

Rec'd by _____

Date: _____

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

IN RE: PLN-MAR-22-00011: ATHENS PROPERTY, LLC. - a petition for a zone map amendment from an Agriculture Rural (A-R) and Single-Family Residential (R-1D) zone to a Neighborhood Business (B-1) zone, for 5.6879 net (5.8494 gross) acres, for property at 6270 Athens Walnut Hill Pike. (Council District 12)

Having considered the above matter on **August 25, 2022**, at a Public Hearing, and having voted **8-0** 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. A restricted Neighborhood Business (B-1) zone is in agreement with the 2018 Comprehensive Plan's Goals, Objectives, and Policies, for the following reasons:
 - a. The proposed rezoning will encourage development that promotes and enhances tourism by providing an amenity located near the Boone Creek Scenic Byway (Theme C, Goal #1.d; Livability Policy #2).
 - b. The proposed development will provide an additional quality of life opportunity, which benefit both local residents and tourists, demonstrating the value of the Athens rural settlement (Theme C, Goal #2.d).
 - c. The proposed development will allow for increased usage of the property that will not modify or change the character of the Athens rural settlement (Theme D, Goal #3.a) and will attract attention to the settlement, by preserving and restoring the Athens schoolhouse for continued use (Theme D, Goal #3.c; Theme E, Goal #2.a).
 - d. The proposed rezoning will promote context-sensitive agritourism in the Rural Service Area (Protection Policy #6), while encouraging economic opportunities for a wide array of rural tourism and preserving the Bluegrass identity (Livability Policy #1).
2. The justification and corollary development plan are in agreement with the Objectives of the 2017 Rural Land Management Plan.
 - a. The proposed development will protect the rural landscape by proposing no expansion of existing buildings or new improvements, and preserving and protecting the cultural and historic heritage of the Athens rural settlement (Goal B, Objective #1).
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning:
 - a. The following uses shall be prohibited:
 - i. Drive-through facilities.
 - ii. Research development and testing laboratories or centers.
 - iii. Medical and dental offices, clinics and laboratories.
 - iv. Telecommunication towers, satellite dishes, antennae, and transmitters.
 - v. Data processing centers.
 - vi. Brew-pubs.

- vii. Self-service laundry or laundry pick-up stations, including clothes cleaning establishments of not more than forty (40) pounds capacity and using a closed-system process.
 - viii. Automobile service stations.
 - ix. Parking lots and parking structures.
 - x. Repair of household appliances.
 - xi. Miniature golf or putting courses.
 - xii. Indoor theaters, with more than two (2) screens or stages.
 - xiii. Rental of equipment whose retail sale would be permitted in the B-1 zone.
 - xiv. Dwelling units.
 - xv. Animal grooming facilities.
 - xvi. Tattoo parlors.
 - xvii. Form-based neighborhood business project.
 - xviii. Day shelters.
 - xix. Extended-stay hotels.
- b. The following uses in excess of 5000 square feet shall be prohibited:
- i. Telephone exchanges, radio and television studios.
 - ii. Quick copy services utilizing xerographic or similar processes, but not utilizing offset printing methods.
 - iii. Computer Centers.
 - iv. Athletic club facilities.
 - v. Offices of veterinarians, animal hospitals or clinics.

These restrictions are appropriate and necessary to reduce the potential impact of the allowable uses on the Athens rural settlement.

4. This recommendation is made subject to approval and certification of PLN-MJDP-22-00044: Athens Property, LLC, prior to forwarding a recommendation to the Urban County Council.

ATTEST: This 9^h day of September, 2022.



 Secretary, Jim Duncan

LARRY FORESTER
 CHAIR

Note: The corollary development plan, PLN-MJDP-22-00044: ATHENS PROPERTY LLC, was approved by the Planning Commission on August 25, 2022 and certified on September 8, 2022.

Note: A dimensional variance was approved by the Planning Commission on August 25, 2022.

K.R.S. 100.211(7) requires that the Council take action on this request by November 23, 2022.

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

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (8) Barksdale, Bell, de Movellan, Forester, Michler, Nicol, Pohl, and Worth

NAYS: (0)

ABSENT: (3) Penn, Davis, Meyer

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-22-00011** carried.

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

