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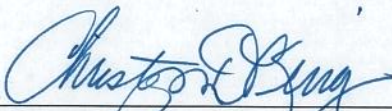
RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: **MAR 2012-13: GREER NICK RD. LLC & GREER NICK RD. II, LLC** – petition for a zone map amendment from a Neighborhood Business (B-1) zone to a Highway Service Business (B-3) zone, for 2.589 net (3.030 gross) acres, for property located at 1949 Nicholasville Road & 145 Collins Lane. (Council District 3)

Having considered the above matter on **September 27, 2012**, at a Public Hearing, and having voted **7-3** 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. The proposed zone change and the corollary development plan do not propose the appropriate buffering needed between a Highway Commercial land use and existing Low Density Residential land uses. The proposed hotel is located far closer to the nearest residences along Goodrich Avenue, when compared to other hotels developed over the past decade, which on average are located 800 feet from the nearest single-family residence.
2. The applicant has provided insufficient legal justification to meet the requirements of KRS 100.213 and Article 6-5 of the Zoning Ordinance. Specifically, these regulations require that evidence be provided so that that Planning Commission, and ultimately the Urban County Council, can make a finding of fact that the map amendment is in agreement with the adopted Comprehensive Plan; or, in the absence of such a finding, that: (1) the existing zoning classification is inappropriate and the proposed zoning classification is appropriate; or (2) there have been major changes of an economic, physical or social nature within the area involved, which were not anticipated in the Comprehensive Plan adopted by the Commission and which have substantially altered the basic character of such area.

ATTEST: This 10th day of October, 2012.


Secretary, Christopher D. King

MIKE OWENS
CHAIR

K.R.S. 100.211(7) requires that the Council take action on this request by December 26, 2012.

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

OBJECTORS

- Joseph Miller, 141 Goodrich Avenue
- Pat Lemont, 116 Goodrich Avenue
- Candace Wallace, 130 Goodrich Avenue
- Sue Beard, 1854 Bellefonte Drive
- Clarissa Spawn, 103 Irvine Road
- Bill Fountain, 131 Wabash Road
- Michael Bardo, 107 Lackawanna Road
- Elizabeth Graves, 1859 Norfolk Drive
- Susan Daole, 141 Goodrich Avenue
- Amy Clark, 628 Kastle Road
- Alicia Cox, 113 Goodrich Avenue
- Mike Early, 110 Goodrich Avenue

OBJECTIONS

- Concerned about the visual profile of a large-scale hotel, and its proximity to and potential impact on low-density residential uses
- Believes that rezoning the subject property to B-3 could set a precedent that could eventually make Southland Drive more like New Circle Road
- Concerned that rezoning the subject property to B-3 and amending the FEMA floodplain could open up the area to commercial/industrial development
- Did not agree with the petitioner's contention that home values in the area would not be adversely affected by rezoning the subject property to B-3
- Concerned that the construction of a large hotel could destroy the existing livable, walkable community in the Southland Drive area
- Concerned about the existing trees on the subject property, and that any new plantings will not survive to provide a buffer between the hotel and the residential neighborhood
- Read an opposition letter for his neighbor, Allison Connell (not in attendance)
- Would prefer for the Southland Drive area to focus on local, neighborhood-oriented commercial uses
- Would prefer for the subject property to be developed with a one-story building and a use that could enhance the neighborhood
- Concerned that construction of a hotel on the subject property could drive up commercial real estate values in the Southland Drive area and result in the proliferation of B-3 zoning and uses there
- Concerned about the safety of children playing outdoors in the residential neighborhood with "transient" hotel guests nearby
- Concerned about the size of the proposed hotel building, and additional traffic on Nicholasville Road

VOTES WERE AS FOLLOWS:

AYES: (7) Blanton, Brewer, Mundy, Owens, Plumlee, Roche-Phillips, Wilson

NAYS: (3) Beatty, Berkley, Cravens

ABSENT: (1) Penn

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for DISAPPROVAL of MAR 2012-13 carried.

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