

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

IN RE: MARV 2015-22: H & J PROPERTIES OF LEXINGTON, LLC, AND TLJ PROPERTIES OF LEXINGTON, LLC – petition for a zone map amendment from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone, for 1.538 net (2.069 gross) acres, for property located at 1400, 1402 and 1412 North Broadway. Dimensional variances are also requested. (Council District 1)

Having considered the above matter on **November 19, 2015**, 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 proposed zone change to a Neighborhood Business (B-1) zone is in agreement with the 2013 Comprehensive Plan, and is supported by several Goals and Objectives of the 2013 Comprehensive 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 re-using the existing buildings and parking for new uses.
 - b. Theme C (*Creating Jobs and Prosperity*), Goal #1, Objective d., which encourages the creation of jobs near where people live. The property is located very near residential neighborhoods, and may provide a support or service use in the area that is not currently available.
2. The requested Neighborhood Business (B-1) zone is appropriate for this location since it is located directly across from the major tourist attraction currently located in the corridor.
3. With appropriate conditional zoning restrictions, the Neighborhood Business (B-1) zone will continue to provide an appropriate land use transition between the B-3 zoning across North Broadway (ball park) and the residential land uses further to the southeast of this location, promoting the Plan’s emphasis on protecting existing neighborhoods.
4. This recommendation is made subject to the approval and certification of ZDP 2015-22: Fairlawn Subdivision Lots 19-22, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
5. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses shall be prohibited on the subject property:
 - a. Automobile Service Stations
 - b. Miniature Golf and Putting Courses
 - c. Car Washes
 - d. Outdoor Live Entertainment
 - e. Drive-through facilities.

These use prohibitions are appropriate and necessary to ensure that future development will be compatible with the character of the adjoining residential area by prohibiting uses that are generally auto-centric and create excessive noise and light disturbances.

ATTEST: This 6th day of January, 2016.


Secretary, Jim Duncan

MIKE OWENS
CHAIR

Note: Variances to reduce the property perimeter screening were approved by the Planning Commission for this property, subject to the rezoning being granted.

Note: The corollary development plan, ZDP 2015-22: Fairlawn Subdivision Lots 19-22, was approved by the Planning Commission and certified on December 3, 2015.

K.R.S. 100.211(7) requires that the Council take action on this request by February 17, 2016.

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

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

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

NAYS: (0)

ABSENT: (3) Brewer, Drake, Owens

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for CONDITIONAL APPROVAL of MARV 2015-22 carried.

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