

ORDINANCE NO. _____-2017

AN ORDINANCE CHANGING THE ZONE FROM A NEIGHBORHOOD BUSINESS (B-1) ZONE TO A PLANNED SHOPPING CENTER (B-6P) ZONE, FOR 5.78 NET (7.58 GROSS) ACRES, FOR PROPERTY LOCATED AT 4379 OLD HARRODSBURG ROAD. (COMPASS CAPITAL, LLC; COUNCIL DISTRICT 10).

WHEREAS, at a Public Hearing held on June 22, 2017 a petition for a zoning ordinance map amendment for property located at 4379 Old Harrodsburg Road from a Neighborhood Business (B-1) zone to a Planned Shopping Center (B-6P) zone for 5.78 net (7.58 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 8-0; 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 4379 Old Harrodsburg Road from a Neighborhood Business (B-1) zone to a Planned Shopping Center (B-6P) zone for 5.78 net (7.58 gross) acres, being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - That the granting of this zone change is made subject to the following use restrictions as conditions of granting the zone change:

Under the provisions of Article 6-7 of the Zoning Ordinance, the following land use restrictions shall apply for the subject property via conditional zoning:

- A. Landscape Buffers (in addition to the requirements of Article 18 of the Zoning Ordinance)
 - i. Along the northwestern and northeastern boundaries, a 20-foot wide landscape buffer shall be provided.
 - ii. Included within the buffer along the northwestern boundary with Palomar Hills Subdivision shall be an eight-foot (8') tall brick wall, except that the wall shall allow a fifty-foot (50') wide gap where Palmetto Drive adjoins the property.
 - iii. Included in the landscape buffer shall be

evergreen trees planted 20-foot (20') on center along the northeastern boundary (shared A-U zone boundary).

B. Use Conditions

i. Lighting

a. All outdoor lighting shall be directed downward and away from adjoining land that is residentially and agriculturally zoned; and the light source shall be shielded so as to prevent direct lighting of the adjoining Palomar Hills Subdivision or the historic South Elkhorn Christian Church.

ii. Prohibited Uses

- a. Self-service laundries or laundry pick-up stations
- b. Self-service car washes
- c. Trailer, truck and/or equipment rental
- d. Outdoor miniature golf or putting courses
- e. Circuses and carnivals
- f. Arcades, including pinball and electronic games
- g. Mining
- h. Automobile service station, automobile and vehicle refueling stations and gasoline pumps available to the public without an employee on the premises
- i. Recycling drop-off centers
- j. Rehabilitation homes

The land use and buffering restrictions, most of which have been in existence for the past decade, are necessary and appropriate for the subject property in order to protect the adjoining residential area and historic church from the potential negative effects of more intensive non-residential uses on the subject property.

Section 3 - 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 4 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

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