

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

IN RE: **PLN-MAR-18-00004: THE FOUNTAINS AT PALOMAR, LLC** – a petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Highway Service Business (B-3) zone, for 12.23 net (15.52 gross) acres, and from a Neighborhood Business (B-1) zone to a Highway Service Business (B-3) zone, for 4.17 net (5.16 gross) acres, for property located at 3801, 3901 and 3995 Harrodsburg Road. (Council District 10)

Having considered the above matter on **March 22, 2018**; at a Public Hearing, and having voted **5-4** 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 proposed zoning for a restricted Highway Service Business (B-3) zone is in agreement with the 2013 Comprehensive Plan based on the following:
 - a. The proposed development will provide places to work and shop in close proximity to the residential uses.
 - b. The proposed infill and redevelopment will feature a grocery, pharmacy, coffee shop, restaurants, and other retail and commercial uses that can assist in supporting and enhancing the lives of nearby residents.
 - c. The project upholds the Urban Service Area concept by utilizing infill and redevelopment strategies to develop an underutilized site within the Urban Service Area.
2. The Agricultural Urban (A-U) and Neighborhood Business (B-1) zoning is inappropriate as agricultural uses are not appropriate inside the Urban Service Area and the Neighborhood Business (B-1) zoned area has been unsuccessful at this location.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, this recommendation is made subject to the conditional zoning restrictions proposed by the applicant as follows:
 1. The following uses are prohibited:
 - a. Pawn Shops.
 - b. Athletic club facilities.
 - c. Mining of nonmetallic minerals.
 - d. Gasoline pumps available to the public with or without an attendant on site.
 - e. Adult arcades, massage parlors, adult bookstores and adult video stores.
 - f. Nightclubs.
 - g. Establishments and lots for the display, rental, sale, service, repair, minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes or supplies for such items, except that there may be permitted an electric car dealership.
 - h. Billiard or pool halls; dancing halls, skating rinks; miniature golf or putting courses and bowling alleys.
 - i. Tattoo parlors.
 - j. Carnivals, special events, festivals and concerts.
 - k. Commercial farm markets and market gardens.
 - l. Self-service laundry.
 2. The existing 10-foot tall fence behind the Harrods Village shops shall remain and the screening and buffering provisions for the rest of this subject property shall be as described and depicted on the preliminary development plan.
 3. Free-standing signage shall be in accordance with Article 17 of the Zoning Ordinance and shall be limited to the signage shown on and approved by the Planning Commission on the final development

- plan.
4. Existing trees bordering the subject property shall be preserved except for deceased or dying trees and those trees which an adjoining owner agrees to be removed.
 5. Building height on the site shall be restricted to one story, except for the hotel.

ATTEST: This 13th day of April, 2018.


Secretary, Jim Duncan

WILLIAM WILSON
CHAIR

Note: The corollary development plan, PLN-MJDP-18-00012: HOOVER & FORD PHILPOT PROPERTY was approved by the Planning Commission on March 22, 2018 and certified on April 5, 2018.

K.R.S. 100.211(7) requires that the Council take action on this request by June 20, 2018.

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

OBJECTORS

- Vicki Stevens, 2020 Glade Lane
- Don Todd, attorney representing several residents from Palomar and S. Elkhorn neighborhood
- Donna Dixon, 3905 Palomar Cove Lane
- Joan Ciampi, 2241 Stone Garden Lane
- Mary Jo Billitter, 2249 Stone Garden Lane

OBJECTIONS

- Voiced concerns about the stormwater runoff and the location of the grocery loading dock in close proximity to single-family homes.
- Voiced concerns about the negative impacts that this project will have on the neighborhood and that the proposed hotel is out character with the area.
- Voiced concerns about the stormwater runoff.
- Voiced concerns about the proposed access for this development and the potential proposed increase of traffic to Syringa Drive.
- Voiced concerns about the traffic safety issues.

VOTES WERE AS FOLLOWS:

AYES: (5) Berkley, Cravens, Forester, Mundy, and Richardson

NAYS: (4) Bell, Owens, Penn, and Wilson

ABSENT: (2) Brewer and Plumlee

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-18-00004** carried.

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