

ORDINANCE NO. \_\_\_\_\_ - 2020

AN ORDINANCE CHANGING THE ZONE FROM A PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE TO A LIGHT INDUSTRIAL (I-1) ZONE, FOR 37.87 NET(40.82 GROSS) ACRES, FROM A PROFESSIONAL OFFICE (P-1) ZONE TO A HIGHWAY SERVICE BUSINESS (B-3) ZONE, FOR 7.98 NET (9.12 GROSS) ACRES, FROM AN AGRICULTURAL RURAL (A-R) ZONE TO A HIGHWAY SERVICE BUSINESS (B-3) ZONE, FOR 1.69 GROSS AND NET ACRES, AND FROM A PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE TO A HIGHWAY SERVICE BUSINESS (B-3) ZONE, FOR 0.82 GROSS AND NET ACRE, FOR PROPERTIES LOCATED AT 2501 AND 2701 SPURR ROAD, AND 2710 SULLIVANS TRACE. (JUBY, LLC (AMD.); COUNCIL DISTRICT 12).

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WHEREAS, at a Public Hearing held on October 22, 2020, a petition for a zoning ordinance map amendment for property located at 2501 and 2701 Spurr Road and 2710 Sullivans Trace from a Planned Neighborhood Residential (R-3) zone to a Light Industrial (I-1) zone, for 37.87 net (40.82 gross) acres, from a Professional Office (P-1) zone to a Highway Service Business (B-3) zone for 7.98 net (9.12 gross) acres, from an Agricultural Rural (A-R) zone to a Highway Service Business (B-3) zone, for 1.69 gross and net acres, and from a Planned Neighborhood Residential (R-3) zone to a Highway Service Business (B-3) zone, for 0.82 gross and net acre, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change 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 2501 and 2701 Spurr Road and 2710 Sullivans Trace from a Planned Neighborhood Residential (R-3) zone to a Light Industrial (I-1) zone, for 37.87 net (40.82 gross) acres, from a Professional Office (P-1) zone to a Highway Service Business (B-3) zone for 7.98 net (9.12 gross) acres, from an Agricultural Rural (A-R) zone to a Highway Service Business (B-3) zone, for 1.69 gross and net acres, and from a Planned Neighborhood Residential (R-3) zone to a Highway Service Business (B-3) zone, for 0.82 gross and net acre, 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 uses in the Light Industrial (I-1) Zone are prohibited via conditional zoning:

- a. Prohibited Uses:
  1. Columbariums and crematories;
  2. Penal or correctional institutions;
  3. Refuse dumps, landfills, or incinerators;
  4. Grain drying;
  5. Automobile race tracks;
  6. Laundry (excluding self-service laundry), clothes cleaning or dyeing shops;
  7. Commercial wood lots;
  8. Below-ground storage of any flammable or nonflammable gas or oxidizer in liquid or gaseous form (except for use with automobile and truck service or refueling station or major on minor automobile and truck repair);
  9. Concrete mixing and concrete products production;
  10. Mining of non-metallic minerals;
  11. Outdoor storage;
  12. Self-storage warehouse; and
  13. Advertising signs (aka Billboard Signs)
- b. A 30-foot wide landscape buffer shall be established along the residential zoning boundary. A 6-foot berm or fence shall also be required.
- c. These restrictions are appropriate and necessary for the following reasons:
  1. To reduce the potential impact of allowable industrial uses on the adjacent neighborhood.
  2. To reduce the potential impact of allowable industrial uses on the Royal Spring Aquifer Wellhead.

Section 3 - 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 uses in the Highway Service Business (B-3) are prohibited via conditional zoning:

- a. Prohibited Uses:
  1. Establishments and lots for the for the display, rental, sale, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items;
  2. Motel or hotel;
  3. Indoor amusements, such as billiard or pool halls, dancing halls, skating rinks, miniature golf or putting courses, theaters or bowling alleys
  4. Garden centers;

5. Parking structures:
  6. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers;
  7. Commissaries for preparation of food for restaurant Use; and,
  8. Advertising signs (aka Billboard Signs).
- b. these restrictions are appropriate and necessary for the following reasons:
1. To reduce the potential impact of allowable highway service business uses on the adjacent neighborhood

Section 4 - 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 5 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

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MAYOR

ATTEST:

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CLERK OF URBAN COUNTY COUNCIL  
PUBLISHED: