

Rec'd by \_\_\_\_\_

Date: \_\_\_\_\_

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

**IN RE: MAR 2014-15: HAYMAKER DEVELOPMENT CO., LLC** – petition for a zone map amendment from a Highway Service Business (B-3) zone with conditional zoning restrictions, to a Highway Service Business (B-3) zone with modified conditional zoning restrictions, for 9.92 net (13.62 gross) acres, for properties located at 950, 960, 961, 973 & 980 Midnight Pass; 3101 Wall Street; and 3052 & 3084 Beaumont Centre Circle. (Council District 10)

Having considered the above matter on **August 28, 2014**, 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. In accordance with Article 6-7(c) of the Zoning Ordinance, there have been unanticipated changes of an economic, physical, and social nature in the immediate area since the time the conditional zoning restrictions were imposed in 2005 and 2008 that have substantially changed the basic character of the area of the subject property. In particular:
  - a. The subject property remains vacant almost 25 years after it was originally zoned P-1, and more importantly, for almost a decade after an approved rezoning to a highly restricted B-3 zone for most of these lots.
  - b. The Great Recession of the last decade, unanticipated at the time the existing zoning restrictions were adopted in 2005, has slowed the demand for commercial development in Beaumont Farm, as it has throughout the country.
  - c. More recently, Kroger has expanded its Beaumont store to be one of the largest sized facilities in its chain.
2. This recommendation is made subject to approval and certification of ZDP 2014-67: Beaumont Farm 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 subject property shall now be restricted with the following restrictions via conditional zoning:

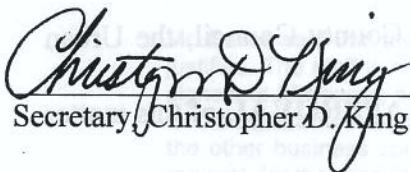
**PROHIBITED USES:**

- 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. Indoor amusements, such as billiard or pool halls, dancing halls, skating rinks, miniature golf or putting courses, theatres, or bowling alleys.
- c. Self-service laundry.
- d. Shoe repair, clothing alteration, tailoring services and tattoo parlors.
- e. Carnivals, even on a temporary basis.

- f. Taxidermy establishments.
- g. Pawnshops.
- h. Parking lots and structures.
- i. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
- j. Advertising signs (and billboards) as defined in Article 17- 7(3)(b)(1) of the Zoning Ordinance.
- k. Free-standing signs taller than 10' in height.

These use restrictions are appropriate in that they have been offered by the applicant. The signage restrictions are similar, but significantly relaxed, from those originally approved for these properties, and will ensure consistency with other signage restrictions already in place for adjacent P-1 and B-3 zoned properties in Beaumont Farm.

ATTEST: This 12<sup>th</sup> day of September.

  
Secretary, Christopher D. Kang

MIKE OWENS  
CHAIR

Note: The corollary development plan, ZDP 2014-67: Beaumont Farm, was approved by the Planning Commission on August 28, 2014, and certified on September 11, 2014.

K.R.S. 100.211(7) requires that the Council take action on this request by November 26, 2014.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Rory Kahly, landscape architect.**

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (10) Berkley, Brewer, Cravens, Drake, Mundy, Owens, Penn, Plumlee, Richardson, and Smith

NAYS: (0)

ABSENT: (1) Wilson

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for CONDITIONAL APPROVAL of MAR 2014-15 carried.

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