

Rec'd by _____

Date: _____

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

IN RE: **PLN-MAR-23-00012: 509 E MAIN, LLC** – a petition for a zone map amendment from Neighborhood Business (B-1) zone with conditional zoning restrictions to Neighborhood Business (B-1) zone with no conditional zoning restrictions, for 0.485 net (0.666 gross) acres, for property located at 509 E. Main Street. (Council District 3)

Having considered the above matter on **October 12, 2023**, at a Public Hearing, and having voted **6-2** 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. There have been significant changes in the retail trends for the industries permitted under the original conditional zoning restrictions, and these represent a major economic change that was not anticipated in 1990.
2. The current conditional zoning restrictions unreasonably restrict the utilization of the subject property, and the ability to maintain the historic structure on-site.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply:
 - A. The permitted uses on the property, as regulated by Section 8-16 of the Zoning Ordinance for the Neighborhood Business (B-1) zone, shall be:
 1. Professional services including, but not limited to, financial services, legal services, business offices, medical, and dental offices.
 2. Schools for academic instruction.
 3. Libraries, museums, art galleries, and reading rooms.
 4. Studios for work or teaching of fine arts.
 5. Community centers and private clubs.
 6. Ticket and travel agencies.
 7. Kindergartens, nursery schools and childcare centers.
 8. Restaurants and brew-pubs.
 9. Establishments for the retail sale of merchandise.
 10. Beauty shops and barber shops.
 11. Shoe repair, clothing alterations, and tailoring services.
 12. Dwelling units.
 13. Athletic club facilities.
 14. Banquet facilities.
 15. Adult day care facilities.
 16. Places of religious assembly.
 17. Nursing homes, personal care facilities and assisted living facilities
 18. Rehabilitation homes
 19. Day shelters
 20. Establishments for the retail sale of food products
 21. Accessory parking areas
 - B. No merchandise for sale will be displayed on the building's porch or in the front or side yards.

- C. The Parking lot will be screened from Forest Avenue by the brick wall and landscaping shown on the submitted development plan.
- D. Business signage on the property shall be limited to one freestanding sign, with indirect illumination, not to exceed 3 1/2 feet in height, to be constructed of natural materials such as wood and be consistent with the architecture of the principal structure.

Staff finds that these restrictions are appropriate and necessary to allow for reasonable utilization of the property, and to protect the character of the Bell Court Historic Area and the Main Street corridor.

- 4. This recommendation is made subject to approval and certification of PLN-MJDP-23-00052: Zee Faulkner Property (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.

ATTEST: This 20th day of October, 2023.


Secretary, Jim Duncan

LARRY FORESTER
CHAIR

K.R.S. 100.211(7) requires that the Council take action on this request by January 10, 2024.

At the Public Hearing before the Urban County Planning Commission, this application was presented by **Nick Nicholson, Attorney.**

OBJECTORS

- Dan Elkinson, 520 Sayre Avenue
- Megan Winfield, 505 E. Main Street
- Trish Smith, 212 Bell Court
- Marcy Deaton, 116 Forest Avenue
- Ginny Daley, 136 Burley Avenue

OBJECTIONS

- Stated that that he wanted to protect the neighborhood from homes being turned into businesses.
- Stated that neighborhood engagement was contradictory to information that she asked before the development plan was filed.
- Stated she was concerned about the traffic aspects of the plan, especially regarding the residents of Clay Villa.
- Stated stated that she lived close to the subject property and would personally impact her home with too much noise and smell of trash.
- Spoke for the Fayette County Neighborhood Council. She said that they support the

concerns of Bell Court Neighborhood Association and asked the Planning Commission to disapprove the zone change.

- Keith Lovan, 524 Sayre Avenue
 - Kevin Murphy, 141 W. Bell Court
 - Maureen Peters, 535 Russell Avenue
 - Amy Clark, 628 Kastle Road
 - Brady Barlow, 505 E. Main Street
- Stated that he was uncomfortable with the proposed zone change, and that traffic issues were the biggest concern.
 - Stated that he was concerned about the potential conditional uses in the B-1 zone.
 - Stated that she felt that the previous zone change would not have happened without the conditional zoning, and she was concerned about expanding the list of allowable uses.
 - Stated that she felt that if the property was re-zoned, it should go back to the prior zone. She felt there was no demonstrated change to the property. She was concerned about the hours of operation.
 - Stated he was concerned about the number of members that would be in the club, and that it would not serve the neighborhood.

VOTES WERE AS FOLLOWS:

AYES: (6) Barksdale, Wilson, Meyer, Michler, Owens, and Worth
NAYS: (2) Meyer and Davis
ABSENT: (2) Forester and Pohl
ABSTAINED: (0)
DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-23-00012** carried.

Enclosures: Application
Justification Letter
Legal Description
Map
Development Snapshot
Staff Reports
Applicable excerpts of minutes of above meeting

