

Rec'd by _____

Date: _____

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

IN RE: MAR 2015-1: M.I.A. BROOKHAVEN, LLC - petition for a zone map amendment from a Neighborhood Business (B-1) zone to a Highway Service Business (B-3) zone, for 5.6686 net (6.8980 gross) acres, for property located at 2434 & 2450 Nicholasville Road. (Council District 4)

Having considered the above matter on **February 26, 2015**, at Public Hearings, and having voted **9-0** 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:

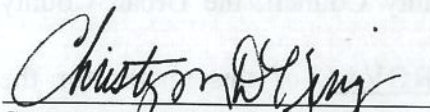
1. The proposed Highway Service Business (B-3) zone is in agreement with the 2013 Comprehensive Plan and is supported by several Goals and Objectives of the Plan, including:
 - a. Theme A (*Growing Successful Neighborhoods*), Goal 2, Objective a., which states: "Identify areas of opportunity for infill, redevelopment and adaptive reuse that respect the area's context and design features whenever possible." The petitioner is redeveloping an "under-performing" shopping center with a new center, giving greater attention to the landscaping and pedestrian amenities than the previous development.
 - b. Theme C (*Creating Jobs and Prosperity*), Goal 1, Objective d., which encourages the creation of jobs near where people live. The subject property is located very near residential neighborhoods, which the applicant opines will give nearby residents opportunities to work within walking distance of their homes.
 - c. Theme D, Goal 2, which provides for accessible community facilities and services to meet the health, safety and quality of life needs of Lexington-Fayette County's residents and visitors.
2. The proposed hotel use supports the healthcare and tourist industries that are already thriving in Lexington, and which are acknowledged by the 2013 Plan.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses are recommended to be prohibited on all portions of the subject property:
 - a. Establishments for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
 - b. Garden Centers
 - c. Kennels, animal hospitals or clinics, including offices of veterinarians.
 - d. Carnivals.
 - e. Taxidermy establishments.
 - f. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
 - g. Retail sale of automotive parts with storage and distribution of inventory to other local establishments under the same ownership.
 - h. Outdoor live entertainment when located within 100 feet of a residential zone.
 - i. All conditional uses listed under Article 8-20(d), except:

1. Churches and Sunday schools.
2. Temporary structures designed for use or occupancy for 61 to 180 days per 12-month period on a single property, calculating said period by cumulative consideration for the use of any and all such structures on a single property.

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 too intensive or inappropriate at this location.

4. This recommendation is made subject to the approval and certification of ZDP 2015-10: Brookhaven Subdivision, 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 18th day of March, 2015.


Secretary, Christopher D. King

MIKE OWENS
CHAIR

Note: The corollary development plan, ZDP 2015-10: Brookhaven Subdivision, was approved by the Planning Commission on February 26, 2015, and certified on March 12, 2015.

K.R.S. 100.211(7) requires that the Council take action on this request by May 27, 2015.

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

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (9) Berkley, Cravens, Drake, Mundy, Owens, Plumlee, Richardson, Smith, and Wilson

NAYS: (0)

ABSENT: (2) Brewer, Penn

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for CONDITIONAL APPROVAL of MAR 2015-1 carried.

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