



Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC WORKS & DEVELOPMENT

Jim Newberry
Mayor

Mike Webb
Commissioner

January 2, 2012

MENTELLE NEIGHBORHOOD ASSOCIATION
LEWIS GARDNER
317 HANOVER COURT
LEXINGTON, KY 40502

Re: Council Public Hearing on Requested Zone Change near Your Neighborhood

Dear Mr. Gardner:

This letter is to inform you and your Neighborhood Association of a request for a zone change in your neighborhood area. This request was submitted last year by **The Lexington Hearing & Speech Center, Inc.** for property located at **154 & 158-164 North Ashland Avenue**, Lexington, Kentucky.

The Urban County Council has scheduled a public hearing on this application for rezoning from a Single Family Residential (R-1D) zone to a Professional Office (P-1) zone (with Conditional Zoning restrictions). The hearing is to be held on **January 24, 2012**, at **6:00 p.m.** in the Council Chamber, 2nd floor, Government Center, 200 East Main Street, Lexington, Kentucky.

If you desire any additional information regarding this zone change request, please feel free to contact me or any other member of the Commission's "Zoning Section" staff at 101 East Vine Street, 7th Floor, or call **258-3160**.

If you are no longer president of your neighborhood association, please forward this notice to the appropriate officer. Then, contact Ms. Stephanie Cunningham at the Division of Planning at 258-3185 so that our records can be updated to keep the leaders of your neighborhood association informed in the future. Thank you for your cooperation.

Sincerely,


William L. Sallee, Jr.
Planning Services Section
Bills@lexingtonky.com
(859)258-3171

C. Stephanie Cunningham, Traci Wade

Enc. MAR 2012-12 Final Report Recommendation from Planning Commission

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

IN RE: **MARV 2011-12: THE LEXINGTON HEARING & SPEECH CENTER, INC.** – petition for a zone map amendment from a Single Family Residential (R-1D) zone to a Professional Office (P-1) zone, for 0.99 net (1.19 gross) acres, for property located at 154 and 158-162 North Ashland Avenue. Dimensional variances have also been requested with this zone change. (Council District 3)

Having considered the above matter on **October 27, 2011**, at a Public Hearing, and having voted **5-2** 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:

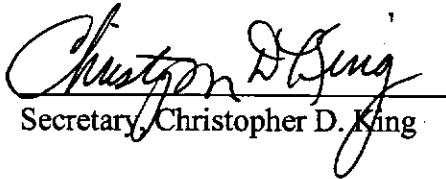
1. Most of the permitted uses listed in the conditional zoning restrictions could be considered semi-public facilities in agreement with the Comprehensive Plan. Further, the impact of the permitted office uses will be minimized by retaining the residential character of the original structures on the property.
2. Rezoning the property to P-1 with the conditional zoning restrictions will allow the same intensity and types of uses and general hours of operation on the site that have taken place here for the last forty years. These types and intensity of uses have integrated well with the adjoining residential neighborhood.
3. Rezoning the property to P-1 will protect the character of the neighborhood by maintaining the status quo because the uses, intensity of uses and the appearance of the property will remain substantially unchanged, with the conditional zoning restrictions. This will provide continued stability to the area.
4. Approving the rezoning will not trigger the "major change" provisions of KRS 100.213(c) because the intensity, scale, existing buildings and uses will remain the same under P-1 zoning.
5. Under the provisions of Article 6-7 of the Zoning Ordinance, the subject property shall be restricted to only the following uses and their accessory uses as offered by the petitioner via conditional zoning:
 - a. Offices for business, professional, real estate, governmental, civic, social, fraternal, political and charitable organizations;
 - b. Schools for academic instruction;
 - c. Libraries, museums, art galleries, and reading rooms;
 - d. Studios for work or teaching of fine arts such as photography, music, drama, dance and theater;
 - e. Community centers, houses of worship and associated schools for religious instruction;
 - f. Kindergartens, nursery schools and child care centers for four or more children. A fenced and screened play area shall be provided, which shall contain not less than 25 square feet per child; and
 - g. Dwelling units on upper floors of structures in which the first floor is occupied by another permitted use in the P-1 zone, with no mixing of dwelling units on any floor.

Granting this zone change is conditional on imposing the restrictions, which are necessary and appropriate in order to maintain the same level, type, character and intensity of uses on the property in order to protect the adjoining residential properties from incompatible uses.

Note: The corollary development plan, **ZDP 2011-69: ROGERS & CLARK SUBDIVISION, LOTS 21, 22, 23 & 24 (LEXINGTON HEARING & SPEECH CENTER)**, was approved by the Planning Commission on October 27, 2011, and certified on November 10, 2011.

Note: Height, yard, parking and landscape variances were approved by the Planning Commission for this property, subject to the rezoning being granted.

ATTEST: This 28th day of November, 2011.


Secretary, Christopher D. King

MIKE CRAVENS
CHAIR

K.R.S. 100.211(7) requires that the Council take action on this request by January 25, 2012.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Mr. Bruce Simpson, attorney.**

OBJECTORS

- Lewis Gardner, President, Mentelle Neighborhood Association
- Gil Dunn, 38 Mentelle Park
- Kevin Murphy, 141 West Bell Court
- Stephanie Ashman-Spires, 111 North Ashland Avenue

OBJECTIONS

- Concerned that the proposed professional office uses could alter the residential character of the neighborhood
- Believes that the proposed professional office uses could have a detrimental effect on the adjoining residences
- Concerned that the Planning Commission should carefully consider how many land use categories should be included in the 2012 Comprehensive Plan
- Believes that the North Ashland Avenue neighborhood should remain residential in character, and that a law office should not locate there

VOTES WERE AS FOLLOWS:

AYES: (5) Berkley, Blanton, Cravens, Owens, Penn,

NAYS: (2) Copeland, Wilson

ABSENT: (4) Beatty, Brewer, Paulsen, Roche-Phillips

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for CONDITIONAL APPROVAL of MARV 2011-12 carried.

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