

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

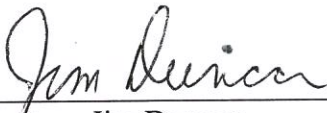
IN RE: PLN-MAR-16-00025: DAVID MEYERS, KENTUCKY LODGING AND DEVELOPMENT CO., INC – a petition for a zone map amendment from an Interchange Service Business (B-5P) zone to a Highway Service Business (B-3) zone, for 0.75 net (1.36 gross) acres, for property located at 2167 N. Broadway. (Council District 6)

Having considered the above matter on **January 26, 2017**, at a Public Hearing, 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. A restricted Highway Service Business (B-3) zone is in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. The site can be considered as an underutilized site after 50 years of B-5P zoning, with no development. The property should be considered for a possible change to an alternative business zone (and use) in order to better serve the needs of the community, since the site is within the Urban Service Area.
 - b. The proposed redevelopment will be able to use the existing infrastructure and transportation networks (which are adequate to serve the use), and the proposed land use will not impair existing environmental conditions on the site. This is consistent with the guiding principles of the Comprehensive Plan, specifically Chapter 4: "Protecting the Environment," and Chapter 6: "Improving a Desirable Community."
 - c. The 2013 Comprehensive Plan supports infill and redevelopment and creating a well-designed neighborhood/community (Theme A, Goals #2 and #3). The site is a long-time vacant site within the Urban Service Area, which can enhance the existing nearby neighborhoods with support uses, such as additional shopping options in close proximity.
 - d. The proposed zoning and land use are not out of character with the other commercial uses along the North Broadway corridor. Conditional zoning restrictions to limit uses that may negatively impact the nearby residential neighborhood would be most appropriate for the subject property to ensure land use compatibility.
2. This recommendation is made subject to approval and certification of PLN-MJDP-16-00053: Hospitality Motor Inns, Inc. and BP Oil Co., Inc. (Dollar General), 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 shall be prohibited on the subject property, via conditional zoning:
 - a. Establishments and lots 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. Cocktail lounges and nightclubs.
 - c. Car wash establishments.
 - d. Pawnshops.
 - e. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
 - f. Advertising signs, also known as billboards, as regulated by Article 17 of the Zoning Ordinance.

These restrictions are necessary and appropriate in order to restrict the most intense land uses on the subject property, which are not currently permitted at this location. Such uses could have a negative impact on nearby residential neighborhoods.

ATTEST: This 10th day of February, 2017.


Secretary, Jim Duncan

WILLIAM WILSON
CHAIR

Note: The corollary development plan, PLN-MJDP-16-00053: HOSPITALITY MOTOR INNS, INC. & BP OIL CO, INC. (DOLLAR GENERAL) was approved by the Planning Commission on January 26, 2017 and certified on February 9, 2017.

K.R.S. 100.211(7) requires that the Council take action on this request by April 26, 2017.

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

OBJECTORS

- Ms. Catherine Perkins, 258 Swigert Avenue

OBJECTIONS

- Increased traffic will result from this development.

VOTES WERE AS FOLLOWS:

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

NAYS: (0)

ABSENT: (2) Brewer and Penn

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **CONDITIONAL APPROVAL** of **PLN-MAR-16-00025** carried.

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