

ORDINANCE NO. 39 -2014

AN ORDINANCE CHANGING THE ZONE FROM A PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE TO A LIGHT INDUSTRIAL (I-1) ZONE, FOR 81.22 NET AND GROSS ACRES; FROM A HIGH DENSITY APARTMENT (R-4) ZONE TO A LIGHT INDUSTRIAL (I-1) ZONE FOR 3.77 NET AND GROSS ACRES; FROM A PLANNED NIEGHBORHOOD RESIDENTIAL (R-3) ZONE TO A PROFESSIONAL OFFICE (P-1) ZONE, FOR 4.49 NET AND GROSS ACRES; AND FROM A HIGH DENSITY APARTMENT (R-4) ZONE TO A PROFESSIONAL OFFICE (P-1) ZONE, FOR 9.32 NET AND GROSS ACRES, WITH CONDITIONAL ZONING RESTRICTIONS, FOR PROPERTY LOCATED AT 2250 SPURR ROAD AND 2350, 2400 & 2550 GEORGETOWN ROAD (A PORTION OF EACH). (HAYMAKER DEVELOPMENT CO., LLC; COUNCIL DISTRICT 1).

WHEREAS, at a Public Hearing held on February 27, 2014, a petition for a zoning ordinance map amendment for property located at 2250 Spurr Road and 2350, 2400 & 2550 Georgetown Road (a portion of each) a Planned Neighborhood Residential (R-3) zone to a Light Industrial (I-1) zone, for 81.22 net and gross acres; from a High Density Apartment (R-4) zone to a Light Industrial (I-1) zone for 3.77 net and gross acres; from a Planned Neighborhood Residential (R-3) zone to a Professional Office (P-1) zone, for 4.49 net and gross acres; and from a High Density Apartment (R-4) zone to a Professional Office (P-1) zone for 9.32 net and gross acres, with conditional zoning restrictions, was presented to the Urban County Planning Commission; said Commission recommending conditional 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 2250 Spurr Road and 2350, 2400 & 2550 Georgetown Road (a portion of each) a Planned Neighborhood Residential (R-3) zone to a Light Industrial (I-1) zone, for 81.22 net and gross acres; from a High Density Apartment (R-4) zone to a Light Industrial (I-1) zone for 3.77 net and gross acres; from a Planned Neighborhood Residential (R-3) zone to a Professional Office (P-1) zone, for 4.49 net and gross acres; and from a High Density

Apartment (R-4) zone to a Professional Office (P-1) zone for 9.32 net and gross acres, with conditional zoning restrictions; being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

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 for the subject property via conditional zoning:

1. Underground storage tanks for materials other than petroleum products.
2. Mining of non-metallic minerals.
3. Establishments of facilities for hazardous waster transporter.
4. Any type of facility for hazardous waste storage, treatment and/or disposal.

Section 3 - 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 4 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: April 24, 2014

/s/ Jim Gray
MAYOR

ATTEST:

/s/ Meredith Nelson
CLERK OF URBAN COUNTY COUNCIL
Published: May 1, 2014-1t

TWJ:X:\Cases\PLANNING\13-LE0001\LEG\00432274.DOC