

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

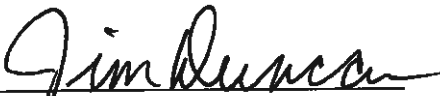
IN RE: **PLN-MAR-18-00019: 525 UPPER, LLC** - petition for a zone map amendment from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone, for 0.14 net (0.18 gross) acre, for property located at 521-523 S. Upper St. (Council District 3)

Having considered the above matter on **September 27, 2018**, at a Public Hearing, and having voted **8-0** 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. A restricted Neighborhood Business (B-1) zone is substantially in agreement with the 2013 Comprehensive Plan and the Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
  - a. The site has been an underutilized site with Professional Office (P-1) zoning. The property should be considered for a change to a restricted Neighborhood Business (B-1) zone in order to permit a use that will better serve the needs of the surrounding neighborhood within the Urban Service Area.
  - b. By maintaining the existing historic structure, the development plan will respect the context and design features of the surrounding area and the existing urban form (Theme A, #Goal 2.B).
  - c. The integration of bike infrastructure on the subject property will prioritize multi-modal options that de-emphasize single-occupancy vehicle dependence (Theme B, Goal #2.D).
  - d. The incorporation of potential new uses will incentivize the renovation, restoration, development and maintenance of the historic structure (Theme D, Goal #3.B).
  - e. Staff agrees that retail that is focused on the needs of the surrounding community can act as a draw for young and culturally diverse professionals (Theme C, Goal #2.D).
2. This recommendation is made subject to approval and certification of **PLN-MJDP-18-00068: Pegasus Holdings, LLC (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
3. **Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply to the property via conditional zoning:**
  - a. Branch banks and drive-through facilities are to be prohibited at this location.
  - b. The portions of the existing structure on this property originally constructed in the 19th Century are to be retained and maintained.
  - c. Free-standing signage shall be limited to a maximum of 5' in height and 8 square feet in size.
  - d. Wall-mounted signage shall be limited in size to a maximum of 3% of the wall area to which it is affixed.

**These restrictions are appropriate because they have been offered by the applicant and will limit inappropriate uses and maintain the historic character of the property.**

ATTEST: This 15<sup>th</sup> day of October, 2018.

  
Secretary, Jim Duncan

WILLIAM WILSON  
CHAIR

Note: The corollary development plan, PLN-MJDP-18-00068: PEGASUS HOLDINGS, LLC (AMD) was approved by the Planning Commission on September 27, 2018 and certified on October 10, 2018.

K.R.S. 100.211(7) requires that the Council take action on this request by December 26, 2018.

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

**OBJECTORS**

- Jennifer Kaufman, President of the Historic South Hill Neighborhood Association
- Mary Morgan, local business owner

**OBJECTIONS**

- The existing zoning is adequate to serve the neighborhood and the proposed zone change is not necessary.
- Concerned about the possibility of noise associated with neighborhood business uses, such as outdoor restaurants and live music.

**VOTES WERE AS FOLLOWS:**

AYES: (7) Bell, Berkley, Forester, Mundy, Nichol, Owens, Penn and Wilson

NAYS: (0)

ABSENT: (2) Brewer and Plumlee

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-18-00019** carried.

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