

Rec'd by _____

Date: _____

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

IN RE: **MAR 2015-21: JOURNEY'S END, LLC** - petition for a zone map amendment from a Single Family Residential (R-1E) zone to a Neighborhood Business (B-1) zone, for 0.6439 net (0.8714 gross) acre, for property located at 3092 & 3094 Leestown Road. (Council District 2)

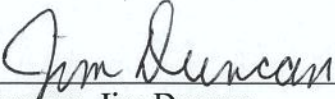
Having considered the above matter on **September 24, 2015**, at a Public Hearing, and having voted **8-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter for the following reason:

1. The requested Neighborhood Business (B-1) zone is more appropriate than the existing Single Family Residential (R-1D) zone for this site, for the following reasons:
 - a. The property has continually been used for commercial purposes, as a non-confirming use, for approximately 80 years. During this time, various commercial (mostly-auto related) businesses have operated here.
 - b. Because of the property's odd configuration, and extensive street frontages, it is not suitable or properly situated for residential purposes.
 - c. Unlike other R-1D properties in Bracktown, residences to the west that also have lot frontage along both Leestown and Bracktown Roads are more rectangular in shape, and are bordered by other residences.
 - d. Conversion of this long-standing commercial structure, or its replacement with two or more single family homes, has not happened to date, and would not ordinarily be expected to occur, from a strictly real-estate oriented perspective.
 - e. A restricted Neighborhood Business (B-1) zone, via conditional zoning, is the most restrictive classification that can be given to recognize the long-standing commercial use at this very unique location.
2. This recommendation is made subject to approval and certification of **ZDP 2015-82: Leestown Heights Subdivision, Lots 2-7**, 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 uses shall be restricted via conditional zoning:**
Prohibited Uses
 - a. Establishments for the retail sale of alcohol (package sale of beer, wine or liquor).
 - b. Carnivals and circuses on a temporary basis.
 - c. Repair of household appliances.
 - d. Miniature golf or putting courses.
 - e. Indoor theaters.
 - f. Rental of equipment whose retail sale would otherwise be permitted in the B-1 zone.
 - g. Banquet facilities.
 - h. Drive-through facilities.

- i. Outdoor live entertainment and/or dancing, cocktail lounges and nightclubs
- j. Extended-stay hotels.

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 to the nearby neighborhood. Such uses could have a negative impact on the neighborhood related to noise, lighting and/or traffic congestion.

ATTEST: This 9th day of October, 2015.


Secretary, Jim Duncan

MIKE OWENS
CHAIR

Note: The corollary development plan, ZDP 2015-82: Leestown Heights Subdivision, Lots 2-7, was approved by the Planning Commission on September 24, 2015 and certified on October 8, 2015.

K.R.S. 100.211(7) requires that the Council take action on this request by December 23, 2015.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Kevin Phillips, land surveyor.**

OBJECTORS

- Barb Stucker, president of the McConnell's Trace Neighborhood Association
- Olivia Escodero, 112 Long Branch Lane

OBJECTIONS

- She is concerned about the potential effects of the proposed restaurant on the adjoining neighborhood, including: lighting, noise, odors, traffic, pedestrian safety, and the viewshed from her property.
- She is concerned that overflow parking from the proposed restaurant could become an issue for residents of the Long Branch Lane cul-de-sac.

VOTES WERE AS FOLLOWS:

AYES: (8) Berkley, Brewer, Cravens, Drake, Owens, Plumlee, Richardson, Wilson

NAYS: (0)

ABSENT: (3) Mundy, Penn, Smith

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for CONDITIONAL APPROVAL of MAR 2015-21 carried.

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