

Rec'd by Bm

Date: 9-2-17

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

IN RE: **PLN-MAR-17-00025: NEWTON'S ATTIC** – a petition for a zone map amendment from an Agricultural Rural (A-R) zone to a Neighborhood Business (B-1) zone, for 1.16 net and gross acres, and from a Neighborhood Business (B-1) zone to an Agricultural Rural (A-R) zone, for 1.16 net (2.71 gross) acres, for property located at 4974 Old Versailles Road (a portion of). A conditional use permit and dimensional variances are also requested. (Council District 12)

Having considered the above matter on **August 24, 2017**, 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 existing Agricultural Rural (A-R) zone and Neighborhood Business (B-1) zone configuration is inappropriate, and the proposed reconfiguration on the subject property is appropriate, for the following reasons:
  - a. The South Elkhorn Creek flows through the property and creates the northern and eastern edges of the site. The floodplain associated with the creek, as well as the 25-foot setback required by Article 19 of the Zoning Ordinance occupy more than 70% of the property, which significantly restricts the development potential of the site.
  - b. The existing B-1 zoning boundary followed the former right-of-way of Old Versailles Road, and therefore crosses the site at a 45-degree angle. When the roadway was realigned to create a more standard intersection with Versailles Road, the zoning boundaries were not modified, which left the majority of the B-1 zoning within the FEMA floodplain and with little development potential.
  - c. The existing 3.8-acre A-R zoned land is too small for a typical agricultural use, and the A-R zoning is more appropriately located along the environmentally sensitive area of the site. The requested zone swap will create a buffer of less intense zoning to protect a sensitive watershed.
  - d. The subject property is located between the Ft. Springs rural settlement boundary and the Bluegrass Airport/Rural Activity Center boundary, leaving little opportunity for development or further expansion beyond that requested now.
  - e. The proposed B-1 and A-R zoning more closely matches the developable area of the site and will allow the expansion of an existing school for academic instruction.
  - f. The proposed zone swap will result in a reduction of B-1 zoning, albeit in the right-of-way of Versailles and Old Versailles Road, that generally complies with the intent of the Rural Land Management Plan to protect the Rural Service Area from incompatible development patterns.
2. This recommendation is made subject to the approval certification of **PLN-MJDP-17-00082: Newton's Attic Property – Ft. Springs**, 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 use restrictions for the property B-1 zone shall be imposed on the subject property:**

**Prohibited Uses**

  - a. Automobile service stations, and automobile and vehicle refueling stations.
  - b. Rental of equipment whose retail sale would otherwise be permitted in the B-1 zone.
  - c. Banquet facilities.
  - d. Self-service car washes.
  - e. Extended-stay hotels.
  - f. Drive-through facilities.

These restrictions are appropriate and necessary to protect the environmentally sensitive area along South Elkhorn Creek, and to protect the adjacent Ft. Springs rural settlement from incompatible development.

ATTEST: This 8<sup>th</sup> day of September, 2017.

  
Secretary, Jim Duncan

WILLIAM WILSON  
CHAIR

Note: The corollary development plan, PLN-MJDP-17-00082: Newton's Attic Property – Ft. Springs was approved by the Planning Commission on August 24, 2017 and certified on September 7, 2017.

Note: A conditional use for a school for academic instruction and dimensional variances were approved to increase the maximum allowable front setback in the Neighborhood Business (B-1) portion of the property; and to eliminate the zone-to-zone screening between the A-R and the B-1 zones internal to the property for this request, by the Planning Commission at this hearing.

K.R.S. 100.211(7) requires that the Council take action on this request by November 22, 2017.

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

**OBJECTORS**

- None

**OBJECTIONS**

- None

**VOTES WERE AS FOLLOWS:**

AYES: (10) Bell, Berkley, Brewer, Cravens, Forester, Mundy, Owens, Plumlee, Richardson, and Wilson

NAYS: (0)

ABSENT: (1) Penn

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **CONDITIONAL APPROVAL** of **PLN-MAR-17-00025** carried.

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