

Recd by Bma
Date: 9-28-16

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

IN RE: **MAR 2016-10: ATLAS I, LLC (AMD)** – an amended petition for a zone map amendment from a Single Family Residential (R-1C) zone to a Neighborhood Business (B-1) zone for 1.0 net (1.14 gross) acre, and from a Planned Neighborhood Residential (R-3) zone to a Neighborhood Business (B-1) zone, for 0.62 net (0.92 gross) acre, for property located at 2090, 2094, and 2098 Harrodsburg Road. (Council District 11)

Having considered the above matter on **August 11, 2016 and September 8, 2016**, at Public Hearings, and having voted **6-2** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **DISAPPROVAL** of this matter for the following reasons:

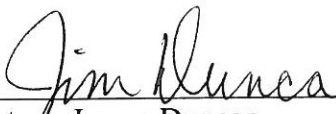
1. The requested rezoning to a Neighborhood Business (B-1) zone is not in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. Theme A of the Plan:” Growing Successful Neighborhoods” emphasizes the infill, redevelopment and adaptive reuse of the urban area that respects the area’s context and design features (Goal #2a.), and encourages striving for positive and safe social interactions in neighborhoods (Goal #3b.). In addition, the Goals and Objectives suggest that the community should “enable infill and redevelopment that creates jobs where people live” (Theme C, Goal #1d.); attract and retain high-paying jobs (Theme C, Goal #2c.); and to uphold the Urban Service Area concept by encouraging “compact, contiguous, and/or mixed-use sustainable development within the Urban Service Area, as guided by market demand, to accommodate future growth needs” (Theme E, Goal #1b.).
 - b. The Plan encourages the consideration of how proposals relate to existing development in the immediate vicinity, as well as protecting neighborhoods and residential areas from incompatible land uses. Policy statements in the Plan focus on the need for the development of land in the most appropriate relationships, and compatibility of land uses. The proposed development is not compatible with these specific recommendations, which are overarching ideas of the Plan.
 - c. While promoting business expansion, improving quality of life and providing services to the community are generally important priorities, they must be balanced with the community’s need for this type of highway-oriented development and its impact on nearby residential areas. In this case, the petitioner is requesting several auto-centric business uses at the entrance to a well-established neighborhood.
 - d. There is not a demonstrated need for additional retail zoning in this vicinity, as there are over 70 acres of contiguous B-1, B-3 & B-6P zones that can provide for the commercial needs of the

surrounding properties. The Turfland Mall site, in particular, is a 44-acre B-6P site approved with over 500,000 square feet of retail zoning, much of which is approved but not yet developed.

- 2. As proposed, uses with an auto-centric commercial design may significantly impact the nearby neighborhoods within the area, especially those properties on Springhurst Drive and those immediately adjoining the subject properties, therefore making this B-1 zone inappropriate.
- 3. The existing Single Family Residential (R-1C) and Planned Neighborhood Residential (R-3) zones remain appropriate for the subject properties because together they can more fully support the adopted 2013 Comprehensive Plan goals and policies.
- 4. There have been no unanticipated changes of a physical, social or economic nature within the immediate area since the Comprehensive Plan was adopted in 2013 that would support the proposed development or requested B-1 zoning for the subject properties.

Note: The development plan, ZDP 2016-49: SPRINGHURST SUBDIVISION, UNIT 2 was indefinitely postponed on September 8, 2016.

ATTEST: This 21st day of September, 2016.



 Secretary, James Duncan

FRANK PENN
 CHAIR

K.R.S. 100.211(7) requires that the Council take action by December 7, 2016.

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

OBJECTIONS

OBJECTORS

- | | |
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| <ul style="list-style-type: none"> ▪ Site access, loss of mature tree canopy, increased traffic on Springhurst Drive; increased vehicular accidents ▪ Increase traffic on Springhurst Drive; no signage informing traffic making a left turn toward the cul-de-sac; people speeding up and down the road. ▪ Loss of trees would destroy the greenspace driving out the wildlife; increase traffic down Springhurst Drive creating a safety hazard for the children; ▪ Potential accident with pedestrians and cars; the stormwater drainage; adding more impervious | <ul style="list-style-type: none"> ▪ Tee Bergman, 640 Mitchell Avenue, was present on behalf of the Mitchell Neighborhood Association ▪ Justin Jones, 682 Springhurst Drive ▪ Joyce Winstead, 692 Springhurst Drive ▪ Katrina Kelly, 670 Springhurst Drive |
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paving will create more of a flooding issue; trash in this area will only accumulate from broken bottles, food wrappers and so forth

- More empty store front; user unknown; access on Springhurst Drive
 - Increase traffic; create more vehicular and pedestrian conflicts, impact of removing trees from the subject site
 - Type of use; removal of trees; decrease in the bird species; unwanted noise, lights, trash; vandalism and vagrancy; lower the property values create a negative impact on the marketability of the properties
 - Increase traffic
 - Pedestrian safety; increase traffic
 - No development plan to show type user; area does not need more development
- Beth Kelly, 670 Springhurst Drive
 - Marcus Rugger, 595 Springhurst Drive
 - David Lane, 695 Springhurst Drive
 - Mary Margaret Heaton, 608 Mitchell Avenue
 - Loretta Haley, 686 Springhurst Drive
 - Joe Hardin, a neighborhood resident

VOTES WERE AS FOLLOWS:

- AYES: (5) Penn, Mundy, Plumlee, Richardson and Owens
- NAYS: (2) Berkley and Cravens
- ABSENT: (3) Brewer, Smith and Wilson
- ABSTAINED: (1) Drake
- DISQUALIFIED: (0)

Motion for **DISAPPROVAL** of **MAR 2016-10: ATLAS I, LLC (AMD)** carried.

- Enclosures:
- Application
 - Plat
 - Staff Reports
 - Applicable excerpts of minutes