

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

**IN RE:** **MAR 2016-2: JAKE RIORDAN (AMD.)** - petition for an amended zone map amendment from a Mixed-Use 2: Neighborhood Corridor (MU-2) zone to a Neighborhood Business (B-1) zone, for 0.964 net (1.235 gross) acres, located at 1501, 1505, 1507, and 1509 Versailles Road. (Council District 11)

Having considered the above matter on **February 25, 2016**, at a Public Hearing, and having voted **7-1** 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 reason:

1. A restricted Neighborhood Business (B-1) zone is in agreement with the 2013 Comprehensive Plan and the Cardinal Valley Small Area Plan (CVSAP), adopted by the Planning Commission in April 2015, 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. The proposed B-1 zone is compatible with the immediate vicinity, and a landscape buffer along the rear property line will help to provide an appropriate transition in land use.
  - c. The proposed B-1 zone along an entrance corridor to downtown Lexington that was recently studied by the Division of Planning and the Kentucky Transportation Cabinet (District 7 office) will provide an opportunity to provide some jobs closer to where people live.
  - d. The Cardinal Valley Small Area Plan encourages aesthetic and functional improvements that will make the Versailles Road corridor more accessible to pedestrians, which seems to speak to encouraging pedestrian-oriented development. The corollary development proposed for the site conforms to the B-1 zone setbacks, which encourages pedestrian interaction and development closer to the street. This is consistent with the CVSAP recommendations.
2. This recommendation is made subject to the approval and certification of **ZDP 2016-4: VALLANDALE SUBDIVISION (AMD.)**, prior to forwarding this recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. **Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply to the subject property:**
  - a. **Prohibited Uses:**
    1. Drive-through facilities within 100' of Delmont Drive.
    2. The sale or provision of wine, beer or alcoholic beverages, other than by the drink.
    3. Live entertainment and/or dancing.



4. Cocktail lounges, brew-pubs and nightclubs.
5. Automobile service stations.
6. Arcades, including pinball and electronic games.
7. Sale of firearms other than by federally licensed manufacturers, importers or dealers.
8. Car washing establishments.
9. Pool tables, within an establishment, even as an accessory use.
10. Automobile and vehicle refueling stations.

b. Other Use Restrictions:

1. A landscape buffer of at least ten (10) feet in width shall be provided along the northern property boundary, with plantings as specified by Article 18-3(a)(1)2 of the Zoning Ordinance, including the retention or replacement of a 6-foot tall privacy fence.
2. 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.
3. Any free-standing sign erected shall be a maximum of ten (10) feet in height.

These use and buffering restrictions are appropriate and necessary for these four lots to ensure greater compliance with the 2013 Comprehensive Plan and Cardinal Valley Small Area Plan, and to provide greater consistency with prior action by the Planning Commission and the Urban County Council involving business uses at this location.

ATTEST: This 23<sup>rd</sup> day of March, 2016.

  
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 Secretary, Jim Duncan

MIKE OWENS  
 CHAIR

Note: The corollary development plan, ZDP 2016-4: Vallandale Subdivision (AMD.), was approved by the Planning Commission on February 25, 2016, and certified on March 9, 2016.

K.R.S. 100.211(7) requires that the Council take action on this request by May 25, 2016.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Jihad Hallany, professional engineer.**

OBJECTORS

- Paula Singer, 100 Hamilton Park
- Lane Boldman, 114 Woodford Drive
- Amy Clark, 628 Kastle Road

OBJECTIONS

- She is concerned that the proposed development does not agree with the recommendations of the recent Cardinal Valley Small Area Plan.
- She believes that the proposed rezoning would “chip away” at existing residential neighborhood, undermining revitalization efforts and the Cardinal Valley Small Area Plan
- She is concerned about the availability of affordable housing in the vicinity of the subject property, and about the loss of four historic residential structures.

- Barbara Fyock, 1523 Versailles Road
- Gary Billett, 125 Londonderry Drive
- John Boone, 121 Hamilton Park
- She believes that the proposed development could harm the residential character of the area.
- He is concerned that the proposed commercial development could contribute to the decline of the residential neighborhood.
- He is concerned that this request could set a precedent for more rezonings for commercial use in the Versailles Road corridor.

VOTES WERE AS FOLLOWS:

AYES: (7) Berkley, Brewer, Cravens, Mundy, Owens, Smith, Wilson

NAYS: (1) Plumlee

ABSENT: (3) Drake, Penn, Richardson

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for CONDITIONAL APPROVAL of MAR 2016-2 carried.

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

