

Rec'd by _____

Date: _____

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

IN RE: MAR 2013-15: C & R ASPHALT LAND ACQUISITION CO., LLC – petition for a zone map amendment from a Light Industrial (I-1) zone to a Highway Service Business (B-3) zone, for 1.491 net (1.929 gross) acres, for property located at 2601 & 2617 Regency Road. (Council District 10)

Having considered the above matter on **September 26, 2013**, 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:

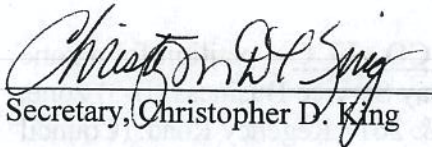
1. The existing Light Industrial (I-1) zone is no longer appropriate since it is unrestricted, and a restricted Highway Service Business (B-3) zone is appropriate for the subject property for the following reasons:
 - a. The character of Regency Road and Moore Drive, near the intersection of Nicholasville Road and New Circle Road, has evolved over the years and has become occupied predominantly by businesses that have a retail focus in addition to a warehouse or wholesale function, or are specialty stores and businesses that are unique to this area of the community.
 - b. No light industrial uses exist along this portion of Regency Road or Moore Drive.
 - c. A restricted B-3 zone at this location would be compatible with the existing B-3 zoning along Regency Road, which is immediately adjacent to the south of the subject property.
2. This area of the community is one that supports small business development, which is part of the recommendations of the 2012 Goals and Objectives of the Comprehensive Plan (Goal C.2.b.), as most of the businesses along this corridor utilize less than 10,000 square feet of space and occupy multi-use buildings. This area houses many specialty stores and businesses that are unique to the community, and the proposed B-3 zoning would permit expansion of such uses beyond what the existing zoning would permit.
3. This recommendation is made subject to approval and certification of the associated development plan ZDP 2013-75: Miller-Bird Commercial Park, Unit 1-B, Block C, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the subject property shall be subject to the following use restrictions via conditional zoning:

PROHIBITED USES:

 - a. Restaurants.
 - b. The sale of gasoline, gasoline pumps and automobile service stations.
 - c. All adult bookstores and adult entertainment uses.
 - d. Indoor theaters.
 - e. Rental or repair of equipment and/or trucks.
 - f. Car washes.
 - g. Medical and dental offices.

These restrictions are appropriate and necessary for the subject property to partially implement the 2007 Comprehensive Plan, which recommends a limited mixture of commercial land uses in the area of Moore Drive and Regency Road.

ATTEST: This 11th day of October, 2013.


Secretary, Christopher D. King

MIKE OWENS
CHAIR

Note: The corollary development plan, ZDP 2013-75: Miller-Bird Commercial Park, Unit 1-B, Block C, was approved by the Planning Commission on September 26, 2013, and certified on October 10, 2013.

K.R.S. 100.211(7) requires that the Council take action on this request by December 25, 2013.

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

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (10) Berkley, Blanton, Brewer, Cravens, Drake, Mundy, Owens, Penn, Plumlee, and Wilson

NAYS: (0)

ABSENT: (1) Beatty

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for CONDITIONAL APPROVAL of MAR 2013-15 carried.

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