

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

IN RE: **PLN-MAR-17-00031: SCW NEWTOWN, LLC** – a petition for a zone map amendment from a Highway Service Business (B-3) zone to a Wholesale and Warehouse Business (B-4) zone, for 0.44 net (0.60 gross) acres, for property located at 757 Newtown Pike. (Council District 1)

Having considered the above matter on **September 28, 2017**, at a Public Hearing, and having voted **9-0** 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 Highway Service Business (B-3) zone is inappropriate for the subject property because despite having frontage along Newtown Pike, there is poor vehicular access to the property, which is located entirely on the adjacent Space Center Storage site. Poor vehicular access is not conducive to successful development of a B-3 zoned property.
2. The proposed Wholesale and Warehouse Business (B-4) zone is appropriate for the subject property because the proposed warehouse use is less intense than what could be developed on the property, with no Planning Commission review, in close proximity to an existing elementary school and residential neighborhoods. In addition, a restricted B-4 is compatible and consistent with the surrounding zoning, land use and development pattern along this portion of the Newtown Pike corridor.
3. This recommendation is made subject to the approval and certification of **PLN-MJDP-17-00086: Little and Powell Property**, 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, this property shall be subject to the following use restrictions via conditional zoning:

PROHIBITED USES:

- a. Major automobile and truck repair.
- b. Laundries and dyeing shops, and laundry pick-up stations.
- c. Ice plant.
- d. Tire re-treading and re-capping.
- e. Machine shop.
- f. Establishments and lots for display, rental, repair or sale of farm equipment, automobiles, trucks, mobile homes, recreational vehicles, motorcycles or boats, and supplies for such.
- g. Truck terminals and freight yards.
- h. Automobile service stations.
- i. Establishments for the display and sale of pre-cut, pre-fabricated, or shell homes.
- j. Circuses and carnivals.
- k. Retail sale of building materials, hardware-related items and lumber.
- l. Pawnshops.
- m. Parking lots and structures as principal uses.
- n. Outdoor speakers and public address systems.
- o. Mining of non-metallic minerals.

These land use restrictions are appropriate and necessary at this location to ensure that the proposed commercial development of the subject property will not negatively impact the nearby elementary school and residential neighborhoods in this area, and to be consistent with the restrictions in place for other B-4 sites along the Newtown Pike corridor.

ATTEST: This 13th day of October, 2017.


Secretary, Jim Duncan

WILLIAM WILSON
CHAIR

Note: The corollary development plan, PLN-MJDP-17-00086: LITTLE & POWELL PROPERTY was approved by the Planning Commission on September 28, 2017 and certified on October 12, 2017.

K.R.S. 100.211(7) requires that the Council take action on this request by December 27, 2017.

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

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (9) Bell, Berkley, Brewer, Cravens, Forester, Mundy, Owens, Penn, and Wilson

NAYS: (0)

ABSENT: (2) Plumlee and Richardson

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **CONDITIONAL APPROVAL** of **PLN-MAR-17-00031** carried.

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