

ORDINANCE NO. 44-2015

AN ORDINANCE CHANGING THE ZONE FROM A WHOLESALE & WAREHOUSE BUSINESS (B-4) ZONE TO A HIGHWAY SERVICE BUSINESS (B-3) ZONE, FOR 0.47 NET (0.69 GROSS) ACRE; AND FROM A TWO-FAMILY RESIDENTIAL (R-2) ZONE TO A HIGHWAY SERVICE BUSINESS (B-3) ZONE, FOR 0.55 NET (0.62 GROSS) ACRE, FOR PROPERTY LOCATED AT 836 & 840 WINCHESTER ROAD; 912, 916, 920 & 922 DETROIT AVENUE; AND A PORTION OF 915, 917, 919 & 921 DAYTON AVENUE, INCLUDING A DIMENSIONAL VARIANCE (JAKE RIORDAN & MARK A. JETER; COUNCIL DISTRICT 5).

WHEREAS, at a Public Hearing held on March 26, 2015, a petition for a zoning ordinance map amendment for property located at 836 & 840 Winchester Road; 912, 916, 920 & 922 Detroit Avenue; and a portion of 915, 917, 919 & 921 Dayton Avenue from a Wholesale & Warehouse Business (B-4) zone to a Highway Service Business (B-3) zone for 0.47 net (0.69 gross) acres; and from a Two-Family Residential (R-2) zone to a Highway Service Business (B-3) zone for 0.55 net and (0.62 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change including a dimensional variance by a vote of 11-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for property located at 836 & 840 Winchester Road; 912, 916, 920 & 922 Detroit Avenue; and a portion of 915, 917, 919 & 921 Dayton Avenue from a Wholesale & Warehouse Business (B-4) zone to a Highway Service Business (B-3) zone for 0.47 net (0.69 gross) acres; and from a Two-Family Residential (R-2) zone to a Highway Service Business (B-3) zone for 0.55 net and (0.62 gross) acres being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - That the granting of this zone change is made subject to the following use restrictions as conditions of granting the zone change:

Under the provisions of Article 6-7 of the Zoning Ordinance, the following use and buffering restrictions are proposed for the subject property via conditional zoning:

Prohibited Uses

1. 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.
2. Cocktail lounges and nightclubs.
3. Motel or hotel;
4. Indoor amusements, such as billiard or pool halls; dancing halls; skating rinks, miniature golf or putting courses; theaters or bowling alleys.
5. Drive-in restaurants.
6. Carnivals, even on a temporary basis.
7. Business colleges, technical or trade schools or institutions.
8. Pawnshops.
9. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
10. Advertising signs, also know as billboards, as regulated by Article 17.

Landscape & Buffering Restrictions

1. A 15-foot wide landscape buffer shall be provided along the southwest (rear of 916, 920 and 922 Detroit Avenue parcels) and southeast property boundaries (side of 922 Detroit Avenue parcel). The landscape buffer shall contain a 6-foot privacy fence, shrubs located between the fence and parking areas, and a tree every forty (40) feet on center, selected from Group A or B in the Planting Manual.

Section 3 - That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

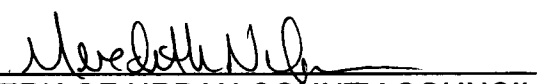
Section 4 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: May 7, 2015

MAYOR



ATTEST:


CLERK OF URBAN COUNTY COUNCIL
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PUBLISHED: May 14, 2015-1t

The following description is intended for zoning purposes only. The description represents information depicted on documents of record found in the Scott County Clerk's office. This description does not represent a boundary survey and should not be used for real estate conveyance or transfer.

**Zone Change from B-4 to B-3
For
836 & 840 Winchester Road
Lexington, Ky. 40502**

Beginning at a point at the centerline intersection of Winchester Road and Detroit Avenue;

Thence with the centerline of said Detroit Avenue **South 48° 31' 59" East 136.14 feet;**

Thence leaving said centerline **South 41° 28' 01" West 20.12 feet;**

Thence **South 41° 28' 45" West 130.49 feet;**

Thence **North 47° 59' 03" West 118.07 feet;**

Thence **North 48° 33' 47" West 97.90 feet;**

Thence **North 06° 05' 14" West 42.00 feet** to a point on the centerline of Winchester Road;

Thence **North 83° 54' 46" East 164.23 feet** with said centerline to the point of beginning containing 0.69 Gross and 0.47 Net Acre.

The following description is intended for zoning purposes only. The description represents information depicted on documents of record found in the Scott County Clerk's office. This description does not represent a boundary survey and should not be used for real estate conveyance or transfer.

**Zone Change from R-2 to B-3
For
912, 916, 920 & 922 Detroit Ave.
And Portions Of
915, 917, 919 & 921 Dayton Ave.
Lexington, Ky. 40502**

Commencing at a point at the centerline intersection of Winchester Road and Detroit Avenue;

Thence with the centerline of said Detroit Avenue **South 48° 31' 59" East 136.14 feet** to the Point of Beginning:

Thence with said centerline of Detroit Avenue **South 48° 31' 59" East 162.81 feet**;

Thence **South 41° 28' 01" West 20.00 feet**;

Thence **South 41° 43' 43" West 128.94 feet**;

Thence **North 48° 55' 05" West 122.75 feet**;

Thence **South 40° 27' 07" West 18.63 feet**;

Thence **North 48° 24' 18" West 160.84 feet**;

Thence **North 50° 30' 50" East 18.78 feet**;

Thence **South 47° 59' 03" East 118.07 feet**;

Thence **North 41° 28' 45" East 130.49 feet**;

Thence **North 41° 28' 01" East 20.12 feet** to the point of beginning containing 0.62 Gross and 0.55 Net Acre.