LOW DENSITY NON-RESIDENTIAL / MIXED-USE

### SITE DESIGN, BUILDING FORM, & LOCATION (CONT.)

- E-GR9-4** Development should intensify underutilized properties and develop vacant and underutilized gaps within neighborhoods. (E-GR6)
- E-GR10-2** Developments should provide walkable service and amenity-oriented commercial spaces.
- E-GR10-3** Shared common space in commercial developments should be provided to encourage experiential retail programming.

### TRANSPORTATION & PEDESTRIAN CONNECTIVITY

- A-DS1-1** Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7).
- A-DS1-2** Direct pedestrian linkages to transit should be provided.
- A-DS4-1** A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided. (A-DS2, A-DN1, B-SU1, B-SU2, C-L17, E-AC5)
- A-DS5-1** Adequate multi-modal infrastructure should be provided to ensure vehicular separation from other modes of transport.
- A-DS5-2** Roadways should provide a vertical edge, such as trees and buildings.
- A-DS10-2** New focal points should be designed with multi-modal connections to the neighborhood.
- A-DS13-1** Stub streets should be connected. (D-CO4)
- B-SU4-1** Where greenspace/community centers are not located within walking distance of a new development, applicants should attempt to incorporate those amenities. (A-DS9)
- C-PS10-1** Flexible parking and shared parking arrangements should be utilized.
- D-CO1-1** Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type.
- D-CO2-1** Safe facilities for all users and modes of transportation should be provided.
- D-CO2-2** Development should create and/or expand a safe, connected multimodal transportation net-work that satisfies all users' needs, including those with disabilities.
- D-CO4-1** Dead-end streets and Cul-de-sacs should be discouraged except where connections are not topographically or environmentally feasible.
- D-CO4-2** Roadway capacity should be increased by providing multiple parallel streets, which alleviate traffic and provide multiple route options, in lieu of additional lanes.

## ENHANCED NEIGHBORHOOD

- D-CO4-3** Street pattern and design should consider site topography and minimize grading where possible.
- D-CO5-1** Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.
- D-SP1-3** Developments should provide multi-modal transportation infrastructure to school sites, including sidewalks, shared-use paths, and roadways that can accommodate the bus and vehicle traffic associated with the site.
- D-SP6-1** Social services and community facilities should be accessible via mass transit, bicycle and pedestrian transportation modes. (A-EQ7)

### GREENSPACE & ENVIRONMENTAL HEALTH

- A-DS4-3** Development should work with the existing landscape to the greatest extent possible, preserving key natural features.
- A-EQ7-3** Community open spaces should be easily accessible and clearly delineated from private open spaces.
- B-PR2-1** Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.
- B-PR2-2** Dividing floodplains into privately owned parcels with flood insurance should be avoided.
- B-PR2-3** Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them.
- B-PR7-1** Connections to greenways, tree stands, and stream corridors should be provided.
- B-PR7-2** Trees should be incorporated into development plans, prioritize grouping of trees to increase survivability.
- B-PR7-3** Developments should improve the tree canopy.
- B-RE1-1** Developments should incorporate street trees to create a walkable streetscape.
- B-RE2-1** Green infrastructure should be used to connect the greenspace network.
- D-SP2-1** Visible, usable greenspace and other natural components should be incorporated into school sites.
- D-SP2-2** Active and passive recreation opportunities should be provided on school sites.
- E-GR3-1** Physical and visual connections should be provided to existing greenway networks.
- E-GR3-2** New focal points should emphasize geographic features unique to the site.

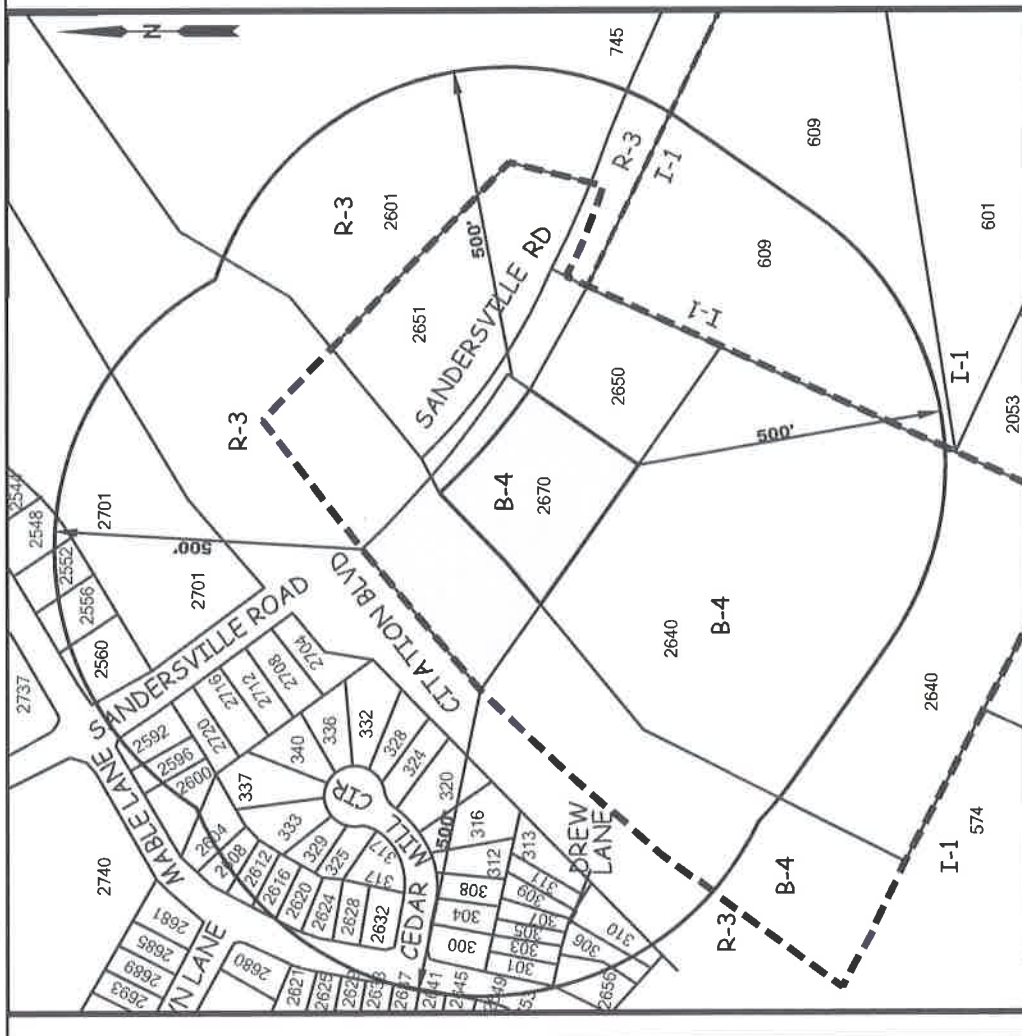
Theme Letter - Pillar Abbreviation & Policy Number - Criteria Number  
Ex: from Theme A, Design Pillar, Policy #1, Criteria #1: A-DS1-1, Full decoder on page ##

Criteria that include additional policy items in parentheses refer to companion policies that will provide additional context to the related criteria.

Legal Description of the  
Clark Central, LLC (applicant)  
Zone Change From B-4 to B-1  
2670 Sandersville Road  
Lexington, Fayette County, Kentucky

ALL THAT TRACT OR PARCEL OF LAND SITUATED ON THE WEST SIDE OF SANDERSVILLE ROAD, AT THE INTERSECTION OF CITATION BOULEVARD IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

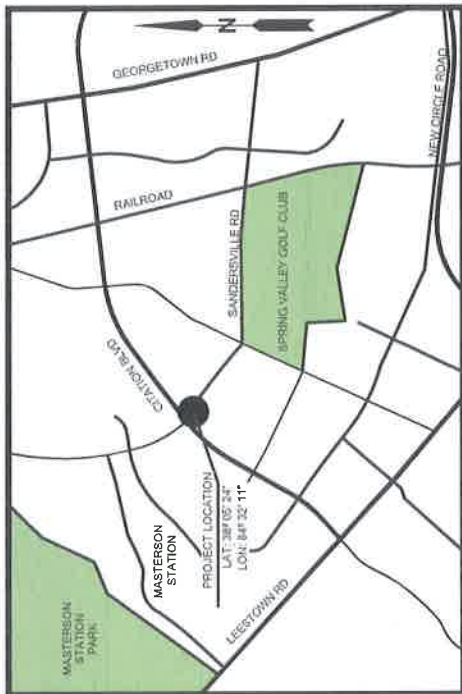
Beginning at a point in the center of Sandersville Road, said point being located 369.99 feet southeast from the Intersection of the centerline of Sandersville Road with Citation Boulevard; thence leaving Sandersville Road, S 35°06'45" W a distance of 258.45' to a point in the northern boundary of a lot Owned by Citation Storage, LLC, as recorded in the Fayette County Clerks' Office in Deed Book 3710, Page 539; thence following with the northern boundary of Citation Storage, LLC, N 54°53'15" W a distance of 446.67 feet to a point in the centerline of Citation Boulevard; thence leaving the Citation Storage, LLC lot and following with the centerline of Citation Boulevard, N 50°12'11" E a distance of 299.40 feet to the intersection of the centerline of Sandersville Road; thence leaving Citation Boulevard and following with the centerline of Sandersville Road along a curve to the left which has an arc length of 370.89 feet, a Degree of Curve of 13°50'20", and a radius of 1535.57 feet, but measuring along the chord; S 50°08'21" E a Distance of 369.99 feet to the point of beginning, containing a gross area of 2.51 acres, and a net area of 0.84 acres.



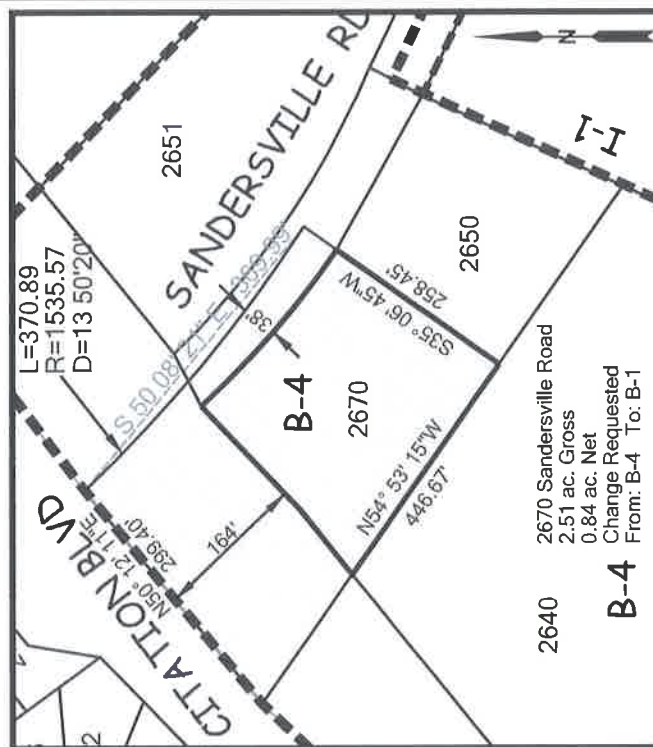
NOTIFICATION MAP  
SCALE: 1" = 300'

Title: RML Construction, LLC Property	From To	Net	Gross
Property Address: 2670 Sandersville Road	B-4	B-1	
Applicant Name/Address: Clark Central, LLC 101 Wheatley Road, Ashland, KY 41101			
Owner Name/Address: Same			
Prepared By: RM Johnson Engineering, Inc.			
Date Filed or Amended:	Total	0.84	2.51

STATE OF KENTUCKY  
ROY D. PATRICK  
3521  
LICENSED PROFESSIONAL LAND SURVEYOR



VICINITY MAP  
NOT TO SCALE



PROPERTY MAP  
SCALE: 1" = 200'



# STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-21-00015: CLARK CENTRAL, LLC

## DESCRIPTION OF ZONE CHANGE

Zone Change: From a Wholesale and Warehouse Business (B-4) zone  
To a Neighborhood Business (B-1) zone  
Acreage: 0.84 net (2.51 gross) acres  
Location: 2670 Sandersville Road



## EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Properties	B-4	Vacant
To North	B-4	Vacant
To East	B-4	Vacant
To South	B-4	Self-storage Warehousing
To West	R-3	Single Family Residential

## URBAN SERVICE REPORT

**Roads** - The subject property is located on the southeast corner of the intersection of Citation Boulevard and Sandersville Road. Citation Boulevard is a four-lane minor arterial roadway, serving as a major connector roadway between Leestown Road (US 421) and Newtown Pike (KY 922). This portion of Sandersville Road was recently constructed as a collector street that connects from Citation Boulevard to Georgetown Road (KY 25). The subject property is proposed to be accessed through a right-in access point along Sandersville Road and access via a easement that runs along the eastern edge of the subject property.

**Curb/Gutter/Sidewalks** - The frontages of the property include curb, gutter and sidewalk facilities.

**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 within the Town Branch watershed. Stormwater facilities are expected to be constructed when improvements to the overall site occur. There are no FEMA Special Flood Hazard Areas or environmentally sensitive areas on the subject property.

**Sanitary Sewers** - The subject site is located within the Town Branch sewershed. Sanitary sewer treatment is provided by the Town Branch Wastewater Treatment Plant for properties within this portion of the Urban Service Area, which is located approximately three miles to the southeast. Prior to any construction on the site, the Division of the Water Quality's Capacity Assurance Program will evaluate the available capacity of the system compared to their specific request for sanitary sewer demand.

**Refuse** - The Urban County Government serves this area with refuse collection on Thursdays. However, supplemental service by private refuse haulers is commonly utilized for commercial land uses, such as those proposed on the associated development plan.

**Police** - The site is located in Police Sector 1. The nearest police Roll Call Center is located on Old Frankfort Pike near New Circle Road, approximately two miles from the subject property to the southeast.

**Fire/Ambulance** - The recently constructed Fire Station #24 is the nearest station to this site and is located approximately one-third ( $\frac{1}{3}$ ) of a mile to the north of the subject property at the intersection of Magnolia Springs Drive and Mable Lane.

**Transit** - LexTran service is available within the area of the subject property. The Leestown Route (#12) has outbound service approximately one-quarter ( $\frac{1}{4}$ ) of a mile of the subject property at the intersection of Buck Lane and Citation Boulevard and then again near the intersection of Magnolia Springs and Citation Boulevard.

**Parks** - Masterson Hills Park is located along Jacquelyn Lane and Lucille Drive approximately one-half ( $\frac{1}{2}$ ) of a mile walking distance west of the subject property.

## SUMMARY OF REQUEST

The applicant is seeking to rezone the subject property from a Wholesale and Warehouse Business (B-4) zone to the Neighborhood Business (B-1) zone in an effort to construct a convenience store with a drive-through facility, and gas pumps.

## PLACE-TYPE

### ENHANCED NEIGHBORHOOD

An Enhanced Neighborhood is a an existing residential area to be enhanced with additional amenities, housing types, and neighborhood serving retail, services, and employment options. Development should be context-sensitive to surrounding areas and should add to the sense of place. Incorporating multi-modal connections is crucial to neighborhood success and viability.

## DEVELOPMENT TYPE

### LOW DENSITY NON-RESIDENTIAL / MIXED-USE

### Primary Land Use, Building Form, & Design

Primarily neighborhood-serving commercial uses, services, places of employment, and/or a mix of uses within low to mid-rise structures appropriately scaled to the surrounding neighborhood. Mixed-use structures can include a mix of residential, commercial, services, and/or employment uses, and an activated and pedestrian-scale ground level should be provided. Developments with a residential component are generally non-residential on the ground-floor with units above, providing opportunities for live/work arrangements. The retail/service options typically include boutique-type establishments, neighborhood restaurants or pubs, and/or neighborhood-serving services like dentists, daycares, etc, and the places of employment are small offices.

### Transit Infrastructure & Connectivity

Bicycle and pedestrian connections to adjoining neighborhoods, and buildings oriented to the street are required to ensure the non-residential enhances nearby neighborhoods by creating a truly walkable environment.

### Parking

Parking should be minimized and where necessary, located internally.

## PROPOSED ZONING



This zone is intended to accommodate neighborhood shopping facilities to serve the needs of the surrounding residential area. Generally, they should be planned facilities and should be located as recommended in the Comprehensive Plan. This zone should be oriented to the residential neighborhood, and should have a roadway system which will be adequate to accommodate the anticipated vehicular traffic.

## PROPOSED USE



The petitioner proposes the rezoning of the subject property to the Neighborhood Business (B-1) zone to allow for the construction of a convenience store includes a drive-through facility and gas pumps. While the gas pumps are an allowable use within the B-4 zone, the applicant will be preparing and selling food within the retail store, necessitating the need to shift to a zone that allows for restaurants.

## APPLICANT & COMMUNITY ENGAGEMENT



The applicant held a public meeting for comment on this zone change on September 23, 2021. In an effort to eliminate concerns regarding in-person meetings, the applicant held the meeting on Zoom. Member of the design and legal team were present to answer questions. No members of the neighborhood attended the meeting.

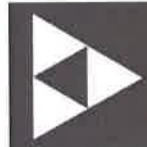
## PROPERTY & ZONING HISTORY



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 1994 when the property was rezoned to the Light Industrial (I-1) zone. Despite the rezoning of the property, the lack of accessible public streets resulted in the property remaining vacant and unchanged until relatively recently.

In 2016, the current owners of the property rezoned the Light Industrial (I-1) land and a portion of neighboring Planned Neighborhood Residential (R-3) zoning to the Wholesale and Warehouse Business (B-4) zone to allow for the construction of self-storage warehousing and similar uses. At that time, a gas station was planned for the subject property to serve the warehousing development, as well as the large amount of residential development surrounding the B-4 zoning. While that gas station was allowable, it did not allow for the establishment of a restaurant or the sale of food to be prepared on-site.

## 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 creating a development that is compatible with the existing urban form in the area (Theme A, Goal #2.b), while also meeting community needs by incorporating commercial options into an area that has become increasingly residential in nature. The applicant also indicates that the proposed project will not alter the planned character for the area as it is adjoined by complementary single-family and multi-family residential neighborhoods across Sandersville Road and Citation Boulevard, self-storage warehousing to the south of the parcel, and several industrial uses on Buck Lane.

The applicant also indicates that the proposed development will encourage community interaction through pedestrian connectivity, all while respecting its neighbors with landscaping buffers and greenspace. The proposed project seeks to incorporate greenspace and open space along the edges of the subject property (Theme A, Goal #2.c), while promoting positive and safe social interactions with the surrounding neighborhood by providing safe and delineated pedestrian sidewalks and paths to the convenient store and restaurant (Theme A, Goal #3.b; Theme D, Goal #1.a and #1.b)

Finally, the applicant indicates that the proposed project seeks to maximize development on vacant and underutilized land with the Urban Service Area (Theme E, Goal #1.d) in an effort to preserve the urban and rural balance (Theme E, Goal #1).

### 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 Enhanced Neighborhood Place-Type and is a





Low Density Non-Residential / Mixed-Use Development Type. The Enhanced Neighborhood Place-Type is focused on providing additional amenities, housing types, and neighborhood serving retail, services, and employment options. These developments are typically located within or along the edges of neighborhoods and are situated to promote walkability. The proposed development is located along Citation Boulevard and Sandersville Road. Both roadways are situated to promote walkability. Furthermore, the proposed development can provide new amenities and services into an area that is primarily residential in character. Staff agrees with the applicant's assessment of the proposed Enhanced Neighborhood Place-Type.

Additionally, the applicant is seeking to apply the Low Density Non-Residential / Mixed-Use Development Type. This Development Type is recommended within the Enhanced Neighborhood Place-Type and is meant to be comprised of neighborhood-serving commercial uses, services, places of employment, and/or a mix of uses within low to mid-rise structures appropriately scaled to the surrounding neighborhood. The applicant has proposed the development of a convenience store with a restaurant, and gas pumps. The convenience store is planned to be one-story in height with the gas pumps located along the front of the property. Staff agrees that the proposed Development Type can be appropriate for the subject property.

Finally, the applicant has requested the rezoning of the property to the Neighborhood Business (B-1) zone for the subject property, which is a recommended zone within the Enhanced Neighborhood Place-Type and Low Density Non-Residential / Mixed-Use Development Type.

### **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 Enhanced Neighborhood Place-Type and Low Density Non-Residential / Mixed-Use Development Type.

#### 1. Site Design, Building Form and Location

Despite compliance with several of the criteria for Site Design, Building Form and Location, there are two criterion that necessitated added discussion and warranted a staff response.

*A-DS5-3 Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.*

In the newest associated development plan, the applicant is showing an extensive overhang of the structure to meet the build to setback in the B-1 zone. Staff is concerned that this is a projection, rather than the structure and does not meet the ordinance or the orientation called for in the Comprehensive Plan. In addition, gas pumps could pose potential conflicts for pedestrians entering the site.

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

The applicant should clarify their response to this Development Criteria and seek to include green infrastructure on the site, where possible.

#### 2. Transportation and Pedestrian

The proposed rezoning meets the criteria for Transportation and Pedestrian, as development will provide direct pedestrian access to the convenience store and upgrades those pedestrian facilities to meet modern standards.

#### 3. Greenspace and Environmental Health

The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will increase tree canopy coverage and provides significant protection of the sinkhole mitigation area, designating it as a focal point on the site.

*B-PR7-2 Trees should be incorporated into development plans, prioritizing grouping of trees to increase survivability.*

There are areas within the development site that could incorporate greater tree coverage and grouping. This is particularly important due to the large amount of impervious surfaces that are being constructed on site.

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



1. The requested Neighborhood Business (B-1) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
  - a. The proposed project will grow successful neighborhoods (Theme A) by creating a development that is compatible with the existing urban form in the area (Theme A, Goal #2.b), while also meeting community needs by incorporating commercial options into an area that has become increasingly residential in nature. The project will not alter the planned character for the area as it is adjoined by complementary single-family and multi-family residential neighborhoods across Sandersville Road and Citation Boulevard, self-storage warehousing to the south of the parcel, and several industrial uses on Buck Lane.
  - b. The proposed project seeks to incorporate greenspace and open space along the edges of the subject property (Theme A, Goal #2.c), while promoting positive and safe social interactions with the surrounding neighborhood by providing safe and delineated pedestrian sidewalks and paths to the convenient store and restaurant (Theme A, Goal #3.b; Theme D, Goal #1.a and #1.b)
  - c. The rezoning will maximize development on vacant and underutilized land within the Urban Service Area (Theme E, Goal #1.d) in an effort to preserve the urban and rural balance (Theme E, Goal #1).
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 site adds amenities within an area that is primarily residential in nature, while supporting pedestrian mobility.
  - b. The proposed rezoning includes safe facilities for the potential users of the site by prioritizing the inclusion of safe pedestrian facilities. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
  - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, limits the impacts on the surrounding environment, and adds tree canopy coverage in the form of landscape buffers and property perimeter screening.
3. This recommendation is made subject to approval and certification of PLN-MJDP-21-00049: RML-Citation (Hillenmeyer Interest LTD.)(Clark Pump-N-Shop)(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.

HBB/TW  
10/6/2021

Planning Services/Staff Reports/MAR/2021/PLN-MAR-21-00015 CLARKS CENTRAL LLC.pdf

## 2. CLARK CENTRAL LLC ZONING MAP AMENDMENT & RML-CITATION (HILLENMEYER INTEREST LTD.) (CLARK PUMP-N-SHOP) (AMD) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-21-00015: CLARK CENTRAL LLC (12/06/21)\*- a petition for a zone map amendment from a Wholesale and - Warehouse Business (B-4) zone to a Neighborhood Business (B-1) zone, for 0.84 net (2.51 gross) acre, for property located at 2670 Sandersville Road.

### COMPREHENSIVE PLAN AND PROPOSED USE

The 2018 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The applicant is seeking to rezone the subject property from a Wholesale and Warehouse Business (B-4) zone to the Neighborhood Business (B-1) zone in an effort to construct a convenience store with a drive-through facility, and gas pumps.

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

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

1. The requested Neighborhood Business (B-1) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
    - a. The proposed project will grow successful neighborhoods (Theme A) by creating a development that is compatible with the existing urban form in the area (Theme A, Goal #2.b), while also meeting community needs by incorporating commercial options into an area that has become increasingly residential in nature. The project will not alter the planned character for the area as it is adjoined by complementary single-family and multi-family residential neighborhoods across Sandersville Road and Citation Boulevard, self-storage warehousing to the south of the parcel, and several industrial uses on Buck Lane.
    - b. The proposed project seeks to incorporate greenspace and open space along the edges of the subject property (Theme A, Goal #2.c), while promoting positive and safe social interactions with the surrounding neighborhood by providing safe and delineated pedestrian sidewalks and paths to the convenient store and restaurant (Theme A, Goal #3.b; Theme D, Goal #1.a and #1.b)
    - c. The rezoning will maximize development on vacant and underutilized land within the Urban Service Area (Theme E, Goal #1.d) in an effort to preserve the urban and rural balance (Theme E, Goal #1).
  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 site adds amenities within an area that is primarily residential in nature, while supporting pedestrian mobility.
    - b. The proposed rezoning includes safe facilities for the potential users of the site by prioritizing the inclusion of safe pedestrian facilities. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
    - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, limits the impacts on the surrounding environment, and adds tree canopy coverage in the form of landscape buffers and property perimeter screening.
  3. This recommendation is made subject to approval and certification of PLN-MJDP-21-00049: RML-Citation (Hillennmeyer Interest LTD.)(Clark Pump-N-Shop)(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. PLN-MJDP-21-00049: RML-CITATION (HILLENMEYER INTEREST LTD.) (CLARK PUMP-N-SHOP) (AMD) (12/06/21)\* - located at 2670 SANDERSVILLE ROAD, LEXINGTON, KY.  
Project Contact: R.M. Johnson Engineering, Inc.

The Subdivision Committee Recommended: **Postponement**, There were questions regarding the plan being able to meet the B-1 setbacks.

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

1. Provided the Urban County Council rezones the property B-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.

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

3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Department of Environmental Quality's approval of environmentally sensitive areas.
6. Depict sketch of proposed site plan on overall development plan (replace old information).
7. Denote location of landscaping in the 10' landscape buffer.
8. Correct typos in development plan notes.
9. Discuss compliance with B-1 setback line.
10. Discuss Placebuilder criteria:
  - A-DS5-3: Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
  - B-SU11-1: Green infrastructure should be implemented in new development. (E-GR3)
  - B-PR7-2: Trees should be incorporated into development plans, prioritizing grouping of trees to increase survivability.

Staff Zoning Presentation – Mr. Baillie said that this will be presented as an abbreviated hearing, since no opposition is present. He then presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and aerial photographs of the general area. He said the applicant is seeking to develop the property as a gas station with a drive-through facility and associated restaurant. He said that a gas station is allowed within the B-4 zone, but since the applicant is seeking the drive-through facility to serve cigarettes, alcoholic beverages, and food, this zone change is being proposed. The property is surrounded by the Planned Neighborhood Residential (R-3) zone on the northwest and north-east boundaries. To the south and southwest of the subject property there is Wholesale and Warehouse Business (B-4) zone. On the aerial photograph, he said that the area has developed greatly in the past two years.

Mr. Baillie said that the applicant submitted their application under the Enhanced Neighborhood Place-Type, due to the fact that they are not facing this project onto Citation Boulevard, they are focusing more towards the neighborhood. He said that the staff agreed with the orientation of the site, which they are providing a significant amount of pedestrian facilities to allow for safe and easy access into the convenient store/restaurant. The applicant is also seeking a Low Density Non-Residential / Mixed Use Development Type, since they are proposing a low Floor Area Ratio (FAR) type of development. They are not seeking to develop this site in any great significant way and can correlate to the low density traffic exiting off of Sandersville Road. He said that the B-1 zone is a recommended zone, within this Place-Type. He said that the staff is recommending approval of this zone change.

Development Plan Presentation – Ms. Gallt presented a revised rendering of the preliminary development plan associated with this zone change. She said that there are revised conditions were distributed to the Planning Commission, as follows:

1. Provided the Urban County Council rezones the property B-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Department of Environmental Quality's approval of environmentally sensitive areas.
6. ~~Depict sketch of proposed site plan on overall development plan (replace old information).~~ Remove and the tree preservation ordinance" from Note #9.
7. ~~Denote location of landscaping in the 10' landscape buffer.~~
8. ~~Correct typos in development plan notes.~~
9. ~~Discuss~~ Resolve compliance with B-1 zone setback line at the time of Final Development Plan.
10. ~~Discuss compliance with Placebuilder criteria:~~
  - ~~A-DS5-3: Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.~~
  - ~~B-SU11-1: Green infrastructure should be implemented in new development. (E-GR3)~~
  - ~~B-PR7-2: Trees should be incorporated into development plans, prioritizing grouping of trees to increase survivability.~~

Ms. Gallt displayed a color rendering and identified the access into the development off of Citation Boulevard. She said that within the B-1 zone, there is a maximum twenty-foot building line setback along the front of Sandersville Road. She pointed out the location of the canopy for the gas pumps, which is along the edge of the twenty-foot building line setback. She pointed to the location of the drive-through to the convenient store/restaurant and added that they are proposing a lane for vehicles to bypass the drive-through lane. She then pointed to the access easement to the storage facility in the rear of the site, which also connects to Sandersville Road. There is a right-in only from Sandersville Road

She said that condition #6 is to remove Note #9 from the plan, because the applicant has already made reference to the Zoning Ordinance and the Land Subdivision Regulations for the landscaping. Condition #7 is to resolve compliance with the B-1 zone setback line at the time of the Final Development Plan, which will be to review the canopy location for the gas pumps.

Applicant Presentation – Mr. Nick Nicholson, attorney representing the petitioner, said that they are in agreement with the staff's recommendations. He said that the drive-through will be utilized as more of a pick-up window only. There will not be a menu board or outdoor ordering. It will not be a typical drive-through restaurant, it is to allow for the pick-up of those items that are prepared at convenient stores and gas stations.

Citizen Comment – There were no citizens present to speak to this application.

Zoning Action – A motion was made by Ms. Meyer, seconded by Mr. de Movellan, and carried 10-0 (Pohl absent) to approve PLN-MAR-21-00015: CLARK CENTRAL LLC, for the reasons provided by the staff.

Development Plan Action – A motion was made by Ms. Meyer, seconded by Mr. de Movellan, and carried 10-0 (Pohl absent) to approve PLN-MJDP-21-00049: RML-CITATION (HILLENMEYER INTEREST LTD.) (CLARK PUMP-N-SHOP) (AMD), as presented by the staff.