

REVISED STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-19-00011: 6K AND UNDER AUTO SALES, LLC



STAFF REVIEW

The applicant opines that the proliferation of auto sales in the region has resulted in a major change in economic and physical nature of the subject property and within the area containing the subject property. Furthermore, since the increase in sales of automobiles and recreational vehicles surrounding the subject property, including the neighboring 1701 North Broadway, which has been done “by right”, the preservation of the basic character of the area that was sought during the 1988 rezoning of the property has been substantially altered. The changes in the land use in the area since the time that the conditional zoning restrictions were applied make this specific use restriction inappropriate. Staff is in agreement with the applicant’s position.

Additionally, in the period following the Subdivision and the Zoning Committee meetings, the applicant met with the staff to revise their development plan in order to address the concerns described within the original Staff Report and the comments presented during the Committee meetings. The applicant has modified their development plan to address the concerns regarding the impact on the neighborhood located to the rear of the subject property, and the visual impacts on a gateway into downtown Lexington. Furthermore, the connection between 1701 North Broadway has been shown and areas of display and inventory storage have been delineated. With these modifications, the applicant has addressed many of the concerns regarding the use of the subject property and the impacts on the surrounding area,



CONDITIONAL ZONING RESTRICTIONS

While the applicant has offered modifications to the development plan, it is important to solidify such changes not only in the corollary development plan, but within the ordinance utilizing conditional zoning restrictions. First, the applicant has not addressed all of the elements of the conditional zoning restrictions that were originally applied to the subject property. They have only focused on the “Establishments for the display, rental, sale, service and/or minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes or supplies for such items.” Therefore, those remaining restrictions (advertising signs (billboards), and kennels, animal hospitals or clinics, including offices of veterinarians) shall remain prohibited. Additionally, adult arcades, adult bookstores and adult entertainment establishments, as well as outdoor recreational and/or amusement facilities shall be prohibited due to the close proximity to the neighborhood and potential for a negative impact on the residents.

In an effort to reduce any impact of the proposed use on the neighborhood located to the rear of the subject property, there shall be no outdoor speaker systems, and all lighting on the subject property shall be no taller than 10 ft in height and shall be shielded and directed downward. Furthermore, to control the potential overflow of inventory on the subject property, and to ensure adequate areas for safe circulation of vehicles and pedestrians between 1701 and 1709 North Broadway, the inventory on the subject property shall be limited to 30 or less vehicles. The inventory shall be located in the designated areas, and shall not be located in any area designated for employee or customer parking. No inventory shall be located along the structure of 1719 North Broadway and no inventory shall block or inhibit the customer parking located along the western wall of 1719 North Broadway.

Finally, the designation of North Broadway as a major entrance or gateway into Lexington necessitates the buffering of the subject property. Along the frontage of North Broadway, there shall be a continuous 3 foot hedge, as well as a four plank fence. The buffering requirements are included to ensure that the development is an asset to the visual quality of the Lexington community.

STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASONS:



1. The applicant has shown that there has been a major change of an economic and physical nature on the subject property or within the area containing the subject property, which has altered the basic character of the immediate area due to the proliferation and growth of automotive and recreational vehicle sales in the area since the conditional zoning restrictions were imposed in 1988.
2. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use and buffering restrictions are recommended via conditional zoning:
 - a. Prohibited Uses:
 - i. Advertising signs (billboards)
 - ii. Kennels, animal hospitals or clinics, including offices of veterinarians
 - iii. Adult arcades, adult bookstores, or adult entertainment establishments
 - iv. Outdoor recreational facilities and amusement facilities
 - b. Outdoor speakers or amplification shall be prohibited on the subject property.
 - c. Lighting shall be a maximum of 10 feet in height and shall be shielded and directed away from the neighborhood located to the rear of the property.
 - d. Vehicular inventory on the subject property shall be limited to 30 or less vehicles, and shall be located in designated areas, as depicted on the corollary development plan. No inventory shall be located along the structure of 1719 North Broadway.
 - e. There shall be a continuous 3 foot hedge and four plank horse fence located along the frontage of North Broadway.
3. This recommendation is made subject to approval and certification of PLN-MJDP-19-00038: Elkhorn Park, Block 8 (W.P. Little Property)(AMD), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

HBB/TLW
8/6/19

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