

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

IN RE: MARV 2015-8: DR. MICHAEL GENTRY & RML CONSTRUCTION, LLP (AMD.) – amended petition for a zone map amendment from a Single Family Residential (R-1D) zone to a High Density Apartment (R-4) zone, for 1.74 net (1.84 gross) acres, and to a Wholesale & Warehouse Business (B-4) zone, for 2.43 net (2.74 gross) acres, for property located at 2833 Liberty Road. A dimensional variance is also requested. (Council District 6)

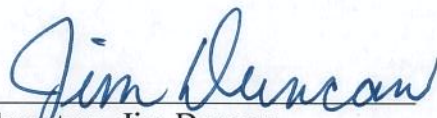
Having considered the above matter on **October 22, 2015**, at a Public Hearing, and having voted **10-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter for the following reasons:

1. The requested rezoning to a High Density Apartment (R-4) zone, and for a lesser acreage to a Wholesale and Warehouse Business (B-4) zone, is in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. The Goals and Objectives and policy statements of the Plan encourage the consideration of how proposals relate to existing development in the immediate vicinity, and focus on protecting neighborhoods and residential areas from incompatible land uses. A neighborhood node already exists a short distance away at Man o' War Boulevard and Liberty Road, which will be expanded with this rezoning to R-4.
 - b. The Comprehensive Plan also encourages the placement of residential land and development nearest to our parks and greenways to ensure that they are utilized to highest extent possible. This amended zone change application to an R-4 zone will accomplish this recommendation, since the Brighton Trail is planned for the former railroad line immediately north of this location.
 - c. Some 35-40 persons are to be employed at this location (which equates to about 15 jobs/acre), some of which will be veterinary professionals. Quality pet care and modern animal boarding facilities are an important service that adds to the quality of life in our community.
2. This recommendation is made subject to the approval and certification of **ZDP 2015-49: CADENTOWN SUBDIVISION – ANIMAL HOSPITAL/CLINIC**, 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 uses shall be prohibited in any B-4 zoning approved for a portion of the subject property:**
 - a. Shops of special trade and general contractors, such as plumbing; heating; carpentry; masonry; painting; publishing; lithographing; engraving; electrical; major automobile and truck repairing; sign painting; upholstering; tile, mosaic and terrazzo work; electroplating; interior decorating.
 - b. Laundry, clothes cleaning or dyeing shop.
 - c. Ice plant.
 - d. Tire re-treading and recapping.
 - e. Machine shop.
 - f. Offices of purchases, processors and handlers of agricultural products.

- g. Establishments and lots for the display, rental, sale and repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles such as mini-bikes, motorcycles, bicycles, boats or supplies for such items.
- h. Truck terminals and freight yards.
- i. Automobile service stations.
- j. Major or minor automobile and truck repair.
- k. Establishments for the display and sale of precut, prefabricated or shell homes.
- l. Circuses and carnivals.
- m. Retail sale of building materials and lumber.
- n. Pawnshops.

These use restrictions are appropriate and necessary for the subject property since they were volunteered by the original zone change applicant, since they will ensure continued agreement with the 2013 Comprehensive Plan; and, most importantly, since they will provide greater protection for the adjacent residences and Local Historic District surrounding this location.

ATTEST: This 6th day of November, 2015.


Secretary, Jim Duncan

MIKE OWENS
CHAIR

Note: Variances to decrease the minimum distance required for a kennel or animal clinic from a residential zone from 100 feet to 50 feet along the northwest and northeast property lines were approved by the Planning Commission for this property, subject to the rezoning being granted.

Note: The corollary development plan, ZDP 2015-49: Cadentown Subdivision – Animal Hospital/Clinic, was approved by the Planning Commission and certified on November 5, 2015.

K.R.S. 100.211(7) requires that the Council take action on this request by January 20, 2016.

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

OBJECTORS
• None

OBJECTIONS
• None

VOTES WERE AS FOLLOWS:

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

NAYS: (0)

ABSENT: (1) Drake

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **CONDITIONAL APPROVAL** of **MARV 2015-8** carried.

Enclosures:

Application

Plat

Revised Staff Report

Applicable excerpts of minutes of above meeting