

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

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

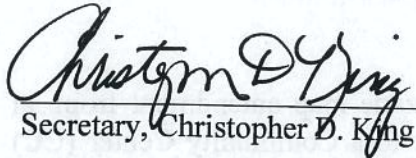
**RECOMMENDATION OF THE**  
**URBAN COUNTY PLANNING COMMISSION**  
**OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY**

**IN RE:** **MARV 2014-13: A & M HAMBURG, LLC** – petition for a zone map amendment from an Expansion Area Residential-3/Transition Area (EAR-3/TA) zone to a Community Center (CC) zone, for 14.82 net (16.49 gross) acres, for property located at 2500 Polo Club Boulevard (a portion of). A height variance is also requested with this zone change. (Council District 12)

Having considered the above matter on **August 28, 2014**, 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 **APPROVAL** of this matter for the following reasons:

1. The requested Community Center (CC) zone is appropriate, and the existing Expansion Area Residential-3 with a Transition Area Overlay (EAR-3/TA) zone is inappropriate, for the following reasons:
  - a. As currently configured, the EAR-3/TA overlay zone is located between a Community Center (CC) zone and an Economic Development (ED) zone, which is inconsistent with what was originally planned for in the EAMP in 1996. The land use relationship desired by utilizing the TA overlay, creating a sense of place that transitions from a more intense zone to a less intense zone, cannot be accomplished when located between two more intense zoning categories.
  - b. The proposed CC zone will still allow for the mix of uses anticipated in both the CC and TA zones, including civic and community uses, churches, nursing homes, schools and child care establishments, and residential uses.
  - c. Expanding the CC zone at this location will allow for the required residential component (40% of the gross floor area within the CC zone) to be more appropriately located along the greenway, rather than adjacent to the interstate corridor as currently approved.
  - d. Several basic elements of the proposed land use change are consistent with the land use policies of the 2013 Comprehensive Plan. It is acknowledged that large retail establishments do contribute employment opportunities to the community (over 200 jobs are anticipated for the Cabela's store alone); the proposed land use enhances and is more compatible with the surrounding land uses; the proposed land use will not impair environmental conditions of the site; the existing utility and transportation networks can accommodate the proposed land use category; and the proposed development will provide for a more appropriate mix of land uses than previously planned.
2. This recommendation is made subject to approval and certification of **ZDP 2014-68: Hamburg East, 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.

ATTEST: This 12<sup>th</sup> day of September.

  
Secretary, Christopher D. King

MIKE OWENS  
CHAIR

Note: A variance to the height of the mixed-use building was approved by the Planning Commission, subject to the rezoning being granted.

Note: The corollary development plan, ZDP 2014-68: Hamburg East, Lot 2, was approved by the Planning Commission on August 28, 2014, and certified on September 11, 2014.

K.R.S. 100.211(7) requires that the Council take action on this request by November 26, 2014.

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

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (9) Berkley, Brewer, Cravens, Drake, Mundy, Penn, Plumlee, Richardson, and Smith

NAYS: (1) Owens

ABSENT: (1) Wilson

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **MARV 2014-13** carried.

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