

Rec'd by Bm

Date: 9-8-17

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

IN RE: **PLN-MAR-17-00016: AFTON COMMUNITY DEVELOPMENT, LLC (AMD)** – a petition for a zone map amendment from a Single Family Residential (R-1D) zone to a Professional Office (P-1) zone, for 0.46 net (0.558 gross) acres, and from a Single Family Residential (R-1D) zone to a High Density Apartment (R-4) zone for 4.76 net (4.98 gross) acres, for property located at 3743 Red River Road. A conditional use permit and dimensional variances are also requested. (Council District 8)

Having considered the above matter on **June 22, 2017 and August 24, 2017**, 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. A restricted High Density Apartment (R-4) zone and Professional Office (P-1) zone for the subject property is in substantial agreement with the 2013 Comprehensive Plan, and the Armstrong Mill West Small Area Plan, which was adopted by the Planning Commission, for the following reasons:
 - a. The 2013 Comprehensive Plan recommends expanding housing choices to meet the needs of disadvantage and older populations (Theme A, Goal #1c.). The petitioner proposes an elderly housing element to the project, which will meet the needs of older and/or disadvantaged residents of Fayette County.
 - b. The Plan also recommends providing accessible community facilities and services to meet health, safety, and quality of life needs of the community (Theme D, Goal #2). Assisted living facilities to support the aging population; community facilities such as adult day care, child care and community centers; and medical offices are all needed within the community in a broader sense and can be considered necessary to meet the healthcare needs of the citizens of Fayette County.
 - c. The Comprehensive Plan recommends infill, redevelopment, and adaptive reuse that respect the area's context and design features (Theme A, Goal #2). The petitioner intends to adaptively reuse the vacant Blue Grass Baptist School site for a land use that will serve the neighborhood, and encourage aging in place.
 - d. The Armstrong Mill West Small Area Plan recommends improving the quality of life and health for all residents (Goal #5). The petitioner is improving access to very limited medical services by creating an incidental office use that is open to the public, is providing services for all ages by creating a child/adult day care as part of a community center, and is improving access to healthy food through the use of a community garden on-site.
 - e. A restricted P-1 zone can be considered incidental to the primary residential zone for the property. In this way, the proposed medical office will not have a negative impact on the surrounding neighborhood.
2. **Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply to the subject property:**
 - a. **Principal Permitted uses Within P-1 zoned area shall be limited to only the following:**
 1. Offices for business, professional, governmental, civic, religious and charitable organizations.
 2. Schools for academic instruction.
 3. Medical and dental offices and clinics.
 4. Studios for work or teaching of fine arts.
 5. Places of religious assembly and Sunday schools.
 6. Nursing homes, personal care homes, and assisted living facilities.

7. Kindergartens, nursery schools or child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain twenty-five (25) square feet per child.
 8. Beauty shops and barber shops, not exceeding 2,000 square feet in floor area, which employ no more than five licensed cosmetologists.
 9. Adult day care centers.
- b. **Accessory Uses within the P-1 zone shall be limited to only the following:**
1. Parking areas or structures.
 2. Non-commercial recreational uses listed in the P-1 zone.
- c. **Conditional Uses within the P-1 zone shall be limited to only the following:**
1. Offices of veterinarians, and animal hospitals (without overnight boarding).
 2. Parking lots and structures.
- d. **Conditional Uses within the R-4 zone shall be limited to only the following:**
1. Permitted conditional uses in the R-1A zone.
 2. Nursing homes, personal care homes, and orphanages.
 3. Assisted living facilities, boarding and lodging houses, and hospitality houses for more than eight (8) persons, provided that no use under this section may be less than 500 feet from another use permitted under this section.
 4. Community centers (without overnight accommodations).
 5. Kindergartens, nursery schools or child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain twenty-five (25) square feet per child.
 6. Parking lots, as permitted in Article 16-3 of the Zoning Ordinance.
- e. **Other Use Restrictions:**
1. The P-1 zoned land shall be limited to a maximum 3,000 square-foot, one-story building. Signage for such building shall be limited to one wall-mounted, non-illuminated sign, and shall be a maximum of ten (10) square feet in size.
 2. The R-4 zoned land shall be limited to a maximum of 60,000 square feet of total floor area.
 3. A landscape buffer of at least fifteen (15) feet in width shall be provided along the southern and eastern property boundaries, with plantings as specified by Article 18-3(a)(1)2 of the Zoning Ordinance, including a 6-foot tall privacy fence.
 4. Outdoor lighting shall be shielded and directed away from any adjacent residential zone. Lighting attached to a pole or any structure shall be a maximum of twenty (20) feet in height.
 5. No drive-through facilities shall be permitted on the subject property.

These use and buffering restrictions are appropriate and necessary to ensure greater compliance with the 2013 Comprehensive Plan, and to protect the adjoining residential land uses from development that is out of character with the existing neighborhood.

3. This recommendation is made subject to the approval and certification of PLN-MJDP-17-00035: MELODY VILLAGE, UNIT 3-C, BLK C, LOT 12, 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 8th day of September, 2017.



 Secretary, Jim Duncan

WILLIAM WILSON
 CHAIR

Note: The corollary development plan, PLN-MJDP-17-00035: MELODY VILLAGE, UNIT 3-C, BLK C, LOT 12 was approved by the Planning Commission on August 24, 2017 and certified on September 7, 2017.

Note: A conditional use for a community center; child care and adult day care facility; and assisted living/personal care facility, and dimensional variances were approved to reduce landscape screening requirements in the proposed P-1 portion of the property for this request, by the Planning Commission at this hearing.

K.R.S. 100.211(7) requires that the Council take action on this request by November 22, 2017.

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

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (10) Bell, Berkley, Brewer, Cravens, Forester, Mundy, Owens, Plumlee, Richardson, and Wilson

NAYS: (0)

ABSENT: (1) Penn

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **CONDITIONAL APPROVAL** of **PLN-MAR-17-00016** carried.

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