

Rec'd by JS  
Date: 4/11/14

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

**IN RE:** **MARV 2014-4: KID'S HOUSE** - petition for a zone map amendment from a Single Family Residential (R-1C) zone to a Professional Office (P-1) zone, for 1.083 net (1.219 gross) acres, for property located at 1449-1451 Bryan Avenue. Landscaping variances were also requested with this application. (Council District 1)

Having considered the above matter on **March 27, 2014**, 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 **APPROVAL** of this matter for the following reason:

1. The Central Sector Small Area Plan (CSSAP), adopted by the Planning Commission in 2009, and incorporated into the 2013 Comprehensive Plan, encourages the development of neighborhood service nodes that offer a variety of products and services (Principle #2: Redevelopment and Investment, Goal #1). The existing child care center provides a necessary neighborhood service for the immediate area, and helps to implement that recommendation.
2. The proposed Professional Office (P-1) zoning is appropriate, and the existing Single-Family Residential (R-1C) zoning is inappropriate, for the following reasons:
  - a. The existing use has been located on the property for over 35 years; thus, it is a stable land use and is unlikely to relocate.
  - b. A child care center is a principal permitted use in the P-1 zone; thus, the rezoning will bring the use into compliance with the local zoning regulations as it was in 1977, as requested by the state oversight agency.
  - c. The child care center, combined with the adjoining church use, create an appropriate transition from the more intense highway service business uses along New Circle Road. The child care center is a step down in land use as it adjoins single-family residential dwellings.
  - d. The child care center, along with the church and several other small businesses along the Bryan Avenue corridor, create a neighborhood service node for the Castlewood and Meadow Park neighborhoods in this portion of the Central Sector.
3. This recommendation is made subject to the approval and certification of **ZDP 2014-18: KID'S HOUSE**, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

ATTEST: This 11<sup>th</sup> day of April, 2014.

  
Secretary, Christopher D. King

**MIKE OWENS**  
CHAIR

Note: The corollary development plan, ZDP 2014-18: Kid's House, was approved by the Planning Commission on March 27, 2014, and certified on April 10, 2014.

K.R.S. 100.211(7) requires that the Council take action on this request by June 25, 2014.

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

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (10) Berkley, Blanton, Cravens, Drake, Mundy, Owens, Penn, Plumlee, Smith, and Wilson

NAYS: (0)

ABSENT: (1) Brewer

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for APPROVAL of MARV 2014-4 carried.

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