

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

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

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

**IN RE: MAR 2013-1: KIRK & CAROL SNYDER** – petition for a zone map amendment from a Professional Office (P-1) zone to a Highway Service Business (B-3) zone, for 0.6138 net (0.9857 gross) acre, for property located at 3270 Richmond Road. (Council District 7)

Having considered the above matter on **February 28, 2013**, 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 Highway Service Business (B-3) zoning for the subject will allow the property to develop for uses that are compatible in terms of use, intensity, and character with those on the adjoining properties. The veterinary clinic is a principal permitted use in the B-3 zone; thus, the property can continue to operate as a principal permitted use for the foreseeable future.
2. Recent changes in zoning and to the Richmond Road Traffic and Safety Ordinance, as well as the subsequent development of the area, constitute major changes of a physical and economic nature that have altered the basic character of the area that were not anticipated by the 2007 Comprehensive Plan. These have increased the permitted intensity of land use in this area over that recommended by the Plan.
3. This recommendation is made subject to approval and certification of ZDP 2013-9: Michael Gentry 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.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the subject property shall be restricted with the following prohibited uses:

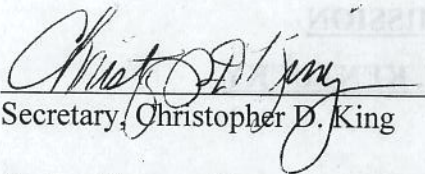
**PROHIBITED USES:**

- a. Adult entertainment establishments, adult bookstores, and adult video stores.
- b. Drive-through windows accessory to restaurants.
- c. Cocktail lounges not associated with restaurants.
- d. Nightclubs.
- e. Billboards.
- f. Cellular telephone towers.
- g. Amusement parks and fairgrounds.
- h. Outdoor loud speakers or music.
- i. Hotels and motels.

These use restrictions are necessary and appropriate for the subject property to lessen the intensity of the uses due to the size of the property and to its lack of direct access onto Richmond Road.



ATTEST: This 15<sup>th</sup> day of March, 2013.

  
Secretary, Christopher D. King

MIKE OWENS  
CHAIR

Note: The corollary development plan, ZDP 2013-9: Michael Gentry Property, was approved by the Planning Commission on February 28, 2013, and certified on March 14, 2013.

K.R.S. 100.211(7) requires that the Council take action on this request by May 29, 2013.

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

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (10) Beatty, Berkley, Blanton, Brewer, Cravens, Mundy, Owens, Plumlee, Roche-Phillips, Wilson

NAYS: (0)

ABSENT: (1) Penn

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for CONDITIONAL APPROVAL of MAR 2013-1 carried.

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

- PROHIBITED USES:
- a. Adult entertainment establishments, adult bookstores, and adult video stores
  - b. Drive-through windows necessary to restaurants
  - c. Cocktail lounges not associated with restaurants
  - d. Nightclubs
  - e. Nightspots
  - f. Cellular telephone towers
  - g. Amusement parks and fairgrounds
  - h. Outdoor loud speakers or signs
  - i. Hotels and motels

These use restrictions are necessary and appropriate for the subject property to lessen the intensity of the uses due to the site of the property and to its lack of direct access onto Richmond Road.