

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

IN RE: **PLN- MAR-18-00022: CBROTHERS, LLC** - petition for a zone map amendment from a restricted High Density Apartment (R-4) zone to a Light Industrial (I-1) zone, for 4.43 net (4.81 gross) acres, for property located at 2370 Sandersville Road. (Council District 2)


Having considered the above matter on **December 13, 2018**, 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:

1. A restricted Light Industrial (I-1) zone is in agreement with the Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
 - a. The subject property has been an underutilized site with the High Density Apartment (R-4) zoning. The property should be considered for a change to a restricted Light Industrial (I-1) zone in order to permit a use that will allow for the preservation of the historic structures, as well as serve the needs of the surrounding residential land within the Urban Service Area.
 - b. The existing historic structure will continue to respect the context and design features of the surrounding area and the existing urban form (Theme A, #Goal 2.b), specifically in connection to the historic structures across Sandersville Road.
 - c. The incorporation of potential new uses will incentivize the renovation, restoration, development and maintenance of the historic structures (Theme D, Goal #3.b) and allow for preservation of cultural resources by maintaining the historic structures (Theme A, Goal #3.a).
2. While the inclusion of an unrestricted I-1 zone is not appropriate for the subject property, the use of conditional zoning restrictions and the application of a Flex Space Project allows for a lower intensity of use, while also providing a potential community amenity.
3. 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. The existing office and warehouse structures originally constructed in the 19th Century are to be retained and maintained.
 - b. The only I-1 uses permitted on this property are the principal permitted uses in the B-4 zone, except as prohibited below, and the manufacturing, compounding, assembling, processing, packaging, or similar treatment of auto parts and beverages, including bottling facilities limited to 5,000 square feet.
 - c. The following B-4 permitted uses shall be prohibited:
 - i. Laundry (excluding self-service laundry), clothes cleaning or dyeing shop.
 - ii. Ice Plant.
 - iii. Tire re-treading and re-capping.
 - iv. Kennels, animal hospitals and clinics.
 - v. Establishments and lots for the display, rental, sale, and repair of farm equipment, contractor equipment, mobile homes, recreational vehicles, such as mini-bikes, motorcycles, bicycles, or boats.
 - vi. Establishments and lots for the outdoor storage or display of automobiles or trucks.
 - vii. Truck terminals and freight yards.
 - viii. Automobile and vehicle refueling.
 - ix. Establishments for the display and sale of precut, prefabricated, or shell homes.
 - x. Carnivals.

- xi. Shredding, sorting and baling of paper scrap and storage of waste paper, when wholly conducted in a completely enclosed building.

These restrictions are appropriate because they have been offered by the applicant and will limit inappropriate uses and maintain the historic character of the property.

ATTEST: This 18th day of January, 2019.


Secretary, Jim Duncan

WILLIAM WILSON
CHAIR

Note: The corollary development plan, PLN-MJDP-18-00085: HILLENMEYER PROPERTIES, LLC (AMD) was approved by the Planning Commission on December 13, 2018 and certified on December 27, 2018.

K.R.S. 100.211(7) requires that the Council take action on this request by March 13, 2019.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Nick Nicholson, attorney.**

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (11) Bell, Berkley, Brewer, Forester, Mundy, Nichol, Owens, Penn, Plumlee, Pohl, and Wilson

NAYS: (0)

ABSENT: (0)

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for APPROVAL of PLN-MAR-18-00022 carried.

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