

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

IN RE: **MARV 2015-4: JAKE RIORDAN & MARK A. JETER** – petition for a zone map amendment from a Wholesale & Warehouse Business (B-4) zone to a Highway Service Business (B-3) zone, for 0.47 net (0.69 gross) acre; and from a Two-Family Residential (R-2) zone to a Highway Service Business (B-3) zone, for 0.55 net (0.62 gross) acre, for property located at 836 & 840 Winchester Road; 912, 916, 920 & 922 Detroit Avenue; and a portion of 915, 917, 919 & 921 Dayton Avenue. A dimensional variance was also requested. (Council District 5)

Having considered the above matter on **March 26, 2015**, at a Public Hearing, and having voted **11-0** 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:

The Staff Recommends: Approval, for the following reasons:

1. The restricted Highway Service Business (B-3) zone is appropriate, and the combined Wholesale and Warehouse Business (B-4) and Two-Family Residential (R-2) zoning is inappropriate, for the following reasons:
 - a. The restricted B-3 zone is compatible with the existing zoning along a majority of the Winchester Road corridor inside New Circle Road. The subject site is primarily surrounded by business zoning (B-1, B-3 and B-4).
 - b. The existing B-4 zoning is not generally appropriate for these small lots along an urban arterial corridor along Winchester Road. The possible land uses for these vacant properties in a B-4 zone are not appropriate immediately adjacent to the existing residential neighborhood.
 - c. The existing R-2 zoning is not appropriate, as it is located directly across Detroit Avenue from a business zone, which is currently occupied by an automobile service station with 24-hour lighting and high traffic generation.
 - d. The depth of business zoning along Detroit Avenue will be consistent along both sides of the street at approximately 250' feet from the intersection of Winchester Road.
 - e. The proposed landscape buffer will provide an appropriate transition between the proposed B-3 zone and the adjacent residential neighborhood.
2. This recommendation is made subject to approval and certification of **ZDP 2015-20: Liberty Heights Subdivision, Block C, Lots 4-10 & 44-47**, 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 shall be restricted in the following manner, via conditional zoning:**

Prohibited Uses

1. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
2. Cocktail lounges and nightclubs.
3. Motel or hotel.
4. Indoor amusements, such as billiard or pool halls; dancing halls; skating rinks; miniature golf or putting courses; theaters or bowling alleys.

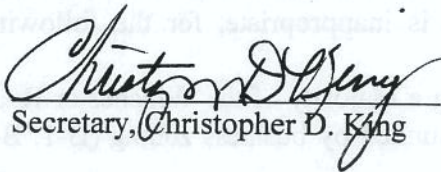
5. Drive-in restaurants.
6. Carnivals, even on a temporary basis.
7. Business colleges, technical or trade schools or institutions.
8. Pawnshops.
9. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
10. Advertising signs, also known as billboards, as regulated by Article 17.

Landscape & Buffering Restrictions

1. A 15-foot wide landscape buffer shall be provided along the southwest (rear of 916, 920 and 922 Detroit Avenue parcels) and southeast property boundaries (side of 922 Detroit Avenue parcel). The landscape buffer shall contain a 6-foot privacy fence, shrubs located between the fence and parking areas, and a tree every forty (40) feet on center, selected from Group A or B in the Planting Manual.

These restrictions are necessary and appropriate in order to restrict the most intense land uses on the subject property and to provide an adequate land use transition. Such uses could have a negative impact on the nearby neighborhoods related to noise, lighting and/or traffic congestion.

ATTEST: This 15th day of April, 2015.


Secretary, Christopher D. King

Note: A variance to increase the allowable front yard setback was approved by the Planning Commission for this property, subject to the rezoning being granted.

Note: The corollary development plan, ZDP 2015-20: Liberty Heights Subdivision, Block C, Lots 4-10 & 44-47, was approved by the Planning Commission on March 26, 2015, and certified on April 7, 2015.

K.R.S. 100.211(7) requires that the Council take action on this request by June 24, 2015.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Matt Carter, engineer.**

OBJECTORS

- Judy Pugh, owner of 924 Detroit Avenue

OBJECTIONS

- She is concerned that the proposed commercial use of the subject property could conflict with a multi-family residential development planned for her property, particularly with regard to traffic flow; dumpster location; delivery truck traffic; and the need for adequate buffers between uses.

VOTES WERE AS FOLLOWS:

AYES: (11) Berkley, Brewer, Cravens, Drake, Mundy, Owens, Penn, Plumlee, Richardson, Smith, and Wilson

NAYS: (0)

ABSENT: (0)

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **CONDITIONAL APPROVAL** of **MARV 2015-4** carried.

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

