

Rec'd by KST
Date: 1/6/16

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

IN RE: MAR 2015-23: KENTUCKY HILL PROPERTIES, LLC - petition for a zone map amendment from a Light Industrial (I-1) zone to a Highway Service Business (B-3) zone, for 7.5 net (10.25 gross) acres, for property located at 1803 Georgetown Road. (Council District 2)

Having considered the above matter on **December 17, 2015**, at a Public Hearing, and having voted **5-3** 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:

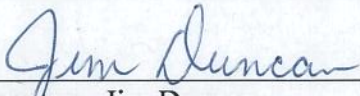
1. The existing Light Industrial (I-1) zone is no longer appropriate for this property and the proposed B-3 zoning is appropriate for the following reasons:
 - a. This is a parcel which is not well-suited for industrial use. It was purchased, then passed over in the past by an industrial use, and it has remained vacant for all the time it has been zoned I-1, about 17 years.
 - b. There is a population of about 62,000 residents living within three miles of this property. There are also around 20,000 jobs in that radius. There is a lack of commercial and service business, which this zone change would provide to the area.
 - c. Retail and service industries are needed in this corridor to serve the employment and manufacturing facilities in addition to the residential.
 - d. The intersection of Georgetown Road and Sandersville Road is fully signalized. A traffic impact study was performed which indicated that the rate of traffic accidents on Georgetown Road is one-half of other highways in Kentucky. The developer will construct the deceleration lanes which are indicated in the traffic study, and the developer will construct improvements to Sandersville Road.
2. This recommendation is made subject to approval and certification of ZDP 2015-102: Burke, Hockensmith & Maggard (Georgetown Road Development), prior to forwarding a 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 uses shall be restricted via conditional zoning:

Prohibited Uses

 - a. Free-standing cocktail lounges or bars; that is, sale of alcoholic beverages by the drink shall be limited to establishments in which sales of food account for 50% or more of gross receipts.
 - b. Carnivals or circuses on a temporary or permanent basis.
 - c. Adult arcades, massage parlors, adult book stores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
 - d. Billboards.
 - e. Drive-in restaurants.

These restrictions are necessary and appropriate in order to restrict the most intense land uses on the subject property.

ATTEST: This 6th day of January, 2016.


Secretary, Jim Duncan

MIKE OWENS
CHAIR

Note: The corollary development plan, ZDP 2015-102: Burke, Hockensmith & Maggard (Georgetown Road Development), was approved by the Planning Commission on December 17, 2015 and certified on December 30, 2015.

K.R.S. 100.211(7) requires that the Council take action on this request by March 17, 2016.

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

OBJECTORS

- Cheryl Butala, 1988 Sandersville Road
- Lametta Johnson, 1992 Arbor Station Way

OBJECTIONS

- Concerned about additional traffic from the proposed development, and the speed limit on Georgetown Road, which she believes should be lowered from 55 miles per hour to 45.
- Concerned about the speed limit on Georgetown Road, and the number of accidents at the Georgetown/Sandersville Road intersection.

VOTES WERE AS FOLLOWS:

AYES: (5) Berkley, Cravens, Drake, Mundy, Wilson

NAYS: (3) Penn, Plumlee, Smith

ABSENT: (3) Brewer, Owens, Richardson

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for CONDITIONAL APPROVAL of MAR 2015-23 carried.

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