

Rec'd by _____

Date: _____

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

IN RE: MARV 2016-11: R. WALKER PROPERTIES, LLC – petition for a zone map amendment from an Agricultural Rural (A-R) zone to a Neighborhood Business (B-1) zone, for 0.59 net (0.67 gross) acre, for property located at 5569 Briar Hill Road. (Council District 12)

Having considered the above matter on **May 26, 2016**, at a Public Hearing, and having voted **8-0** 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:

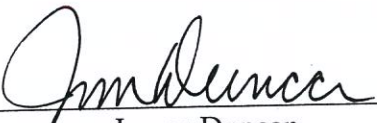
1. The requested zone change from an Agricultural Rural (A-R) zone to a Neighborhood Business (B-1) zone is in agreement with the 1999 Rural Land Management Plan, an adopted element of the 2013 Comprehensive Plan, for these reasons:
 - a. The Rural Land Management Plan recommends 3.2 acres of Retail future land use for the Avon Rural Activity Center. B-1 zoning for the subject property, even including an unusable floodplain area on the northern ½ of the site, would result in a total of about 3.3 acres of land in a Neighborhood Business (B-1) zone in this RAC, counting other existing B-1 zoned parcels.
 - b. The proposed B-1 zone can be utilized to implement the Plan's future land use recommendation for this Rural Activity Center. It is the only zone in this vicinity that permits a retail use.
 - c. The subject property is not served by typical urban services such as sanitary sewers, storm sewers, or curb/gutter/sidewalks; but it is generally in character with other properties in this Rural Activity Center, due to its age and limited commercial use in the past.
 - d. The 1988, 1996 and 2001 Comprehensive Plans have specifically recommended Retail Trade and Personal Services land use for the subject property in the past.
2. This recommendation is made subject to approval and certification of **ZDP 2016-44: Avon Acres Subdivision, Lot 2**, 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 use restrictions shall apply to the subject property:**
 - a. **Prohibited Uses:**
 1. Drive-through facilities.
 2. Live entertainment and/or dancing.
 3. Cocktail lounges and nightclubs.
 4. Automobile service stations.
 5. Sale of firearms other than by federally licensed manufacturers, importers or dealers.
 6. Car washing establishments.
 7. Automobile and vehicle refueling stations.

b. Other Use Restrictions:

1. Any outdoor lighting shall be shielded and directed away from any adjacent residential uses.
2. Lighting attached to a pole or any structure shall be a maximum of twelve (12) feet in height.

These use restrictions are appropriate and necessary for the subject property to ensure greater compliance with the 2013 Comprehensive Plan's requirements, and to prevent the possibility that uses at this location could disrupt activities on nearby residential and agricultural-rural properties in and near the Avon Rural Activity Center.

ATTEST: This 10th day of June.


 Secretary, James Duncan

MIKE OWENS
 CHAIR

Note: The corollary development plan, ZDP 2016-44: AVON ACRES SUBDIVISION, LOT 2, was approved by the Planning Commission on May 26, 2016, and certified on June 9, 2016.

Note: A dimensional variance to eliminate property perimeter screening was approved by the Planning Commission on May 26, 2016.

K.R.S. 100.211(7) requires that the Council take action on this request by August 24, 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: (8) Berkley, Cravens, Drake, Mundy, Owens, Richardson, Smith, Wilson
 NAYS: (0)
 ABSENT: (3) Brewer, Penn, Plumlee
 ABSTAINED: (0)
 DISQUALIFIED: (0)

Motion for CONDITIONAL APPROVAL of MAR 2016-11 carried.

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