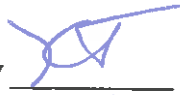


Rec'd by 

Date: 5/18/18

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

IN RE: **PLN-MAR-18-00005: CLAY INGELS COMPANY, INC.** – a petition for a zone map amendment from a Two-Family Residential (R-2) zone to a Light Industrial (I-1) zone, for 0.24 net (0.28 gross) acres, for property located at 910 and 912 Delaware Avenue. (Council District 5)

Having considered the above matter on **April 26, 2018**, 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 **CONDITIONAL APPROVAL** of this matter for the following reasons:

1. The requested Light Industrial (I-1) zone is appropriate for the subject site, for the following reasons:
 - a. The site is surrounded on three sides by either Light Industrial (I-1) or Wholesale and Warehousing (B-4) zones and uses.
 - b. Historically, landscape buffering was not provided between the residential lots and the industrial/warehousing lots.
 - c. The residential structures on the subject property were vacant for many years, eventually leading to their demolition, most likely due to the close proximity of active industrial sites and the lack of transition between the industrial and residential uses.
2. The existing Two-Family Residential (R-2) zone is not appropriate for the subject site, for the following reasons:
 - a. Single family homes and duplexes located in an area surrounded by industrial and warehousing zones and uses are generally considered incompatible, unless substantial buffering exists between the uses.
 - b. Article 3-1(a) of the Zoning Ordinance states that no land shall be used or occupied except in conformance with the zone in which it is located (paraphrased), meaning that if a use is not allowed in a zoning district, one cannot put that prohibited use on a piece of land in that zone. Also, Article 8-11 states that off-street parking lots and their associated vehicle use areas (driveways) are not allowed in an R-2 zone as a principle use. In this manner, industrially zoned property cannot be accessed through a residentially zoned property.
3. This recommendation is made subject to the approval and certification of **PLN-MJDP-18-00020: Liberty Heights Subdivision (Clay Ingels, Co., LLC)**, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
4. **Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses shall be restricted on the property:**
 - a. Any outdoor lighting **shall not be directed towards nearby residential properties.**
 - b. Any freestanding signage shall be limited to one freestanding sign, not to exceed 15-feet in height and 32 square feet in area.

These restrictions are appropriate and proper because the site lies immediately adjacent to existing single family uses across Delaware Avenue.

ATTEST: This 18th day of April, 2018.


Secretary, Jim Duncan

WILLIAM WILSON
CHAIR

Note: The corollary development plan, PLN-MJDP-18-00020: Liberty Heights Subdivision (Clay Ingels, Co., LLC) was approved by the Planning Commission on April 26, 2018 and certified on May 10, 2018.

K.R.S. 100.211(7) requires that the Council take action on this request by July 25, 2018.

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) Bell, Berkley, Brewer, Cravens, Forester, Owens, Penn, Plumlee, Richardson, Wilson

NAYS: (0)

ABSENT: (1) Mundy

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-18-00005** carried.

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