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

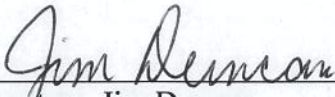
**RECOMMENDATION OF THE**  
**URBAN COUNTY PLANNING COMMISSION**  
**OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY**

**IN RE: MAR 2015-17: CAPKY BLUEGRASS PROPERTIES, LLC** - petition for a zone map amendment from a Professional Office (P-1) zone to a Wholesale & Warehouse Business (B-4) zone, for 3.05 net (3.29 gross) acres, for property located at 353 Waller Avenue. A dimensional variance is also requested. (Council District 3)

Having considered the above matter on **September 24, 2015**, at a Public Hearing, and having voted **8-1** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **DISAPPROVAL** of this matter for the following reasons:

1. The requested rezoning to a Wholesale and Warehouse Business (B-4) zone is not in agreement with the 2013 Comprehensive Plan, for the following reasons:
  - a. The Goals and Objectives and policy statements of the Plan encourage the consideration of how proposals relate to existing development in the immediate vicinity, and focus on protecting neighborhoods and residential areas from incompatible land uses. No B-4 zoning exists along the Waller Avenue corridor, and a self-storage facility is not a neighborhood-oriented land use.
  - b. The Goals and Objectives encourage creating jobs and prosperity (Theme C), but the proposed self-storage facility will generate very few jobs in support of this idea.
  - c. Policy statements in the Plan focus on the need for the development of land in the most appropriate relationships, compatibility of land uses and creating neighborhood nodes of commercial development or a focal point. Waller Avenue has been that neighborhood node that provides necessary goods and services to the adjoining neighborhoods in this immediate vicinity.
2. The existing Professional Office (P-1) zone remains appropriate at this location because it offers many land uses that would be considered compatible within the character of the corridor and the adjoining neighborhood. While there is no demand for the former nursing home building, there has been steady interest in redevelopment of the property over the past five years.
3. The proposed B-4 zone is not appropriate for the subject property, for the following reasons:
  - a. Statistical information would indicate that our community already has the right amount (more than the national average of 32% for urban facilities) of self-storage facilities inside New Circle Road, especially given the knowledge that two additional facilities of similar characteristics are planned/proposed for completion in the near future.
  - b. There is no other B-4 zoning or land use compatible with B-4 uses in the immediate vicinity, including the professional office, multi-family and single-family residential uses.
  - c. Lower traffic generation is not vitally important for a parcel of land that is situated on a minor arterial roadway.
4. There have been no unanticipated changes of a physical, social or economic nature within the immediate area since the Comprehensive Plan was adopted in 2013 that would justify a B-4 zone for the subject property.

ATTEST: This 9<sup>th</sup> day of October, 2015.

  
Secretary, Jim Duncan

MIKE OWENS  
CHAIR

Note: The corollary development plan, ZDP 2015-83: Storey Business Subdivision, Lot 6 (Waller Avenue Self Storage), was indefinitely postponed by the Planning Commission on September 24, 2015.

K.R.S. 100.211(7) requires that the Council take action on this request by December 23, 2015.

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

OBJECTORS

- Gene Lear, 1324 Camden Avenue
- Jacob Walbourn, representing property owners at 333, 343 & 354 Waller Avenue

OBJECTIONS

- He is concerned that the proposed rezoning might affect his property.
- Requested zone change is not in agreement with the 2013 Comprehensive Plan, nor is it appropriate at this location.

VOTES WERE AS FOLLOWS:

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

NAYS: (1) Drake

ABSENT: (2) Penn, Smith

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **DISAPPROVAL** of **MARV 2015-17** carried.

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