

Rec'd by \_\_\_\_\_

Date: \_\_\_\_\_

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

**IN RE:** **PLN-MAR-23-00006: 763 NEWTOWN, LLC** - a petition for a zone map amendment from a Highway Service Business (B-3) zone to a Wholesale and Warehouse Business (B-4) zone, for 0.91 net (1.16 gross) acres, for property located at 763 Newtown Pike (Council District 1)

Having considered the above matter on **May 25, 2023**, 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. A restricted Wholesale and Warehouse Business (B-4) zone is in agreement with the 2018 Comprehensive Plan's Goals, Objectives, and Policies for the following reasons:
  - a. The proposed project will support infill and redevelopment by intensifying a vacant and underutilized portion of the property within the Urban Service Boundary (Theme A, Goal #2).
  - b. The proposed facility strengthen job opportunities (Theme C, Goal #2) by providing additional warehouse space for small businesses and contractors to operate (Theme C, Goal #2.b), similar to the existing units on the site.
  - c. The proposal strengthens the Newtown corridor by redeveloping the vacant portion of the property closest to the roadway. (Theme E, Goal 1.c)(Theme D, Goal #2.c).
  - d. The proposal supports the redevelopment of underutilized property (Growth Policy #10).
  - e. The request creates a development that is sensitive to the surrounding context (Design Policy #4).
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
  - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location, as the proposal expands employment opportunities for shops of special trade, minimizes the impact on environmentally sensitive areas, and avoids overparking.
  - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity, as the proposal will provide pedestrian connectivity throughout the entire development, and will connect into the existing pedestrian networks along Newtown Pike.
  - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will decrease the overall amount of impervious surface, increase tree canopy coverage, and protects the natural features on the site, including the Royal Springs Aquifer.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning:

**Prohibited Uses:**

- i. Ice Plants.
- ii. Tire re-treading and re-capping.
- iii. Outdoor storage and display of equipment and inventory associated with establishments and lots for rental, repair or sale of automobiles, trucks, mobile homes, recreational vehicles, motorcycles or boats.
- iv. Truck terminals and freight yards.

- v. Automobile service stations.
- vi. Establishments for the display and sale of pre-cut, pre-fabricated, or shell homes.
- vii. Circuses and carnivals.
- viii. Mining.
- ix. Kennels and animal hospitals.
- x. Major or minor automobile and truck repair, except for vehicles used accessory to the business.
- xi. Parking lots and structures as principal uses.
- xii. All above ground and underground storage tanks.

Landscaping and Buffering

- 1. A 50-foot building setback shall be established from any mobile home (at their present locations; excluding any porches, stairs or attached accessory structures) located within the mobile home park to the north of the subject property.
- 2. A 10-foot land use buffer shall be provided along the property line adjoining the mobile home park, consisting of a 6-foot tall privacy fence, with one tree per 20 feet, planted on center.
- 3. There shall be no outside loudspeakers.
- 4. Exterior lighting shall be designed to prevent light shining directly from the source to the adjoining mobile home park to the north.

These restrictions are appropriate and necessary for the following reasons:

- 1. The restrictions help protect and buffer the adjoining residential and public uses from potentially incompatible land uses and development.
  - 2. These restrictions help preserve the integrity of the Royal Springs Aquifer Recharge Area,
  - 3. The modification of the permitted uses maintains consistency with existing conditional use restrictions in this area, and helps promote employment that is appropriate along Lexington’s designated freight corridor.
4. This recommendation is made subject to approval and certification of PLN-MJDP-23-00026: A-1 Service and Edster Property (AMD), 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 9<sup>th</sup> day of June, 2023.

  
 \_\_\_\_\_  
 Secretary, Jim Duncan

LARRY FORESTER  
 CHAIR

K.R.S. 100.211(7) requires that the Council take action on this request by August 23, 2023.

Note: The corollary development plan, PLN-MJDP-23-00026: A-1 SERVICE AND EDSTER, was approved by the Planning Commission on May 25, 2023 and certified on June 8, 2023.

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

**OBJECTORS**

**OBJECTIONS**

**VOTES WERE AS FOLLOWS:**

AYES: (9) Bell, Barksdale, Davis, de Movellan, Forester, Meyer, Michler, Penn,  
and Worth  
NAYS: (0)  
ABSENT: (2) Nicol and Pohl  
ABSTAINED: (0)  
DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-23-00006** carried.

Enclosures: Application  
Justification  
Legal Description  
Plat  
Development Snapshot  
Staff Reports  
Applicable excerpts of minutes of above meeting

