

Rec'd by _____

Date: _____


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

IN RE: **MAR 2016-19: CITY VIEW INVESTMENTS, LLC** – petition for a zone map amendment to modify conditional zoning restrictions in a Mixed Use 2: Neighborhood Corridor (MU- 2), for 0.94 net (1.10 gross) acres, for property located at 275 S. Limestone. (Council District 3)

Having considered the above matter on **August 25, 2016**, at a Public Hearing, and having voted **10-0** 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. In accordance with Article 6-7(c) of the Zoning Ordinance, there have been unanticipated changes of an economic, physical, and social nature in the immediate area, since the time the current conditional zoning restrictions were imposed in 2007, which have substantially changed the basic character of the subject property. In particular:
 - a. There has been stronger demand for residential housing over the past decade in the South Hill residential district, as evidenced by the fact that mixed-use projects in the area such as The Lex and CentreCourt (in addition to the Kimball House) have experienced very little vacancy for residential spaces but more notable vacancy for non-residential spaces over this period.
 - b. Kimball House Square has 100% occupancy of the existing 22 on-site dwelling units. This is in spite of the fact that several financial institutions foreclosed on multiple units in the development less than five years ago, which is a testament to the strong demand for residential use and less demand for non-residential space.
 - c. The demand for office and retail uses over the past decade has been stronger in the core of downtown and in other locations throughout the community, judging by new and approved developments, than in the South Hill and South Limestone areas.
2. This recommendation is made subject to approval and certification of DP 2016-71: Kimball House Square (AMD), 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 subject property's MU-2 zone shall now be restricted in the following manner, via conditional zoning:
 - a. The density shall not exceed 25 dwelling units in the MU-2 zone on South Limestone Street, and five units in the MU-2 zone on South Upper Street.

ATTEST: This 14th day of September, 2016.


Secretary, Jim Duncan

WILLIAM WILSON
CHAIR

Note: The corollary development plan, ZDP 2016-71: KIMBALL HOUSE SQUARE (AMD) was approved by the Planning Commission on August 25, 2016 and certified on September 8, 2016.

K.R.S. 100.211(7) requires that the Council take action on this request by November 23, 2016.

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

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (10) Berkley, Brewer, Cravens, Mundy, Owens, Penn, Plumlee, Richardson, Smith
Wilson

NAYS: (0)

ABSENT: (1) Drake

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for CONDITIONAL APPROVAL of MAR 2016-19 carried.

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