

3. DR. MICHAEL GENTRY ZONING MAP AMENDMENT & CADENTOWN SUBDIVISION ZONING DEVELOPMENT PLAN

- a. PLN-MAR-18-00008: DR. MICHAEL GENTRY (8/5/18)*- petition for a zone map amendment from a Single Family Residential (R-1D) zone to a Wholesale and Warehouse Business (B-4) zone, for 0.20 net (0.32 gross) acre, for property located at 2853 Liberty Road.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2018 Comprehensive Plan's mission statement is to "provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape.

The applicant proposes to rezone the subject site in order to consolidate the property with the adjacent 2.43 acre site to the north, in order to construct a second access point to the development, which is planned to contain an animal hospital and kennel, and associated off-street parking.

The Zoning Committee Recommended: Approval to the full Commission.

The Staff Recommended: Approval, for the following reasons:

1. The requested Wholesale and Warehouse Business (B-4) zone is appropriate for the subject property, for the following reasons:
 - a. The property is adjoined by B-4 zoning on two sides, and by Liberty Road on a third side. Therefore, the subject property is mostly surrounded by non-residential uses or zones.
 - b. The property can be seamlessly integrated into the design of the adjacent animal hospital and kennel development, while also maintaining an adequate landscape buffer to the single-family residential properties.
 - c. The proposed business zone will allow for improved access to the planned animal hospital and kennel, because access to a business or industrial zone is not permitted through a residentially zoned site.
2. The existing Single Family Residential (R-1D) zone is inappropriate for the subject site, for the following reasons:
 - a. The single-family residence that previously occupied the subject property was removed as part of the widening of Liberty Road. A single-family residence would be inappropriate on this site, as the only access would be via a driveway from a five-lane roadway.
 - b. A single-family residence on this site would be inappropriate because it would be isolated, as it does not have access nor frontage on Campbell Lane, and would have no physical connection to the homes along Campbell Lane.
 - c. Article 8-8 of the Zoning Ordinance does not allow off-street parking lots and their associated vehicle use areas (driveways) in an R-1D zone as a principle use. In this manner, commercial and industrial zoned property cannot be accessed through a residentially zoned property.
3. This recommendation is made subject to the approval and certification of PLN-MJDP-2018-00044: CADENTOWN SUB-DIVISION, prior to forwarding this 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 following use restrictions shall apply to the subject property via conditional zoning:

PROHIBITED USES

 - a. Shops of special trade and general contractors, such as plumbing; heating; carpentry; masonry; painting; publishing; lithographing; engraving; electrical; major automobile and truck repairing; sign painting; upholstery; tile, mosaic and terrazzo work; electroplating; interior decorating.
 - b. Cocktail lounges and nightclubs, or the serving of alcoholic beverages.
 - c. Laundry, clothes cleaning or dyeing shop.
 - d. Ice plant.
 - e. Tire re-treading and recapping.
 - f. Machine shop.
 - g. Offices of purchases, processors and handlers of agricultural products.
 - h. Establishments and lots for the display, rental, sale and repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles such as mini-bikes, motorcycles, bicycles, boats or supplies for such items.
 - i. Truck terminals and freight yards.
 - j. Automobile service stations.
 - k. Major or minor automobile and truck repair.
 - l. Establishments for the display and sale of pre-cut, prefabricated or shell homes.
 - m. Circuses and carnivals.
 - n. Retail sale of building materials and lumber.
 - o. Pawnshops.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

These use restrictions are appropriate and necessary for the subject property since they were volunteered by the original zone change applicant and will be consistent with such zone; and since they will provide greater protection for the adjacent residences and Local Historic District surrounding this location.

- b. PLN-MJDP-18-00044: CADENTOWN SUBDIVISION (8/5/18)* - located at 2853 LIBERTY ROAD, LEXINGTON, KY (Vision Engineering)

The Subdivision Committee Recommended: Approval, subject to the following conditions:

1. Provided the Urban County Council rezones the property B-4; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.

Staff Zoning Presentation – Ms. Wade presented the staff report and recommendations for the zone change. She displayed photographs of the subject property and aerial photographs of the general area. She said the applicant is proposing this zone change to incorporate this small parcel into a larger property that was rezoned several years ago. She gave a brief history of the property and said that this parcel was left by the realignment of Liberty Road. She said the applicant opined that this application is in agreement with the 2013 Comprehensive Plan; however the staff doesn't agree. She said that the staff does agree that the R-1D zone isn't appropriate at this location because it is an isolated tract, has no connectivity to Campbell Lane, and the surrounding property is currently a B-4 zone.

Ms. Wade said this requested zone change will allow the animal hospital and kennel to be enlarged, as well as, create better access onto Liberty Road. She said that the staff and the Zoning Committee are recommending approval of this zone change with conditional zoning restrictions, the same restrictions that were put in place with the larger B-4 zone change. She did said that there is an error on the list of restrictions. She said that condition b. should stricken from the list, because cocktails lounges and nightclubs, or alcoholic beverage services are not a principal permitted use in the B-4 zone.

Commission Question – Mr. Owens asked if the animal hospital was already approved in this zone. Ms. Wade said that the B-4 zone allows an animal hospital and kennel as a principal use. Mr. Owens asked if the kennels would be indoor or outdoor. Ms. Wade said that the only time the animals will be outdoors will be for walks and bathroom breaks.

Development Plan Presentation – Mr. Martin presented a rendering of the development plan associated with the zone change. He said that the property being incorporated into this zone change will be open space, there will not be any use. He said this space will be part of the required setback for this zone. He said that the access point is relocated from the previous approved location, which has allowed the applicant to modify their parking, and that the access drive on the north side of the property will only be an exit.

Mr. Martin said there are four standard sign-off conditions for this development plan and the staff and Subdivision Committee are both recommending approval.

Applicant Presentation – Mr. Murphy, attorney representing the petitioner, stated that the applicant is in agreement with the staff's recommendations and is available for questions.

Citizen Comment – There were no citizens present to speak to this application.

Zoning Action – A motion was made by Ms. Richardson, seconded by Ms. Mundy, and carried 9-0 (Bell and Forester absent)) to approve PLN-MAR-18-00008: DR. MICHAEL GENTRY, for the reasons provided by the staff, with the removal of b. from the prohibited uses, as follow:

PROHIBITED USES

- a. Shops of special trade and general contractors, such as plumbing; heating; carpentry; masonry; painting; publishing; lithographing; engraving; electrical; major automobile and truck repairing; sign painting; upholstery; tile, mosaic and terrazzo work; electroplating; interior decorating.
- ~~b. Cocktail lounges and nightclubs, or the serving of alcoholic beverages.~~
- c. Laundry, clothes cleaning or dyeing shop.
- d. Ice plant.
- e. Tire re-treading and recapping.
- f. Machine shop.
- g. Offices of purchases, processors and handlers of agricultural products.

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- h. Establishments and lots for the display, rental, sale and repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles such as mini-bikes, motorcycles, bicycles, boats or supplies for such items.
- i. Truck terminals and freight yards.
- j. Automobile service stations.
- k. Major or minor automobile and truck repair.
- l. Establishments for the display and sale of precut, prefabricated or shell homes.
- m. Circuses and carnivals.
- n. Retail sale of building materials and lumber.
- o. Pawnshops.

Development Plan Action – A motion was made by Ms. Richardson, seconded by Ms. Mundy, and carried 9-0 (Bell and Forester absent) to approve PLN-MJDP-18-00044: CADENTOWN SUBDIVISION, for the reasons provided by the staff.