

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

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

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

**IN RE:** **PLN-MAR-24-00008: 3743 FREEDOM, LLC** – a petition for a zone map amendment to modify Conditional Zoning Restriction to increase allowable square footage from 60,000 to 80,000 square feet, for 5.124 net (5.510 gross) acres for property located at 3743 Red River Drive. (Council District 8)

Having considered the above matter on **June 27, 2024**, 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 **APPROVAL** of this matter for the following reasons:

1. The miscalculation of the size of the existing school structure at is a difference in the physical character of the site that was not considered at the time of the 2017 zone change, which makes the current conditional zoning restriction in the Medium Density (R-4) zone inappropriate.
2. There has been a significant increase within the elderly population within Census Tract 40.01 that constitutes a social change, and results in a greater need for senior affordable housing within the immediate area.
3. The conditional zoning restriction unreasonably restricts the utilization of the subject property, and would prohibit the development that was approved by the Planning Commission within the corresponding Preliminary Development Plan from 2017.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following amended use restrictions shall apply:
  - A. Principal Permitted uses Within P-1 zoned area shall be limited to only the following:
    1. Offices for business, professional, governmental, civic, religious and charitable organizations
    2. Schools for academic instruction.
    3. Medical and dental offices and clinics.
    4. Studios for work or teaching of fine arts.
    5. Places of religious assembly and Sunday schools.
    6. Nursing homes, personal care homes, and assisted living facilities.
    7. Kindergartens, nursery schools or child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain twenty-five (25) square feet per child.
    8. Beauty shops and barber shops, not exceeding 2,000 square feet in floor area, which employ no more than five licensed cosmetologists.
    9. Adult day care centers.
  - B. Accessory Uses within the P-1 zone shall be limited to only the following:
    1. Parking areas or structures.
    2. Non-commercial recreational uses listed in the P-1 zone.
  - C. Conditional Uses within the P-1 zone shall be limited to only the following:
    1. Offices of veterinarians, and animal hospitals (without overnight boarding).
    2. Parking lots and structures.
  - D. Conditional Uses within the R-4 zone shall be limited to only the following:
    1. Permitted conditional uses in the R-1A zone.
    2. Nursing homes, personal care homes, and orphanages.

3. Assisted living facilities, boarding and lodging houses, and hospitality houses for more than eight(8)persons, provided that no use under this section may be less than 500 feet from another use permitted under this section.
  4. Community centers (without overnight accommodations).
  5. Kindergartens, nursery schools or child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain twenty-five (25) square feet per child.
  6. Parking lots, as permitted in Article 16-3 of the Zoning Ordinance.
- E. Other Use Restrictions:
1. The P-1 zoned land shall be limited to a maximum 3,000 square-foot, one-story building. Signage for such building shall be limited to one wall-mounted, non-illuminated sign, and shall be a maximum of ten (10) square feet in size.
  2. The R-4 zoned land shall be limited to a maximum of 80,000 square feet of total floor area.
  3. A landscape buffer of at least fifteen (15) feet in width shall be provided along the southern and eastern property boundaries, with plantings as specified by Article 18-3(a)(1)2 of the Zoning Ordinance, including a 6-foot tall privacy fence.
  4. Outdoor lighting shall be shielded and directed away from any adjacent residential zone. Lighting attached to a pole or any structure shall be a maximum of twenty (20) feet in height.

These use and buffering restrictions are appropriate and necessary to ensure greater compliance with the 2045 Comprehensive Plan, and to protect the adjoining residential land uses from development that is out of character with the existing neighborhood,

5. This recommendation is made subject to approval and certification of PLN-MJDP-24-00033: Melody Village, Unit 3-C Blk C, Lot 12 (Freedom Senior Apartments), 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 August, 2024.

  
 Secretary, Jim Duncan

LARRY FORESTER  
 CHAIR

K.R.S. 100.211(7) requires that the Council take action on this request by September 25<sup>th</sup>, 2024

Note: The corollary development plan, PLN-MJDP-24-00033: Melody Village, Unit 3-C, Blk C, Lot 12 (Freedom Senior Apartments) was approved by the Planning Commission on June 27<sup>th</sup>, 2024 and certified on July 12<sup>th</sup>, 2024.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Shannon Huffer, applicant representative.**

**OBJECTORS**

- None.

**OBJECTIONS**

- None.

**VOTES WERE AS FOLLOWS:**

AYES: (11) Barksdale, Johnathon Davis, Zach Davis, Forester, Meyer, Michler,  
Nicol, Owens, Pohl, Wilson, and Worth

NAYS: (0)

ABSENT: (0)

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-24-00008** carried.

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