

Rec'd by Bm
Date: 1-13-17

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

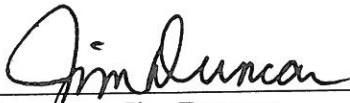
IN RE: PLN-MAR-16-00023: D & D REALTY, LLC – a petition for a zone map amendment from a Light Industrial (I-1) zone to a Neighborhood Business (B-1) zone, for 1.84 net (2.74 gross) acres, for property located at 362 Newtown Pike. (Council District 2)

Having considered the above matter on December 15, 2016, at a Public Hearing, and having voted 8-0 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 existing Light Industrial (I-1) zone is not appropriate, and a Neighborhood Business (B-1) zone is appropriate for the subject property, for the following reasons:
 - a. The site is located within the boundary of the *Downtown Lexington Masterplan* and the more recent *Fourth Street Zoning Study*. The *Masterplan* and the *Zoning Study* both recommend mixed-use development for the site. In addition, the *Masterplan* states that the Downtown Edge West precinct “has the potential to be a true mixed-use neighborhood with retail, offices, and residential as a signature entryway to the downtown.” A B-1 zone would permit this type of development.
 - b. The proposed B-1 zone allows much more flexibility in its setback and other zoning requirements, which will permit a redevelopment of the subject site to better match the area’s character and form. The petitioner’s corollary development plan now proposes a more urban environment.
 - c. The I-1 zone permits the site to be under-performing and underutilized, while B-1 uses would be a better compliment to the surrounding institutional and residential neighborhoods in this area.
 - d. A B-1 zone would be more consistent with the themes, goals and objectives of the 2013 Comprehensive Plan, and the other plans and studies previously conducted in this immediate area.
 - e. B-1 zoning would match that approved for the Thistle Station site immediately to the south of this location, and that for land uses located to the west across Newtown Pike.
2. This recommendation is made subject to approval and certification of PLN-MJDP-16-00051: Whistle Stop, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses are recommended to be prohibited on the subject property:
 - a. Animal hospitals or clinics.
 - b. Drive-through facilities.
 - c. Automobile repair, service stations and gasoline pumps, closer than 125’ from West Fourth Street.
 - d. Automobile and vehicle refueling stations, closer than 125’ from West Fourth Street.

These use prohibitions are appropriate and necessary to ensure that future development will be compatible with the character of the adjoining area by prohibiting certain uses that would be contrary to its more urban and mixed-use character.

ATTEST: This 13th day of January, 2017.


Secretary, Jim Duncan

WILLIAM WILSON
CHAIR

Note: The corollary development plan, PLN-MJDP-16-00051: WHISTLE STOP was approved by the Planning Commission on December 15, 2016 and certified on December 22, 2016.

K.R.S. 100.211(7) requires that the Council take action on this request by March 15, 2017.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Tony Barrett, representative.**

OBJECTORS

- John Cirigliano, Managing member of Thistle Station
- Mark Klar, 321 Blackburn Ave.
- Barbara Grossman, 321 Blackburn Ave.

OBJECTIONS

- Increased traffic.
- Auto-oriented development is inappropriate.
- Auto-oriented development is inappropriate.

VOTES WERE AS FOLLOWS:

AYES: (8) Berkley, Cravens, Mundy, Owens, Penn, Plumlee, Smith, and Wilson

NAYS: (0)

ABSENT: (3) Brewer, Drake, and Richardson

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **CONDITIONAL APPROVAL** of **PLN-MAR 16-00023** carried.

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