

Rec'd by CEE

Date: 8/27/19

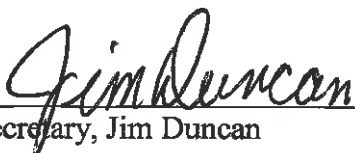
RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: PLN-MAR-19-00011: 6K AND UNDER AUTO SALES, LLC (9/1/19)*- a petition for a zone map amendment to modify the conditional zoning restrictions in the Highway Service Business (B-3) zone, for 0.85 net (1.14 gross) acres, for property located at 1709 North Broadway.
(Council District 1)

Having considered the above matter on August 8, 2019, at a Public Hearing, and having voted 5-2 that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **DISAPPROVAL** of this matter for the following reasons:

1. In accordance with Article 6-7(c)(1)(a) of the Zoning Ordinance, there has been no unanticipated changes of any economic, physical or social nature in the immediate area since the time the conditional zoning restrictions were imposed in 1988 that has substantially changed the character of the area or the subject property. In particular, the Elkhorn Park neighborhood adjoining the back of the site remains residential and the N. Broadway corridor remains a prominent entry to the community that needs protection from further impacts to its visual quality.
2. The petitioner has not provided evidence to support the requested removal of the conditional zoning restrictions, and further, the nature of the immediate area still presents many of the same issues that required the original inclusion of the conditional zoning restrictions.

ATTEST: This 26th day of August, 2019.


Secretary, Jim Duncan

MIKE OWENS
CHAIR

Note: The corollary development plan, **PLN-MJDP-19-00038: ELKHORN PARK, BLOCK 8 (A PORTION OF) (W.P. LITTLE PROPERTY) (AMD)** was indefinitely postponed by the Planning Commission on August 8, 2019.

K.R.S. 100.211(7) requires that the Council take action on this request by November 6, 2019.

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

OBJECTORS

- Richard Murphy, attorney, representing Peter Sun and Susan Lui

- Missy Rogers, 538 Dover Road

- Brenda Cochran, 1720 Woodlark Ave

- Vincent Bonomini, manager of Penn Station

- Dawn Forry, 151 Muir Station Rd

- Carter Crump, 1720 Woodlark Ave

- Dan Forry, 151 Muir Station Rd

- Peter Sun, 1030 Monarch Street, property owner of 1719 N. Broadway

- Charles Hite

OBJECTIONS

- Concerned with the lack of parking for the shopping center and the inability for large trucks entering the rear of the property because of the overflow of automobiles from 1709 N. Broadway.

- Concerned that the applicant will not install the landscape improvements and fence along N. Broadway.

- Concerned with the safety of N. Broadway and the potential traffic accidents.

- Concerned with the impact to businesses when truck trucks block one lane of the access drive.

- Concerned that the businesses in the strip mall are suffering.

- Concerned with the safety of N. Broadway and the potential traffic accidents. Concern with the lack of sight distance at the intersection of N. Broadway and Cane Run Road from the cars parked along the right-of-way.

- Concerned that the applicant will not do what is required.

- Concerned that some tenants in the strip mall will not renew their lease because of the car lot is impacting the mall parking lot and the side parking area.

- Concerned that bad behavior is being rewarded.

VOTES WERE AS FOLLOWS:

AYES: (5) de Movellan, Mundy, Owens, Plumlee and Wilson

NAYS: (2) Forester and Nicol

ABSENT: (4) Bell, Brewer, Penn and Pohl

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **DISAPPROVAL** of **PLN-MAR-19-00011: 6K AND UNDER AUTO SALES, LLC** carried.

Enclosures: Application
Notification Map
Staff Report
Applicable excerpts of minutes of above meeting

