

Rec'd by AA

Date: 8/3/18

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

IN RE: **PLN-MAR-18-00008: DR. MICHAEL GENTRY** – a petition for a zone map amendment from a Single Family Residential (R-1D) zone to a Wholesale and Warehouse Business (B-4) zone, for 0.20 net (0.32 gross) acre, for property located at 2853 Liberty Road. (Council District 6)

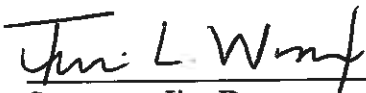
Having considered the above matter on **June 28, 2018**, at a Public Hearing, and having voted **9-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter for the following reasons:

1. The requested Wholesale and Warehouse Business (B-4) zone is appropriate for the subject property, for the following reasons:
  - a. The property is adjoined by B-4 zoning on two sides, and by Liberty Road on a third side. Therefore, the subject property is mostly surrounded by non-residential uses or zones.
  - b. The property can be seamlessly integrated into the design of the adjacent animal hospital and kennel development, while also maintaining an adequate landscape buffer to the single-family residential properties.
  - c. The proposed business zone will allow for improved access to the planned animal hospital and kennel, because access to a business or industrial zone is not permitted through a residentially zoned site.
2. The existing Single Family Residential (R-1D) zone is inappropriate for the subject site, for the following reasons:
  - a. The single-family residence that previously occupied the subject property was removed as part of the widening of Liberty Road. A single-family residence would be inappropriate on this site, as the only access would be via a driveway from a five-lane roadway.
  - b. A single-family residence on this site would be inappropriate because it would be isolated, as it does not have access nor frontage on Campbell Lane, and would have no physical connection to the homes along Campbell Lane.
  - c. Article 8-8 of the Zoning Ordinance does not allow off-street parking lots and their associated vehicle use areas (driveways) in an R-1D zone as a principal use. In this manner, commercial and industrial zoned property cannot be accessed through a residentially zoned property.
3. This recommendation is made subject to the approval and certification of **PLN-MJDP-2018-00044: CADENTOWN SUBDIVISION**, prior to forwarding this recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
4. **Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply to the subject property via conditional zoning:**
  - a. Shops of special trade and general contractors, such as plumbing; heating; carpentry; masonry; painting; publishing; lithographing; engraving; electrical; major automobile and truck repairing; sign painting; upholstering; tile, mosaic and terrazzo work; electroplating; interior decorating.
  - b. Laundry, clothes cleaning or dyeing shop.
  - c. Ice plant.
  - d. Tire re-treading and recapping.
  - e. Machine shop.
  - f. Offices of purchases, processors and handlers of agricultural products.
  - g. Establishments and lots for the display, rental, sale and repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles such as mini-bikes, motorcycles, bicycles, boats or supplies for such items.

- h. Truck terminals and freight yards.
- i. Automobile service stations.
- j. Major or minor automobile and truck repair.
- k. Establishments for the display and sale of precut, prefabricated or shell homes.
- l. Circuses and carnivals.
- m. Retail sale of building materials and lumber.
- n. Pawnshops.

These use restrictions are appropriate and necessary for the subject property since they were volunteered by the original zone change applicant and will be consistent with such zone; and since they will provide greater protection for the adjacent residences and Local Historic District surrounding this location.

ATTEST: This 3<sup>rd</sup> day of August, 2018.

  
Secretary, Jim Duncan for Jim Duncan

WILLIAM WILSON  
CHAIR

Note: The corollary development plan, PLN-MJDP-18-00044: CADENTOWN SUBDIVISION was approved by the Planning Commission on June 28, 2018 and certified on July 12, 2018.

K.R.S. 100.211(7) requires that the Council take action on this request by September 26, 2018.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Dick Murphy, Attorney.**

**OBJECTORS**

- None

**OBJECTIONS**

- None.

**VOTES WERE AS FOLLOWS:**

AYES: (9) Berkley, Brewer, Cravens, Mundy, Owens, Penn, Plumlee, Richardson, and Wilson

NAYS: (0)

ABSENT: (2) Bell and Forester

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-18-00008** carried.

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