

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

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

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

IN RE: **MAR 2013-19: RTA FAMILY TRUST, ROYCE G. PULLIAM, TRUSTEE** - petition for a zone map amendment from a Planned Neighborhood Residential (R-3) zone to a Neighborhood Business (B-1) zone for 0.8108 net (1.0549 gross) acre; and from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone, for 0.7561 net (0.8127 gross) acre, for properties located at 1009 and 1017 Wellington Way. (Council District 10)

Having considered the above matter on **December 19, 2013**, at a Public Hearing, and having voted **8-1** 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 Neighborhood Business (B-1) zone with conditional zoning restrictions is in substantial agreement with the 2007 Comprehensive Plan for the following reasons:
  - a. The Land Use Element recommends Professional Services (PS) land use for the subject property, and the applicant proposed over 16,000 square feet of office space within a single three-story building.
  - b. The proposed retail space and restaurant land uses are in addition to the meeting the basic land use recommendation and will provide services to the office tenants and to the immediate neighborhood.
  - c. The subject property is walkable to and from the adjoining residential neighborhoods, as well as other commercial uses in the immediate vicinity. The property is easily accessible from major urban corridors, although transit is not readily available in the area.
  - d. The Goals and Objectives of the 2007 and 2013 Comprehensive Plans support and encourage the creation of a variety of jobs and business opportunities, and the site proposes new employment opportunities within the proposed 23,300 square-foot building.
2. This recommendation is made subject to approval and certification of **ZDP 2013-101: Schroyer Property (RTA Family Trust)** prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. **Under the provisions of Article 6-7 of the Zoning Ordinance, the use of the subject property shall be restricted as follows:**

**PROHIBITED USES**

- a. Automobile service stations.
- b. Repair of household appliances.
- c. Retail sale of plant, nursery or greenhouse products.
- d. Miniature golf or putting courses.
- e. Carnivals.
- f. Arcades, including pinball and electronic games.
- g. Banquet facilities.



- h. Rental of equipment whose retail sale is permitted in the B-1 zone.
- i. Outdoor live entertainment, cocktail lounges, brew-pubs or nightclubs.
- j. Upholstery shops.
- k. Circuses.
- l. Automobile and truck refueling stations.

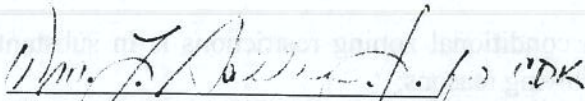
**OTHER USE RESTRICTIONS**

- a. Retail sales and other uses first permitted in the B-1 zone shall be limited to the first floor of the structure.

These restrictions are appropriate and necessary in order to permit only less intense land uses adjacent to a proposed single-family residential area, and because the applicant has proposed such limitations.

Note: A variance to the height of the building was approved by the Planning Commission for this property, subject to the rezoning being granted.

ATTEST: This 3<sup>rd</sup> day of January, 2014.

  
 Secretary, Christopher D. King

**MIKE OWENS**  
 CHAIR

Note: The corollary development plan, ZDP 2013-101: Schroyer Property (RTA Family Trust), was approved by the Planning Commission on December 19, 2013, and certified on December 31, 2013.

K.R.S. 100.211(7) requires that the Council take action on this request by March 19, 2014.

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

OBJECTORS

- Michael Walsh, 2153 Palomar Trace Drive
- Dr. Butch Schroyer, 3581 Harrodsburg Road
- Vicky Bransom, 2157 Palomar Trace Drive

OBJECTIONS

- He is concerned that the proposed building will be out of scale and character with nearby single family homes.
- He is concerned that increased traffic from the proposed development could exacerbate existing issues in the area.
- She is concerned about the impact of increased traffic on the surrounding area, particularly the intersection of Palomar Centre Drive and Wellington Way.

VOTES WERE AS FOLLOWS:

AYES: (8) Beatty, Berkley, Blanton, Cravens, Mundy, Owens, Penn, and Wilson

NAYS: (1) Plumlee

ABSENT: (2) Brewer and Drake

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for CONDITIONAL APPROVAL of MARV 2013-19 carried.

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