

AN ORDINANCE CHANGING THE ZONE FROM A LIGHT INDUSTRIAL (I-1) ZONE TO A NEIGHBORHOOD BUSINESS (B-1) ZONE, FOR 0.21 NET (0.47 GROSS) ACRES, AND FROM A WHOLESALE AND WAREHOUSE BUSINESS (B-4) ZONE TO A NEIGHBORHOOD BUSINESS (B-1) ZONE, FOR 0.45 NET (0.79 GROSS) ACRES, FOR PROPERTIES LOCATED AT 411 CHAIR AVENUE AND 410 DEROODE STREET AND 603, 607, 615, 617 AND 619 S. BROADWAY. (BERNARD JEFFERY AND PATRICIA M. QUEEN (AMD.); COUNCIL DISTRICT 3).

WHEREAS, at a Public Hearing held on February 9, 2017, a petition for a zoning ordinance map amendment for property located at 411 Chair Avenue and 410 DeRoode Street and 603, 607, 615, 617 and 619 S. Broadway from a Light Industrial (I-1) zone to a Neighborhood Business (B-1) zone, for 0.21 net (0.47 gross) acres, and from a Wholesale and Warehouse Business (B-4) zone to a Neighborhood Business (B-1) zone, for 0.45 net (0.79 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change by a vote of 9-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated herein by reference.

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

Section 1 - That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for property located at 411 Chair Avenue and 410 DeRoode Street and 603, 607, 615, 617 and 619 S. Broadway from a Light Industrial (I-1) zone to a Neighborhood Business (B-1) zone, for 0.21 net (0.47 gross) acres, and from a Wholesale and Warehouse Business (B-4) zone to a Neighborhood Business (B-1) zone, for 0.45 net (0.79 gross) acres; being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

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

PASSED URBAN COUNTY COUNCIL: April 13, 2017



MAYOR

ATTEST:



CLERK OF URBAN COUNTY COUNCIL

Published: April 20, 2017-1t

TWJ:X:\Cases\PLANNING\17-LE0001\LEG\00566486.DOCX

411 Chair Avenue and 410 De Roode Street (a portion of each)
Zone Change from I-1 to B-1
Lexington, Fayette County, Kentucky

A TRACT OR PARCEL OF LAND SITUATED NORTH OF AND ADJACENT TO SOUTH BROADWAY, BOUNDED ON ITS WEST BY CHAIR AVENUE AND ON ITS EAST BY OLIVER LEWIS WAY (FORMERLY DE ROODE STREET) IN SOUTHWEST LEXINGTON, FAYETTE COUNTY, KENTUCKY AND BEING MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

BEGINNING AT A POINT in the centerline of Chair Avenue approximately 185.70 feet north of the centerline of South Broadway thence North 51 Degrees 21 Minutes 39 Seconds East a distance of 135.01 feet to a point; thence South 38 Degrees 40 Minutes 37 Seconds East a distance of 20.62 feet to a point; thence North 51 Degrees 19 Minutes 23 Seconds East a distance of 172.83 feet to a point in the centerline of Oliver Lewis Way; thence with the said centerline South 40 Degrees 06 Minutes 09 Seconds East a distance of 172.15 feet to a point in the centerline of the right of way of South Broadway; thence with the said centerline for the following two (2) calls: along an arc 24.01 feet to the right, having a radius of 1033.00 feet, the chord of which is South 54 Degrees 19 Minutes 19 Seconds West for a distance of 24.01 feet to a point, thence along an arc 31.20 feet to the left, having a radius of 967.00 feet, the chord of which is South 54 Degrees 03 Minutes 49 Seconds West for a distance of 31.20 feet to a point in the existing I-1 Zone Line, thence with the said line for the following two (2) calls: North 41 Degrees 12 Minutes 02 Seconds West a distance of 137.67 feet to a point; thence South 51 Degrees 18 Minutes 14 Seconds West a distance of 250.96 feet to a point in the centerline of Chair Avenue; thence North 38 Degrees 38 Minutes 21 Seconds West a distance of 52.61 feet to the **POINT OF BEGINNING.**

The above described parcel contains 0.47 acres gross and 0.21 acres net.

J:\850\McQueen_Chair\Legal_Descriptions\i-1 to b-1.docx

411 Chair Avenue and 410 De Roode Street (a portion of each;
603,607,615,617,619 South Broadway
Zone Change from B-4 to B-1
Lexington, Fayette County, Kentucky

A TRACT OR PARCEL OF LAND SITUATED NORTH OF AND ADJACENT TO SOUTH BROADWAY, BOUNDED ON ITS WEST BY CHAIR AVENUE AND ON ITS EAST BY OLIVER LEWIS WAY (FORMERLY DE ROODE STREET) IN SOUTHWEST LEXINGTON, FAYETTE COUNTY, KENTUCKY AND BEING MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

BEGINNING AT A POINT at the intersection of the centerline of Chair Avenue and the centerline of the South Broadway right of way thence with the Chair Avenue centerline North 38 Degrees 38 Minutes 21 Seconds West a distance of 133.09 feet to a point in the B-3 Zone Line; thence with the said Zone Line for the following two (2) calls: North 51 Degrees 18 Minutes 14 Seconds East a distance of 250.96 feet to a point; thence South 41 Degrees 12 Minutes 02 Seconds East a distance of 137.67 feet to a point in the centerline of the South Broadway right of way; thence with the said centerline for the following three (2) calls: along an arc 22.41 feet to the left, having a radius of 967.00 feet, the chord of which is South 52 Degrees 28 Minutes 31 Seconds West for a distance of 22.41 feet to a point; thence South 51 Degrees 48 Minutes 41 Seconds West a distance of 183.42 feet to a point; thence along an arc 51.35 feet to the right, having a radius of 690.00 feet, the chord of which is South 53 Degrees 56 Minutes 36 Seconds West for a distance of 51.34 feet to the **POINT OF BEGINNING.**

The above described parcel contains 0.79 acres gross and 0.45 acres net.

J:\850\McQueen_Chair\Legal_Descriptions\b-4 to b-1.docx

Rec'd by _____

Date: _____

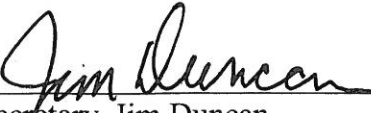
RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: **PLN-MAR-16-00020: BERNARD JEFFERY AND PATRICIA M. QUEEN (AMD)** – an amended petition for a zone map amendment from Light Industrial (I-1) zone to a Neighborhood Business (B-1) zone, for 0.21 net (0.47 gross) acres, and from a Wholesale and Warehouse Business (B-4) zone to a Neighborhood Business (B-1) zone, 0.45 net (0.79 gross) acres, for properties located at 411 Chair Avenue and 410 DeRoode Street and 603, 607, 615, 617, and 619 S. Broadway. (Council District 3)

Having considered the above matter on **February 9, 2017**, 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 **APPROVAL** of this matter for the following reason:

1. The proposed Neighborhood Business (B-1) zone is in agreement with the 2013 Comprehensive Plan, and the adopted Newtown Pike Extension Corridor Small Area Plan, which preceded it, for the following reasons:
 - a. The Newtown Pike Extension Corridor Small Area Plan recommends Retail/Office Mixture, including a residential component (RO) future land use for the subject properties. The B-1 zone meets the intent of the SAP land use recommendation because residential is a permitted use in the zone, and the proposed developed depicts a mixed-use at this location.
 - b. The proposed B-1 zone, along with the supporting design and access standards adopted by the Urban County Council, will ensure that this prominent corner at the intersection of Oliver Lewis Way and South Broadway will improve the Southend Park neighborhood, and contribute to the redevelopment envisioned by the Small Area Plan for this new corridor connection into downtown.
 - c. The proposed B-1 zone (and land use) will be compatible and appropriate at this location to create jobs near where people live, in close proximity to the University of Kentucky and downtown.
 - d. Mixed-use development tends to reduce Lexington's carbon footprint by reducing vehicle miles traveled. The mixed use nature of the intersection may indeed reduce automobile transportation demands if the development supports the nearby residential dwelling units.
2. This recommendation is made subject to the approval and certification of **PLN-MJDP-16-00047: Queen Estate (fka J Forbing & Son's)**, 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 24th day of February, 2017.


Secretary, Jim Duncan

WILLIAM WILSON
CHAIR

Note: The corollary development plan, PLN-MJDP-16-00047: QUEEN ESTATE was approved by the Planning Commission on February 9, 2017 and certified on February 23, 2017.

K.R.S. 100.211(7) requires that the Council take action on this request by May 10, 2017.

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

OBJECTORS _____

OBJECTIONS _____

VOTES WERE AS FOLLOWS:

AYES: (9) Berkley, Cravens, Mundy, Owens, Penn, Plumlee, Richardson, Smith and Wilson

NAYS: (0)

ABSENT: (2) Brewer and Penn

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for APPROVAL of PLN-MAR-16-00020: BERNARD JEFFERY AND PATRICIA M. QUEEN (AMD) carried.

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

MAP AMENDMENT REQUEST (MAR) APPLICATION

1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)

Applicant: BERNARD JEFFERY AND PATRICIA M QUEEN, 451 CHAIR AVE, LEXINGTON, KY 40508
Owner(s): BERNARD JEFFERY AND PATRICIA M QUEEN, 451 CHAIR AVE, LEXINGTON, KY 40508
Attorney: Jacob Walbourn, McBrayer McGinnis Leslie & Kirkland, PLLC, 201 East Main Street, Suite 900, Lexington, KY 40507

2. ADDRESS OF APPLICANT'S PROPERTY

410 DE ROODE ST LEXINGTON KY 411 CHAIR AVE LEXINGTON KY 603 BROADWAY LEXINGTON KY 607 BROADWAY LEXINGTON KY 615 BROADWAY LEXINGTON KY 617 BROADWAY LEXINGTON KY 619 BROADWAY LEXINGTON KY

3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY

Zoning	Existing		Zoning	Requested		Acreage	
		Use			Use	Net	Gross
I-1		Vacant	B-1	Commercial	0.21		0.47
B-4		Vacant	B-1	Commercial	0.45		0.79

4. EXISTING CONDITIO

a. Are there any existing dwelling units on this property that will be removed if t application is approved?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
b. Have any such dwelling units been present on the subject property in the p 12 months?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
c. Are these units currently occupied by households earning under 40% of median income? If yes, how many units? If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing.	<input type="checkbox"/> YES <input type="checkbox"/> NO

5. URBAN SERVICES STATUS (Indicate whether existing, or how to be provide

Roads:	LFUCG
Storm Sewers:	LFUCG
Sanity Sewers:	LFUCG
Refuse Collection:	LFUCG
Utilities:	<input checked="" type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas <input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable



January 18, 2017

Mr. William Wilson, Chairman
Lexington-Fayette Urban County Planning Commission
200 East Main Street
Lexington, Kentucky 40507

RE: Amended Zone Change Application from B-4/I-1 to B-1
603, 607, 615, 617, and 619 South Broadway; 411 Chair Avenue;
and 410 DeRoode Street

Dear Chairman Wilson:

Please be advised that we represent the Bernard Queen Trust (hereinafter "Queen Trust"), which is the owner of 603, 607, 615, 617 and 619 South Broadway, as well as 511 Chair Avenue and 410 DeRoode Street. My client desires to rezone the above-mentioned parcels from their current industrial and warehouse business zoning categories to the Neighborhood Business Zone (B-1). This letter reflects an amendment to our prior application, which sought rezoning of the same parcels to the Highway Service Business Zone (B-3). We believe these parcels can be redeveloped to more effectively serve the surrounding neighborhood in accord with the goals and objectives of the 2013 Comprehensive Plan, and that the proposed zoning is appropriate and the present zoning is inappropriate.

The subject property is located at the new intersection for the Newtown Pike extension and South Broadway, a long planned roadway extension that is in its final phase, and is slated for completion soon. The site is at a unique location, in that it is the convergence of the downtown area, and the University of Kentucky campus area. Historically, the general area has housed industrial and warehouse uses, but that has slowly evolved in recent years, with large, student focused developments like The Lex, 5 Twenty Four Angliana, The Wyatt, and Newtown Crossing having come online and has markedly changed the character of the area. What was once a bustling hub of industrial activity has become one of the primary areas for UK students to live, work, and eat.

Though the area has seen growth from a residential density standpoint, the area has been slower to develop with establishments like restaurants and retail space. Additionally, South Broadway is one of the primary gateways to access both downtown and the University of Kentucky area, including Rupp Arena, and daily is travelled by thousands of Lexington residents and visitors alike. It is becoming clear that warehouse and industrial uses near such a prominent corridor, with the Newtown Pike extension soon coming, is not an efficient use

of such valuable and conveniently located land. We believe a retail and/or restaurant use would be highly successful in this location.

In sum, we believe this is a more appropriate use in this area. We believe this proposal will enhance an important corridor and gateway to downtown Lexington, as well as serve the student and employee population of the University of Kentucky, as well as employees and residents of what we anticipate will be an area continuing to expand residential options.

Our conclusions that this rezoning request is in agreement with the 2013 Comprehensive Plan (hereinafter "Comp Plan") and that the present zoning is inappropriate and the proposed zoning is appropriate are based on the following:

Comprehensive Plan

Growing Successful Neighborhoods

Theme A of the Comp Plan embraces several goals regarding residential life in Fayette County. We believe this redevelopment proposal embraces goals articulated in Theme A of the Comp Plan.

Support infill and redevelopment throughout the Urban Service Area as a strategic component of growth. This goal is accomplished by identifying areas of opportunity for infill, redevelopment and adaptive reuse that respect the area's context and design features whenever possible. As the South Broadway corridor has transitioned to higher density student and downtown resident living, additional restaurant and/or retail services would help to serve this existing neighborhood. The area is becoming less and less compatible with warehouse and industrial uses, and we believe that B-1 zoning is more appropriate given the way the area has evolved in recent history and the need for uses to serve the existing and expanding residential areas.

Provide well designed neighborhoods and communities. The Comp Plan calls not only for well-designed new developments, but to provide enhancements to existing neighborhoods to increase their desirability (Comp Plan, p. 38). Our proposed development will add needed commercial space in an area with great residential density, while beautifying and providing a more efficient use of land in the area. Additionally, this site is served by LexTran Routes #13 and 15, which will allow potential customers to access the site by car, pedestrian, or public transportation means.

Protecting the Environment

Theme B of the Comp Plan embraces goals related to protecting the environment in Fayette County. We believe this proposal embraces elements of Theme B of the Comp

Plan.

Reduce Lexington-Fayette County's carbon footprint. The Comp Plan (p. 50) notes that exhaust from motor vehicles contributes about one-third of our air pollutants. Because of this site's location, reliance on automobile transportation may be reduced. The site is within walking distance or a short bike ride of Urban Core, the University of Kentucky, and several high density apartment developments. Likewise, the site is directly served by Lextran. Because of its prime location and ability to be accessed by car, foot, bike, or public transit, this project will allow residents to use their cars less, which will in turn reduce Lexington's carbon footprint.

Creating Jobs and Prosperity

Theme C of the Comp Plan embraces goals related to continued economic prosperity in Fayette County. We believe this redevelopment proposal embraces elements of Theme C of the Comp Plan.

Support and showcase local assets to further the creation of a variety of jobs. The Comp Plan notes that a variety of employment is necessary to lead to prosperity for all Lexington residents. Further, the Comp Plan emphasizes the importance of living near your workplace (Comp Plan, p. 74). This proposal will allow new employment opportunities for area residents that will enable them to walk or ride to work. In fact, the Comp Plan includes the following passage:

“Adaptive reuse, infill, and redevelopment are not only about preserving farms and important buildings and making better use of existing infrastructure. They are also about putting jobs where people live. Many of Lexington's businesses – large and small – can thrive as neighbors in and near neighborhoods. Land use regulations should enable opportunities to live where you work” (Comp Plan, p. 74).

This is particularly appropriate given the predominant student makeup of the area. Many students may not be pursuing full time employment due to their studies, but may work part-time for retailers and restaurants in order to offset their expenses of schooling. In fact, this goal of the Comp Plan specifically notes that a *variety* of jobs is needed. It is this variety of job that helps our students find reasonable employment during their educational pursuits.

Maintaining a Balance Between Planning for Urban Uses and Safeguarding Rural Land

Theme E of the Comp Plan embraces goals related to preserving rural land while encouraging growth. We believe this redevelopment proposal embraces elements of Theme E of the Comp Plan.

Uphold the Urban Services Area concept. This goal requires close monitoring of the absorption of vacant or under-utilized land in the Urban Service Area as well as encouraging the compact, contiguous, and/or mixed-use sustainable development within the Urban Service Area to accommodate future growth needs. This project will allow more support of an existing neighborhood, including the provision of commercial opportunities, making it more desirable, and thus reducing the demand for additional commercial opportunities and to avoid a potential expansion of the USA.

The Comp Plan also encourages maintenance of this balance by encouraging infill, redevelopment, and adaptive reuse. The project discussed here would involve both infill and redevelopment concepts. Frankly put, commercial development is and will remain more attractive than warehouse or industrial development along one of the most significant corridors in Lexington.


Current Zoning Inappropriate

We also submit that the current B-4/I-1 zoning on the site is inappropriate and the proposed B-1 zoning is appropriate. Typically, B-4 zoning is employed with warehouse-like uses, that often require significant portions of land. Likewise, industrial development requires a significant amount of land. However, even having assembled the six parcels subject to this zoning change, the site is less than 2/3rds of an acre. Because of the small nature of these parcels, redevelopment in a B-4 or I-1 use is not particularly feasible. Additionally, as explained above, the connection of the Newtown Pike extension, coupled with the evolution of the development in the area makes industrial and warehouse uses less appropriate in this location. Accordingly, we submit that B-1 zoning, which allows for retail, restaurant, and commercial use, is more appropriate than B-4 or I-1 zoning at this location. It is also in accord with the Newtown Pike Extension ordinance and plan. We submit that the overall concept of the Newtown Pike Extension plan would support the proposition that B-4/I-1 zoning is no longer appropriate at this location (as these plans focus on the possibility of mixed use developments), whereas B-1 is an appropriate zone for this location based on the recommendations of the plan and the possibility of mixed use development in the B-1 zone.

Conclusion

As you can see, we believe this is an appropriate application to enhance an evolving significant corridor in Lexington. Based on the foregoing, we respectfully request approval of our application as submitted. We look forward to presenting this application to you and discussing it with you. Thank you for your consideration of this request.

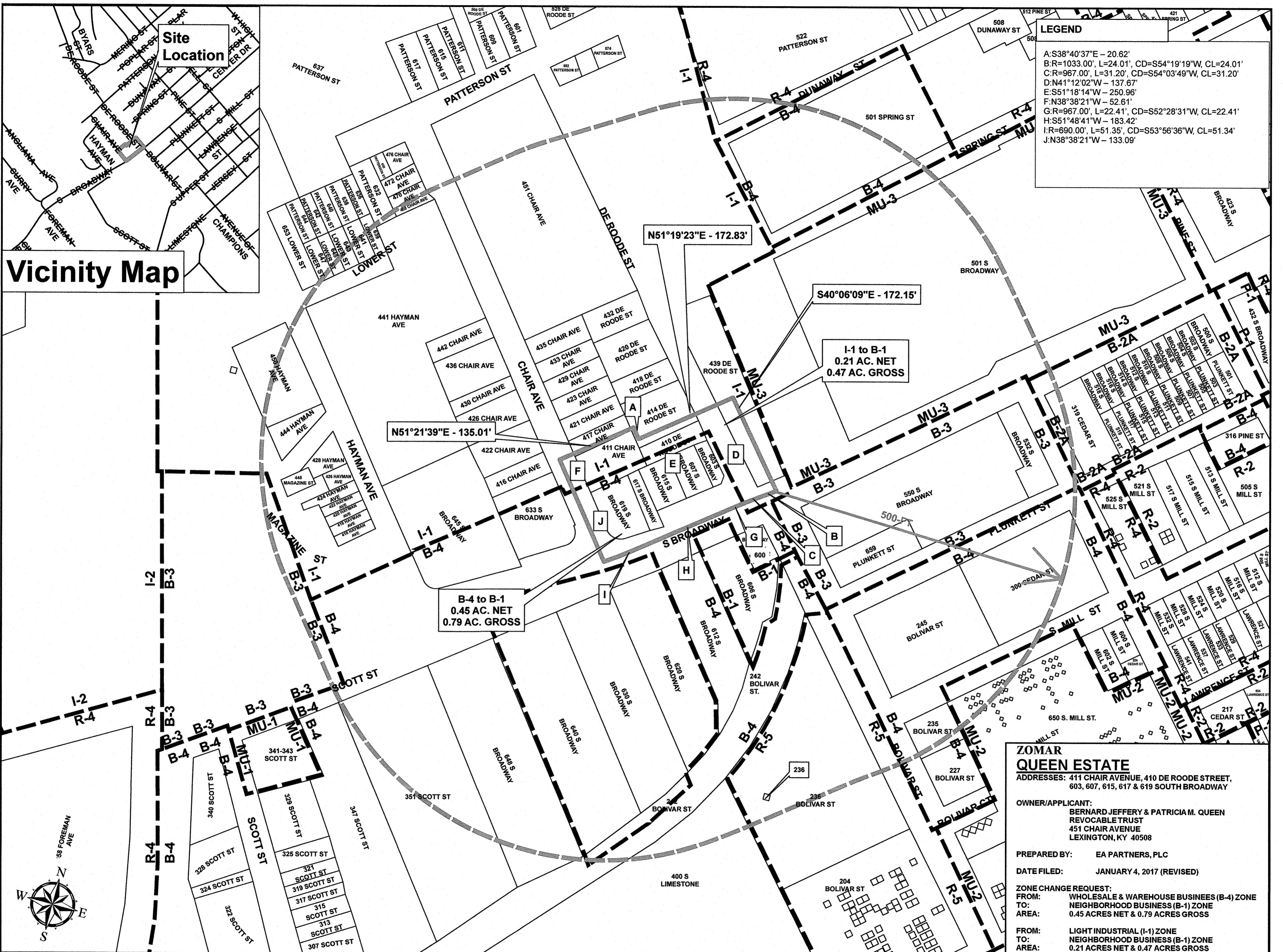
Sincerely,



Jacob C. Walbourn
Counsel for Bernard Queen Trust

JCW/klm
Enclosures

4852-3376-8256, v. 1

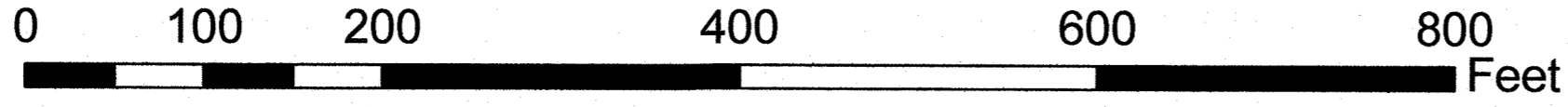


LEGEND

A: S38°40'37"E - 20.62'
 B: R=1033.00', L=24.01', CD=S54°19'19"W, CL=24.01'
 C: R=967.00', L=31.20', CD=S54°03'49"W, CL=31.20'
 D: N41°12'02"W - 137.67'
 E: S51°18'14"W - 250.96'
 F: N38°38'21"W - 52.61'
 G: R=967.00', L=22.41', CD=S52°28'31"W, CL=22.41'
 H: S51°48'41"W - 183.42'
 I: R=690.00', L=51.35', CD=S53°56'36"W, CL=51.34'
 J: N38°38'21"W - 133.09'

Vicinity Map

Notification Map



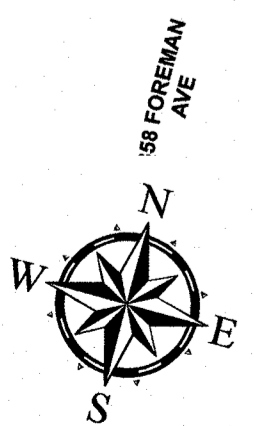
ZOMAR
QUEEN ESTATE
 ADDRESSES: 411 CHAIR AVENUE, 410 DE RODEE STREET,
 603, 607, 615, 617 & 619 SOUTH BROADWAY

OWNER/APPLICANT:
 BERNARD JEFFERY & PATRICIA M. QUEEN
 REVOCABLE TRUST
 451 CHAIR AVENUE
 LEXINGTON, KY 40508

PREPARED BY: EA PARTNERS, PLC
 DATE FILED: JANUARY 4, 2017 (REVISED)

ZONE CHANGE REQUEST:
 FROM: WHOLESALE & WAREHOUSE BUSINESSES (B-4) ZONE
 TO: NEIGHBORHOOD BUSINESS (B-1) ZONE
 AREA: 0.45 ACRES NET & 0.79 ACRES GROSS

FROM: LIGHT INDUSTRIAL (I-1) ZONE
 TO: NEIGHBORHOOD BUSINESS (B-1) ZONE
 AREA: 0.21 ACRES NET & 0.47 ACRES GROSS



- (b) objectors (30 minute maximum) (3 minutes each)
- Rebuttal & Closing Statements
 - (a) petitioner's comments (5 minute maximum)
 - (b) citizen objectors (5 minute maximum)
 - (c) staff comments (5 minute maximum)
- Hearing closed and Commission votes on zone change petition and related plan(s)

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the hearing. The Chair will announce its decision at the outset of the hearing.

1. **BERNARD JEFFERY AND PATRICIA M. QUEEN ZONING MAP AMENDMENT & QUEEN ESTATE**

- a. **PLN-MAR-16-00020: BERNARD JEFFERY AND PATRICIA M. QUEEN (AMD)** – an amended petition for a zone map amendment from Light Industrial (I-1) zone to a Neighborhood Business (B-1) zone, for 0.21 net (0.47 gross) acres, and from a Wholesale and Warehouse Business (B-4) zone to a Neighborhood Business (B-1) zone, 0.45 net (0.79 gross) acres, for properties located at 411 Chair Avenue and 410 DeRoode Street and 603, 607, 615, 617, and 619 S. Broadway.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The 2013 Plan's Goals and Objectives emphasize the importance of growing successful neighborhoods (Theme A), protecting the environment (Theme B), creating jobs and prosperity (Theme C), improving a desirable community (Theme D) and maintaining a balance between planning for urban uses and safeguarding rural land (Theme E). The Newtown Pike Extension Corridor Small Area Plan, adopted by the Planning Commission in January 2003, recommends Retail/Office Mixture, including a residential component future land use for the subject properties. The Plan also makes more general recommendations for streetscape improvements such as wide sidewalks along South Broadway, developing major intersections as gateways, encouraging commercial development along key corridors and at major intersections, enhancing community services and improving access to jobs.

The petitioner has amended their zone change request and now proposes (B-1) a Neighborhood Business zone. The petitioner proposes a 10,550 square-foot structure and associated off-street parking.

The Zoning Committee Recommended: Approval.

The Staff Recommends: Approval, for the following reason:

1. The proposed Neighborhood Business (B-1) zone is in agreement with the 2013 Comprehensive Plan, and the adopted Newtown Pike Extension Corridor Small Area Plan, which preceded it, for the following reasons:
 - a. The Newtown Pike Extension Corridor Small Area Plan recommends Retail/Office Mixture, including a residential component (RO) future land use for the subject properties. The B-1 zone meets the intent of the SAP land use recommendation because residential is a permitted use in the zone, and the proposed developed depicts a mixed-use at this location.
 - b. The proposed B-1 zone, along with the supporting design and access standards adopted by the Urban County Council, will ensure that this prominent corner at the intersection of Oliver Lewis Way and South Broadway will improve the Southend Park neighborhood, and contribute to the redevelopment envisioned by the Small Area Plan for this new corridor connection into downtown.
 - c. The proposed B-1 zone (and land use) will be compatible and appropriate at this location to create jobs near where people live, in close proximity to the University of Kentucky and downtown.
 - d. Mixed-use development tends to reduce Lexington's carbon footprint by reducing vehicle miles traveled. The mixed use nature of the intersection may indeed reduce automobile transportation demands if the development supports the nearby residential dwelling units.
 2. This recommendation is made subject to the approval and certification of **PLN-MJDP-16-00047: Queen Estate (fka J Forbing & Son's)**, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. **PLN-MJDP-16-00047: QUEEN ESTATE (2/9/17)*** - located at 411 Chair Avenue and 410 DeRoode Street and 603, 607, 615, 617, and 619 S. Broadway. **(EA Partners)**

Note: The Planning Commission postponed this item at their December 15, 2016 and January 12, 2017, meetings.

The Subdivision Committee Recommended: Approval, subject to the following conditions:

1. Provided the Urban County Council rezones the property **B-1**; otherwise, any Commission action of approval is null and void.

* - Denotes date by which Commission must either approve or disapprove request.

2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Denote: No building permit shall be issued unless and until a final development plan is approved by the Planning Commission.
6. Denote that compliance with the Newtown Pike Extension Design Ordinance shall be determined at the Final Development Plan.
7. Denote height of building in feet.
8. Denote building/lot line conflict shall be resolved at the Final Development Plan.
9. Revise "floor area" site statistics, and add floor area ratio statistics.
10. Add general information about tree sizes at diameter of breast height, per Article 26 requirements.
11. Addition of conditional zoning restrictions, if any.
12. Resolve right-of-way on Chair Avenue at time of the Final Development Plan.

Staff Presentation – Ms. Wade presented the staff report on this zone change, as well as displayed aerial photographs of the subject property. She summarized the staff recommendations for the proposed zone change, indicating that the Zoning Committee recommended Approval as did the staff, subject to the reasons listed on today's agenda. She noted that the zone change is contingent upon the zoning development plan being certified in two-weeks.

Zoning Development Plan Presentation – Mr. Martin presented the staff report and a rendering of the corollary zoning development plan. He indicated that the Subdivision Committee recommended approval, subject to the conditions listed on today's agenda.

Petitioner Presentation – Jacob Walbourn, attorney, was present representing the applicant. He indicated that his client was in agreement with the staff's recommendations, and requested approval.

Commission Comments – Mr. Owens indicated that there was a conversation at a Subdivision Committee meeting about the zero setback. Mr. Walbourn indicated that when the application was first submitted they were requesting a B-3 zone, not a B-1 zone, but they understood the staff's concern with the possible uses, and that they feel B-1 zone is more appropriate. He said that the Zoning Ordinance determines what the setback will be for that zone, and the intent of the Newtown Pike Small Area Plan, the Design Standards Ordinance, and the Urban County Council Ordinance are designed to encourage more of an urban streetscape. In this case, the Council Ordinance requires the building to be two-stories tall and located at the right-of-way with a zero foot setback.

Mr. Owens said that the applicant was proposing a two-story building, and asked if the building could go higher. Mr. Walbourn replied affirmatively, and said that the Ordinance requires at least a two-story building in height for the B-1 zone, but they would be permitted to go higher.

Citizen Comments - There were no audience members present to speak to this request.

Zoning Action – A motion was made by Mr. Owens, seconded by Ms. Richardson, and carried 9-0 (Brewer and Penn absent) to approve **PLN-MAR-16-00020: BERNARD JEFFERY AND PATRICIA M. QUEEN (AMD)**, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Owens, seconded by Ms. Richardson, carried 9-0 (Brewer and Penn absent) to approve **PLN-MJDP-16-00047: QUEEN ESTATE**, as recommended by the Subdivision Committee.

VI. COMMISSION ITEMS –

- A. **MR. WALBOURN** - The Chair extended the Commission's condolence on the loss of Mr. Walbourn's father.
- B. **ANNUAL REPORT FOR THE COURTHOUSE AREA** – The Commission will hear from Ms. Brandi Peacher, who will present the required Annual Report from the Courthouse Area Design Review Board.

Staff Presentation – Ms. Peacher presented a PowerPoint presentation on the Annual Report from the Courthouse Area Design Review Board. (Attached as an exhibit to the minutes).

Commission Comments – The Chair asked when is the complete date for some of the activities. Ms. Peacher indicated that some projects have obtained permits, but some have never come to fruition and would need to come back for reapproval before proceeding again. Other projects have already begun work on the inside and hopefully will be done by the spring.

VII. STAFF ITEMS

- A. **WORK SESSION** – Mr. Sallee indicated that the next Work Session is scheduled for February 16, 2017.
- B. **COMPREHENSIVE PLAN PUBLIC MEETING** - Mr. Duncan informed the Commission of the upcoming public input meetings for the Comprehensive Plan:

* - Denotes date by which Commission must either approve or disapprove request.