

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

IN RE: PLN-MAR-23-00001: PALOLO LLC - a petition for a zone map amendment from a Highway Service Business (B-3) zone to a Wholesale and Warehouse Business (B-4) zone, for 1.16 net (1.36 gross) acres, for property located at 950 Midnight Pass. (Council District 10)

Having considered the above matter on **April 27, 2023**, at a Public Hearing, and having voted **7-3** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **DISAPPROVAL** of this matter for the following reasons.

1. The requested rezoning to the restricted Wholesale and Warehouse Business (B-4) zone is not in agreement with the 2018 Comprehensive Plan for the following reasons:
 - a. The requested rezoning is not in agreement with the Goals, Objectives, and Policies of the 2018 Comprehensive Plan.
 1. The proposed development does not activate the front wall plan of the structure, which creates a domineering wall frontage that is not in character with the surrounding commercial or residential development (Theme A, Goal #2.b).
 2. The proposed development does not provide a pedestrian first design and development (Theme D, Goal #1.a) and the proposed use is autocentric in nature.
 3. The proposed development does not encourage creating jobs and prosperity (Theme C), rather the proposed self-storage facility will generate very few jobs in support of this policy.
 - b. The Wholesale and Warehouse Business (B-4) zone is not a recommended zone in the Regional Center Place-Type and Medium Density Non-Residential / Mixed Use Development Type. The proposed rezoning could introduce potential nuisance producing uses in an area of residential and commercial development.
 - c. The requested rezoning is not in agreement with the Development Criteria of the 2018 Comprehensive Plan. The following Development Criteria are not being met with the proposed rezoning.
 1. A-DS5-3 Building orientation should maximize connections with the surrounding area and create a pedestrian- friendly atmosphere.
 1. A-DS5-4 Development should provide a pedestrian-oriented and activated ground level.
 2. C-DI1-1 Consider flexible zoning options that will allow for a wide range of jobs.
 3. E-GR10-2 Developments should provide walkable service and amenity-oriented commercial spaces.
2. There have been no major unanticipated changes of an economic, social or physical nature in the area of the subject property since the adoption of the 2018 Comprehensive Plan.
3. The applicant has not provided a justification regarding the inappropriateness of the restricted Highway Service Business (B-3) zone and the appropriateness of the Wholesale and Warehouse Business (B-4) zone. The Highway Service Business (B-3) zone remains appropriate for the subject property, because it is consistent and compatible with the existing development of the Beaumont Centre Development.

ATTEST: This 12th day of May, 2023.


Secretary, Jim Duncan

LARRY FORESTER
CHAIR

K.R.S. 100.211(7) requires that the Council take action on this request by July 26, 2023.

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

OBJECTORS

- Walt Gaffield, 2001 Bamboo Dr
- John Ball, 3307 Beacon Street
- Arleigh Kerr, 3220 Beaumont Centre Circle
- Debora Alexander, 3256 Beacon Street
- Anwara Polera, 3258 Beacon Street
- Gale Reece, 3312 Beacon Street
- Jackie Monzo, 3312 Beaumont Center Circle

OBJECTIONS

- Concerned that this development would not create a lot of jobs.
- Does not want is daughters to grow up next to a storage unit.
- Does not think that the development is in character with the neighborhood.
- Concerned that the development would bring constant noise and nuisance.
- Does not think people within a two mile radius will use this development.
- Concerned it would cast a massive shadow over the neighborhood.
- Concerned with the type of people this development would bring.

VOTES WERE AS FOLLOWS:

AYES:	(7)	Barksdale, Bell, de Movellan, Michler, Meyer, Pohl and Worth
NAYS:	(3)	Davis, Forester, Nicol
ABSENT:	(1)	Penn
ABSTAINED:	(0)	
DISQUALIFIED:	(0)	

Motion for **DISAPPROVAL** of **PLN-MAR-23-00001** carried.

Enclosures:

- Application
- Justification
- Legal Description
- Plat
- Development Snapshot
- Staff Report
- Applicable excerpts of minutes of above meeting