

Rec'd by \_\_\_\_\_

Date: \_\_\_\_\_

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

**IN RE:** **MAR 2013-16: URBAN COUNTY PLANNING COMMISSION** – petition for a zone map amendment from an Agricultural Urban (A-U), Neighborhood Business (B-1), and Planned Shopping Center (B-6P) zone, with conditional zoning restrictions, to an Agricultural Urban (A-U), Neighborhood Business (B-1), and Planned Shopping Center (B-6P) zone with modified conditional zoning restrictions, for 29.96 net (30.77 gross) acres, for property located at 760 & 789 Newtown Springs Drive and 1443 & 1445 Newtown Center Way. (Council District 1)

Having considered the above matter on **November 21, 2013**, at a Public Hearing, and having voted **9-1** 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. An easement agreement/contract between the property owner and the government, signed in December 2009, and the subsequent construction of the Legacy Trail, constitute major changes of a physical and economic nature that were not anticipated at the time the conditional zoning restriction was imposed on the subject property in 2001. These changes justify a modification to the conditional zoning on the subject property.
2. Under the provisions of Article 6-7 of the Zoning Ordinance, the subject property shall maintain conditional zoning restrictions #2 and #3; however, restriction #1 shall be modified to read:
  1. The developer shall construct a three-plank horse farm fence, generally parallel to the Legacy Trail (shared use path) along Newtown Pike.

ATTEST: This 27<sup>th</sup> day of November, 2013.

  
Secretary, Christopher D. King

MIKE OWENS  
CHAIR

K.R.S. 100.211(7) requires that the Council take action on this request by February 19, 2014.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Traci Wade, Senior Planner.**

OBJECTORS

- Chris Jones, 2372 Prescott Lane

OBJECTIONS

- He is concerned that the three-plank fence proposed on the subject property will not match the existing four-plank fence located on a nearby property to the north.

VOTES WERE AS FOLLOWS:

AYES: (9) Berkley, Blanton, Brewer, Cravens, Drake, Mundy, Owens, Penn, and Wilson

NAYS: (1) Plumlee

ABSENT: (1) Beatty

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for CONDITIONAL APPROVAL of MAR 2013-16 carried.

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