

ORDINANCE NO. 66 -2017

AN ORDINANCE TO AMEND ORDINANCE NO. 4-2017 TO INCLUDE CONDITIONAL ZONING RESTRICTIONS WHICH WERE INADVERTENTLY OMITTED FROM THE FINAL REPORT FROM THE PLANNING COMMISSION AND THE ORDINANCE, AND TO ADD A NEW SECTION TWO AND RENUMBER EXISTING SECTIONS TWO AND THREE TO SECTIONS THREE AND FOUR TO CORRECT THE OMISSION.

WHEREAS, the Urban County Council passed a map amendment zoning ordinance on November 17, 2016 to change the zone from a Professional Office (P-1) zone to a High Rise Apartment (R-5) zone for properties located at 353 Waller Avenue; and

WHEREAS, the ordinance inadvertently omitted conditional zoning restrictions which were recommended by the Planning Commission and included in the minutes from the Planning Commission hearing but inadvertently omitted from the final report of the Planning Commission: and

WHEREAS, the inadvertent omission of the conditional zoning restrictions should be included in the ordinance but do not change the substance of the map amendment to the zoning ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That Ordinance No. 4-2017 be and hereby is amended to include the following as a new section two and to renumber existing sections two and three to section three and four as follows:

Section 2 - That the granting of this zone change is made subject to the following use restrictions as conditions of granting the zone change:


Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses are prohibited on the subject property via conditional zoning:

- a. Community Centers
- b. Boarding and Lodging Houses
- c. Assisted Living Facilities
- d. Hospitality Houses
- e. Rehabilitation Homes
- f. Day Shelters

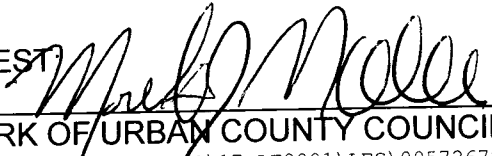
Section 2 – That the remainder of Ordinance No. 4-2017 is unchanged.

Section 3 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: May 11, 2017



MAYOR

ATTEST 

CLERK OF URBAN COUNTY COUNCIL

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PUBLISHED: May 18, 2017-1t



MEMORANDUM

TO: Mayor Jim Gray
Members, Urban County Council

FROM: Jim Duncan, Director

DATE: March 20, 2017

SUBJECT: Correction of Ordinance No. 4-2017

This memo is to request Council approval of an Ordinance to correct Ordinance No. 4-2017, in order to include conditional zoning restrictions as recommended by the Planning Commission for property located at 353 Waller Avenue. This Ordinance changed the zoning from P-1 to R-5.

The conditional zoning restrictions, which include prohibiting community centers, boarding and lodging houses, assisted living facilities, hospitality houses, rehabilitation homes, and day shelters, were approved by the Planning Commission at their hearing on November 17. These restrictions were noted in the minutes of the November 17th meeting, but were inadvertently excluded from the final report.

This correction will have no fiscal impact.

Attachments:

Final Report

C: Derek Paulsen, Commissioner of Planning, Preservation and Development



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

IN RE: PLN-MAR-16-00002: CAPKY BLUEGRASS PROPERTIES, LLC – a petition for a zone map amendment from a Professional Office (P-1) zone to a High Rise Apartment (R-5) zone for 3.05 net (3.29 gross) acres, for property located at 353 Waller Avenue. (Council District 3)

Having considered the above matter on **November 17, 2016**, at a Public Hearing, and having voted **9-0** 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 proposed High Rise Apartment (R-5) zone is in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. The residential zoning and proposed efficiency apartment units will expand housing choices by providing an uncommon dwelling unit type within the immediate area (Theme A, Goal #1). Although dwelling units exist to the north and west, most are single family homes or two bedroom apartment units.
 - b. The renovation of an underutilized structure on the subject property will support infill and redevelopment that is respectful of the area's context and design features (Theme A, Goal #2.a.) since little will be altered on the property, and since this will also support adaptive re-use in the community (Theme D - Improving a Desirable Community).
 - c. The additional dwelling units within the Waller Avenue corridor will allow for employees and students of the University of Kentucky, as well as two nearby hospitals, to live near their jobs, thereby encouraging infill and redevelopment that creates jobs where people live (Theme C).
 - d. The petitioner will provide new sidewalks along a portion of their property frontage and work to create a transit line along Waller Avenue in order to help a viable network and effective transportation system for residents (Theme D) and improve accessibility between neighborhoods and shopping (Accessibility - page 15).
 - e. The proposed R-5 zone is compatible with the adjoining High Density Apartment (R-4) zone to the west and will serve as a transition between the commercial uses along Waller Avenue and the single family residential areas to the north of this location, due to the existing building's low height and profile.
2. This recommendation is made subject to the approval and certification of **PLN-MJDP-16-00009: Storey Business Subdivision, Lot 6**, 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 prohibited on the subject property:
 - a. Community centers;
 - b. Boarding or lodging houses, assisted living facility, hospitality house, or rehabilitation homes;
 - c. Day shelters.

These restrictions are necessary and appropriate in order to ensure compatibility of the property with the adjoining residential land use to the west and north of this location.

Conditional Zoning Restrictions
Recommended by the
Planning Commission for

PLN-MAR-16-00002: CAPKY BLUEGRASS PROPERTIES, LLC

3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses shall be prohibited on the subject property:
 - a. Community centers;
 - b. Boarding or lodging houses, assisted living facility, hospitality house, or rehabilitation homes;
 - c. Day shelters.

These restrictions are necessary and appropriate in order to ensure compatibility of the property with the adjoining residential land use to the west and north of this location.