

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

IN RE: **PLN-MAR-17-00017: ABD HOLDINGS, LLC & EARTHMAN, LLC** – a petition for a zone map amendment from a Two Family Residential (R-2) zone to a Neighborhood Business (B-1) zone, for 0.37 net (0.52 gross) acres, for property located at 834 & 838 W. Maxwell Street and 412 Cross Street; and from a High Density Apartment (R-4) zone to a Neighborhood Business (B-1) zone, for 1.53 net (1.90 gross) acres, for property located at 701-731 Pine Street (odd addresses only) and a portion of 420 Cross Street. (Council District 3)

Having considered the above matter on **May 25, 2017**, at a Public Hearing, and having voted **7-0** 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. A proposed Neighborhood Business (B-1) zone is in agreement with the 2013 Comprehensive Plan, and portions of the *Newtown Pike Corridor Extension Small Area Plan* (adopted as part of the Comprehensive Plan in 2003), for the following reasons:
  - a. The Goals and Objectives of the 2013 Comprehensive Plan recommend identifying opportunities for infill and redevelopment that respects the area's context and historic features (Theme A, Goal #2), supporting and showcasing local assets to further the creation of a variety of jobs (Theme C, Goal #1), and encouraging the development of appropriate attractions and supportive uses that promote and enhance tourism (Theme C, Goal #1e.).
  - b. The petitioner owns and operates a joint brewing and distilling operation in downtown Lexington that currently attracts numerous visitors to the area. The operation offers guided on-site tours and product tastings, and now plans to enhance the visitor experience by offering a combination of support uses, such as a museum, visitor's center, gift shop/retail establishments, business offices, banquet facilities/meeting rooms, a coffee shop and associated-off street parking.
  - c. The proposed business expansion at this location will support and showcase a very unique industry, which has historic connections to the area, which will inevitably create additional jobs and improve access to jobs within the *Newtown Pike Corridor Extension Small Area Plan* boundary.
  - d. The *Newtown Pike Corridor Extension Small Area Plan* acknowledged in 2003 that the Davistown area was part of an "evolving neighborhood;" however, the neighborhood has not evolved as planned for in the SAP. Rather, the immediate area (outside of the local historic district) north of the new roadway corridor has continued to experience decline, especially along Pine Street. The petitioner intends to maintain and promote historic preservation along Cross and West Maxwell Streets by integrating the existing structures, but plans to revitalize the Pine Street area with new construction that complements and is compatible with the immediate area.
2. This recommendation is made subject to the approval and certification of **PLN-MJDP-17-00040: Woodward Heights**, 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 following use restrictions shall apply to the properties via conditional zoning:**  
**PROHIBITED USES**
  - a. Drive-through windows
  - b. Automobile service stations; automobile and vehicle refueling stations; and gasoline pumps.

- c. Carnivals, festivals and concerts.
- d. Funeral homes.

These restrictions are appropriate because they will limit inappropriate uses within or nearby a local historic district located near downtown Lexington.

ATTEST: This 9<sup>th</sup> day of June, 2017.

  
 Secretary, Jim Duncan

WILLIAM WILSON  
 CHAIR

Note: The corollary development plan, PLN-MJDP-17-00040: WOODWARD HEIGHTS was approved by the Planning Commission on May 25, 2017 and certified on June 8, 2017.

K.R.S. 100.211(7) requires that the Council take action on this request by August 24, 2017.

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

**OBJECTORS**

- Vicky Martin Carter, 732 Pine Street
- Mark Carter, 732 Pine Street
- Pete Thompson, 700 W. Maxell Street
- Fran Taylor, 722 W. High Street, was present on behalf of the Historic Woodward Height Neighborhood
- Helene Steene, 312 Madison Place, was present on behalf of the Historic Woodward Height Neighborhood
- Jackson Osborne, 415 Marquis, was present on behalf of the Blue Grass Trust for Historic Preservation

**OBJECTIONS**

- Effects on neighborhood
- Impact on private property
- Height limits and pedestrian safety
- Neighborhood maintaining historic character
- Historic neighborhood converting to businesses
- Properties on Maxwell Street

**VOTES WERE AS FOLLOWS:**

- AYES: (7) Berkley, Cravens, Drake, Mundy, Owens, Penn, and Richardson
- NAYS: (0)
- ABSENT: (3) Brewer, Plumlee, and Wilson
- ABSTAINED: (0)
- DISQUALIFIED: (0)

Motion for CONDITIONAL APPROVAL of PLN-MAR-17-00017 carried.

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