

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

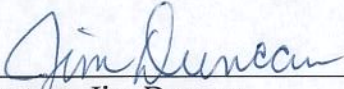
IN RE: **MARV 2015-26: JEFFREY STUART MORGAN** - petition for a zone map amendment from a High Density Apartment (R-4) zone to a Neighborhood Business (B-1) zone, for 0.355 net (0.542 gross) acre, for property located at 500-506 Maryland Avenue (a portion of). Dimensional variances were also requested. (Council District 2)

Having considered the above matter on **December 17, 2015**, 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 reason:

1. The requested Neighborhood Business (B-1) zone for the subject property is in agreement with the 2013 Comprehensive Plan for the following reasons:
 - a. The Goals and Objectives recommend: 1) identifying areas of opportunity for infill, redevelopment and adaptive reuse that respect the area's context and design features (Theme A., Goal #2a.); and 2) providing a well-designed neighborhood and community (Theme A, Goal #3). This redevelopment project will be in keeping with the neighborhood character and will support the pedestrian-oriented Jefferson Street corridor.
 - b. The Goals and Objectives encourage providing entertainment and other quality of life opportunities that attract young professionals and a workforce of all ages and talents to Lexington (Theme C, Goal #2d.). The applicant is proposing to further the resurgence of the Jefferson Street corridor by including a restaurant/pub in the plan for redevelopment, which is in keeping with the other establishments within the immediate area.
 - c. The Goals and Objectives encourage compact, contiguous and/or mixed use sustainable development within the Urban Service Area, as guided by market demand, to accommodate future growth needs (Theme E, Goal #1b.). The proposed mixed-use development will, in its own small way, help alleviate pressure to expand the Urban Service Area in the future.
 - d. The Goals and Objectives of the 2013 Comprehensive Plan are supported by the applicant's requested rezoning, and the requested B-1 zone is compatible with the adjacent zoning along Jefferson Street.
2. This recommendation is made subject to approval and certification of **ZDP 2015-119: The Townhomes at Jefferson Street (Preston Subdivision)**, 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 uses shall be restricted via conditional zoning:**
 - a. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies.
 - b. Medical and dental offices, clinics and laboratories.
 - c. Automobile service stations, gasoline pumps, and automobile and vehicle refueling stations.
 - d. Drive-through facilities.
 - e. Uses requiring or utilizing overhead doors.

These restrictions are necessary and appropriate in order to restrict the most intense land uses on the subject property and to provide an adequate land use transition to the nearby neighborhood. Such uses could have a negative impact on the neighborhood related to noise, parking and/or traffic congestion.

ATTEST: This 6th day of January, 2016.


Secretary, Jim Duncan

MIKE OWENS
CHAIR

Note: Variances to reduce the required parking for the B-1 zone area by 50%, and to reduce the required rear yard for eight of the interior townhouse units from 20% of the lot depth to 15%, were approved by the Planning Commission for this property, subject to the rezoning being granted.

Note: The corollary development plan, ZDP 2015-119: The Townhomes at Jefferson Street (Preston Subdivision), was approved by the Planning Commission on December 17, 2015 and certified on December 30, 2015.

K.R.S. 100.211(7) requires that the Council take action on this request by March 17, 2016.

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

OBJECTORS

- Susan King, 533 Maryland Avenue
- Sean McLaughlin, 535 Maryland Avenue
- Evelyn Knight, 513 West Third Street

OBJECTIONS

- Concerned about overflow parking that will result on Maryland Avenue.
- Concerned about on-street parking, since few of the homes on Maryland Avenue have driveways.
- Believes that the intent of the proposed B-1 zone is to serve the needs of the neighborhood, rather than provide a destination for entertainment uses for the community.

VOTES WERE AS FOLLOWS:

AYES: (8) Berkley, Cravens, Drake, Mundy, Penn, Plumlee, Smith, Wilson

NAYS: (0)

ABSENT: (3) Brewer, Owens, Richardson

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for CONDITIONAL APPROVAL of MARV 2015-26 carried.

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