

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

IN RE: **MARV 2013-7: BAYER PROPERTIES, LLC (AMD. #2)** - an amended petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Mixed-Use Community (MU-3) zone, for 49.17 net (54.73 gross) acres; and from a Single Family Residential (R-1D) zone to a Mixed-Use Community (MU-3) zone, for 0.65 net (0.82 gross) acre, for property located at 4100 Nicholasville Road and 104, 108, and 112 East Tiverton Way. Dimensional variances are also requested with this zone change. (Council District 9)

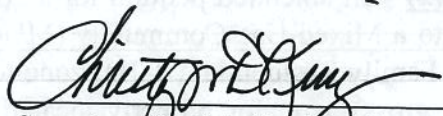
Having considered the above matter on **June 27, 2013**, at a Public Hearing, and having voted **9-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter for the following reason:

1. The requested Mixed-Use Community (MU-3) zone is in agreement with the 2007 Comprehensive Plan, and as amended by the *South Nicholasville Road Small Area Plan*, which was adopted by the Planning Commission in 2009, for the following reasons:
 - a. The *South Nicholasville Road Small Area Plan* encourages mixed use in a village-style development, with an emphasis on pedestrian, bike, and transit-oriented design. The proposed development does so.
 - b. Subarea IV of the *South Nicholasville Road Small Area Plan* recommends:
 - i. Mixed Use (MU) future land use for a majority of the subject property, and High Density Residential (HD) for the three parcels along Tiverton Way.
 - ii. A storm water study for 4100 Nicholasville Road and surrounding properties should be conducted.
 - iii. Constructing residential only structures as a buffer to existing residential uses adjacent to the subject property.
 - iv. Placing non-residential structures at the intersection of Nicholasville Road and Man o' War Boulevard and along Nicholasville Road to buffer noise.
 - c. The requested MU-3 zone meets the locational criteria as established by Article 28 of the Zoning Ordinance for street frontage of at least 160 feet along Nicholasville Road and Man o' War Boulevard, being at least three acres in size and being located within an area recommended for Mixed Use by the Comprehensive Plan, or its adopted amendment.
 - d. This proposed development will implement the vision and direction of the Small Area Plan to create a mixed-use development that places commercial-only structures along the arterial roadways, a village-style mixed-use area in the center of the property, and "residential-only" structures nearest the established neighborhood.
2. This recommendation is made subject to approval and certification of **ZDP 2013-22: Fritz Farm, LLC (Summit Lexington, Bayer Property)** 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 subject property shall be restricted as follows:**
 - a. Within 75 feet of any single family residential use, no commercial or business use shall be permitted.

This restriction is appropriate and necessary for the subject property in order to ensure that the proposed development is compatible with the neighboring land uses, as recommended by the *South Nicholasville Road Small Area Plan*, an adopted amendment of the 2007 Comprehensive Plan.

Note: Variances to setbacks and height-to-yard ratio were approved by the Planning Commission for this property, subject to the rezoning being granted.

ATTEST: This 2nd day of August, 2013.


Secretary, Christopher D. King

MIKE OWENS
CHAIR

Note: The corollary development plan, ZDP 2013-22: Fritz Farm, LLC (Summit Lexington, Bayer Property), was approved by the Planning Commission on June 27, 2013, and certified on July 11, 2013.

K.R.S. 100.211(7) requires that the Council take action on this request by September 25, 2013.

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

OBJECTORS

- Hank Graddy, attorney
- Edward Prentice, 396 Fox Harbour Drive
- Darby Turner, attorney

OBJECTIONS

- He represented neighbors who were concerned about additional traffic; the impact of the proposed development on the possible expansion of the Nicholasville Road/Man o' War Boulevard intersection; and safety on Nicholasville Road.
- He is concerned that additional traffic from the proposed development will prevent residents of his street from exiting their neighborhood during peak travel times.
- He represented the owners of Fayette Mall, who were concerned about increased traffic from the proposed development and the proper functioning of Nicholasville Road.

VOTES WERE AS FOLLOWS:

AYES: (9) Beatty, Berkley, Blanton, Cravens, Mundy, Owens, Penn, Plumlee, and Wilson

NAYS: (0)

ABSENT: (2) Brewer and Roche-Phillips

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for APPROVAL of MARV 2013-7 carried.

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