

Rec'd by Bm

Date: 5-12-17

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

IN RE: **PLN-MAR-17-00010: TURNER PROPERTY 2, LLC** – a petition for a zone map amendment from a Single Family Residential (R-1B) zone to a Light Industrial (I-1) zone, for 1.88 net (2.03 gross) acres, for property located at 1387 E. New Circle Road (a portion of). (Council District 7)

Having considered the above matter on **April 27, 2017**, at a Public Hearing, and having voted **10-0** 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 Light Industrial (I-1) zone is appropriate for the subject property because the site is accessible through the front tract from New Circle Road only, and it is surrounded predominantly by land that is zoned for I-1 and/or compatible commercial uses, including vehicle sales establishments, gas stations, warehousing and other industrial uses.
2. The existing Single Family Residential (R-1B) zone is inappropriate for the subject property for the following reasons:
  - a. The adjoining residential zoning is separated by a steep topographic change, therefore its development potential and access from Wilderness Road is very limited.
  - b. The adjacent residential lot to the southeast is a vacant, 3-acre tract, which allows for a large buffer between the proposed use and existing residences, even with this light industrial expansion.
  - c. Much of the nearby residential land is utilized for other purposes, such as a church, bus parking and a public school.
  - d. Without road frontage, the site has virtually no value or viable residential use.
3. *Chapter 5: Creating Jobs and Prosperity* of the 2013 Comprehensive Plan supports redevelopment of underperforming or underutilized property inside the Urban Service Area.
4. This recommendation is made subject to the approval and certification of **PLN-MJDP-17-00022: Turner Property 2, LLC**, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
5. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions shall apply to the subject property via conditional zoning:

**PROHIBITED USES**

- a. Major automobile or truck repair as a principal use.
- b. Tire re-treading and recapping.
- c. Truck terminals and freight yards.
- d. Recycling, sorting, baling and processing of glass or nonferrous metals.
- e. Vehicle storage yards.
- f. Any wholesale or trucking use operating between the hours of 11 p.m. and 7 a.m.

**These use restrictions are appropriate and necessary at this location to ensure that the proposed development adequately protects the nearby residential neighborhood.**

ATTEST: This 12<sup>th</sup> day of May, 2017.

  
Secretary, Jim Duncan

WILLIAM WILSON  
CHAIR

Note: The corollary development plan, PLN-MJDP-17-00022: Turner Property 2, LLC was approved by the Planning Commission on April 27, 2017 and certified on May 11, 2017.

K.R.S. 100.211(7) requires that the Council take action on this request by July 26, 2017.

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

**OBJECTORS**

- None

**OBJECTIONS**

- None

**VOTES WERE AS FOLLOWS:**

AYES: (10) Brewer, Berkley, Cravens, Mundy, Owens, Penn, Plumlee, Richardson, Smith, and Wilson

NAYS: (0)

ABSENT: (1) Drake

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **CONDITIONAL APPROVAL** of **PLN-MAR-17-00010** carried.

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