

Rec'd by TW

Date: 3/27/19

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

IN RE: **PLN-MAR-17-00029: RAYMOND ALLEN WAITS** - petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Single Family Residential (R-1A) zone, for 1.135 net (1.246 gross) acres, for property located at 2200 Old Higbee Mill Road (a portion of). (Council District 10)

Having considered the above matter on **February 28, 2019**, at a Public Hearing, and having voted **11-0** 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 existing Agricultural Urban (A-U) zone is inappropriate, and the proposed Single Family Residential (R-1A) zone is appropriate at this location for the following reasons:
  - a. The intent for the Agricultural Urban (A-U) zone is to manage the growth of the community so to avoid premature or improper development until public facilities and services are adequate to serve urban uses. The availability of these services in this area indicate the inappropriateness of the current zoning.
  - b. The subject property already functions as a single family residential property and has not been utilizing the land for agricultural uses, indicating the appropriateness of the proposed zoning.
2. This recommendation is made subject to the approval and certification of **PLN-MJDP-17-00081: Waits / Moore LTD Partnership Property**, 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 27<sup>th</sup> day of March, 2019.

  
Secretary, Jim Duncan

WILLIAM WILSON  
CHAIR

**Note:** The corollary development plan, **PLN-MJDP-17-00081: WAITS/MOORE LTD PARTNERSHIP PROPERTY** was approved by the Planning Commission on February 28, 2019 and certified on March 14, 2019.

K.R.S. 100.211(7) requires that the Council take action on this request by May 29, 2019.

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

**OBJECTORS**

- Mr. Nathan Billings, attorney present on behalf of Pauline Moore; Brian and Melinda McLaughlin; Brenda Barbieri; and the Waits/Moore Ltd. Partnership

**OBJECTIONS**

- Stated that they are in agreement with the applicant, but would like to be notified of future development plan phases; requested that required access easement on the driveway be shown on the plan; requested to consolidate remnant tract in accordance with previously recorded plat; and requested applicant remove the structure that the proposed boundary line runs through.

**VOTES WERE AS FOLLOWS:**

- AYES: (11) Bell, Berkley, Brewer, Forester, Mundy, Nicol, Owens, Penn, Plumlee, Pohl, and Wilson
- NAYS: (0)
- ABSENT: (0)
- ABSTAINED: (0)
- DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-17-00029** carried.

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