

**AGENDA FOR THE BOARD OF ADJUSTMENT MEETING**

November 17, 2017

I. **ATTENDANCE** - The Chair will call the meeting to order at 1:30 p.m. in the Council Chambers, 200 East Main Street, Lexington, Kentucky.

II. **APPROVAL OF MINUTES** – The Chair will announce that the minutes of the October 27, 2017 meeting will be considered at this time.

III. **PUBLIC HEARING ON ZONING APPEALS**

A. **Sounding the Agenda** - In order to expedite completion of agenda items, the Chair will sound the agenda in regard to any postponements, withdrawals, and items requiring no discussion.

1. **Postponement or Withdrawal of any Scheduled Business Item** - The Chair will announce that any person having an appeal or other business before the Board may request postponement or withdrawal of such at this time.

B. **Transcript or Witnesses** - The Chair will announce that any applicant or objector to any appeal before the Board is entitled to have a transcript of the meeting prepared at his expense and to have witnesses sworn.

C. **Variance Appeals**

None to be heard.

D. **Conditional Use Appeals**

1. **PLN-BOA-17-00076: CONTINENTAL PROPERTIES COMPANY, INC.** – requests a conditional use permit to establish a temporary leasing office in a Planned Neighborhood Residential (R-3) zone, at 2151 Meeting Street (Council District 6).

The Staff Recommends: **Approval**, for the following reasons:

- a. The proposed use should not adversely affect the subject or adjoining/nearby properties. The leasing trailer will be located near the entrance to the site, and should not disturb construction activities. The leasing trailer will be a temporary structure, which will only be utilized for 3 months.
- b. Adequate parking will be available and conveniently located on site, adjacent to the leasing trailer.
- c. All necessary public services and facilities are available and adequate for the proposed use.
- d. A leasing trailer is substantially similar to a temporary real estate sales office, and is therefore eligible for consideration as a conditional use in the R-3 zone.

This recommendation of approval is made subject to the following conditions:

1. The leasing trailer shall be established in accordance with the submitted application and site plan.
2. All necessary permits, including a Zoning Compliance Permit and a Certificate of Occupancy, shall be obtained prior to the installation of the trailer and commencement of this use.
3. The leasing trailer shall be in place for no more than 180 days, beginning approximately 3 months prior to completion of the clubhouse and ending within 14 days of the issuance of a Certificate of Occupancy for the clubhouse.
4. Restroom facilities for the public shall be provided in accordance with the requirements of the Fayette County Health Department.

2. **PLN-BOA-17-00077: CLARK'S CENTRAL, LLC.** – requests a conditional use permit to provide a drive-through window accessory to a convenience store/gas station in a Neighborhood Business (B-1) zone, at 1419 Versailles Road (Council District 11).

The Staff Recommends: **Disapproval**, for the following reasons:

- a. The proposed drive-through will likely have adverse effects on public safety due to the configuration of the drive-through and vehicle stacking area that interferes with other traffic movements. Added congestion and dangerous left turns onto Versailles Road could create hazards for drivers and pedestrians.
- b. Full compliance with Article 16-9 vehicle stacking requirements will result in the potential for waiting vehicles to block internal circulation routes, leading to driver frustration and unsafe driving conditions.
- c. Noise from idling vehicles, conversation at the window, stereos in vehicles, etc., could create a nuisance to the adjacent residential neighbors.
- d. The proposal is not in agreement with the Cardinal Valley Small Area Plan because it does not contribute to neighborhood conservation, nor does it offer any improvement to the Versailles Road corridor; rather, it

potentially creates additional traffic issues and a possible nuisance to the neighbors.

3. **PLN-BOA-17-00078: SPY COAST FARM KENTUCKY, LLC.** – requests a conditional use permit to establish/operate an equine rehabilitation facility in the Agricultural Rural (A-R) zone, at 3295 Spy Coast Lane (Council District 12).

The Staff Recommends: **Approval**, for the following reasons:

- a. The proposed use should not adversely affect the subject or surrounding properties. The use is compatible with the existing horse farm operations on the site and seems to be an appropriate fit for the general vicinity, which includes the Kentucky Horse Park.
- b. The proposed use should not have any major traffic impact since the horses that are being treated will be remaining on site for their rehabilitation for extended periods of time and will not be traveling in and out on a daily basis. Additionally, much of the staff already works on the farm. Adequate parking will be available on site.
- c. All necessary public services and facilities are available and adequate for the proposed use.

This recommendation of approval is made subject to the following conditions:

1. The facility shall be constructed and operated in accordance with the submitted application and site plan dated 11/07/17.
2. All necessary permits and approvals shall be obtained from the Divisions of Planning, Building Inspection, and Traffic Engineering prior to construction and occupancy.

4. **PLN-BOA-17-00079: THOUGHTSPACE** – requests a conditional use permit to establish an indoor recreation center in the Wholesale and Warehouse Business (B-4) zoned portion of a property that is split zoned B-4/B-1, at 1315 West Main Street (Council District 2).

The Staff Recommends: **Postponement**, for the following reasons:

- a. Parking is a major concern in this vicinity, and adequate off-street parking is not being proposed as 31 parking spaces are required and the site plan shows only 27. A revised site plan is needed to rectify this discrepancy and better address parking issues and needs.
- b. While staff is supportive of the concept of having a community gym in this area, more information is needed regarding how the facility will operate and what the anticipated level of use will be.

5. **PLN-BOA-17-00080: HABITAT FOR HUMANITY RESTORE** – requests a conditional use permit to establish a retail store for the sale of furniture and household related items accessory to its storage and repair in a Light Industrial (I-1) zone, at 817 Winchester Road (Council District 1).

The Staff Recommends: **Approval**, for the following reasons:

- a. The proposed use should not adversely affect the subject or adjoining/nearby properties. The use will be conducted in an existing building and should not have major traffic impacts. The use is compatible with others in the general vicinity, which are primarily commercial in nature, and adequate parking is available on site.
- b. All necessary public services and facilities are available and adequate for the proposed use.

This recommendation of approval is made subject to the following conditions:

1. The facility shall be constructed and operated in accordance with the submitted application and site plan.
2. All necessary permits shall be obtained from the Divisions of Planning and Building Inspection prior to occupancy.

6. **PLN-BOA-17-00081: RAINSTORM EXPRESS CAR WASH** – requests a conditional use permit to establish a self-service car wash in a Planned Shopping Center (B-6P) zone, at 2145 Sir Barton Way (Council District 6).

The Staff Recommends: **Approval**, for the following reasons:

- a. The proposed self-service car wash should not adversely affect the subject or adjoining/nearby properties. The facility will be located where minimal traffic impacts are anticipated, and is not adjacent to or near any residential uses. The property is of sufficient size to allow for proper design with adequate parking and internal vehicle circulation.
- b. The existing landscaping along Alysheba Way will remain intact, and the applicant has stated that there will be additional landscaped islands and plantings provided.
- c. All necessary public services and facilities are available and adequate for the proposed use.

This recommendation of approval is made subject to the following conditions:

1. The facility shall be constructed and operated in accordance with the submitted application and site plan, or as revised by the Planning Commission or otherwise modified to satisfy requirements of the Divisions of Engineering, Traffic Engineering or Building Inspection.
  2. All necessary permits shall be obtained from the Divisions of Planning and Building Inspection prior to construction and occupancy.
  3. The final design of the parking, access and traffic circulation shall be reviewed and approved by the Division of Traffic Engineering.
  4. A storm water management plan shall be implemented in accordance with the requirements of the adopted Engineering Manuals, subject to acceptance by the Division of Engineering.
  5. Landscaping for the vehicular use areas shall be provided and maintained in accordance with the provisions of Article 18 of the Zoning Ordinance.
  6. Action of the Board shall be noted on an amended Final Development Plan for the subject property.
7. **PLN-BOA-17-00082: RAINSTORM EXPRESS CAR WASH** – requests a conditional use permit to establish a self-service car wash in a Planned Shopping Center (B-6P) zone, at 351 Meijer Way (Council District 9).

The Staff Recommends: Approval, for the following reasons:

- a. The proposed self-service car wash should not adversely affect the subject or adjoining/nearby properties. The facility will be located where minimal traffic impacts are anticipated, and is not adjacent to or near any residential uses. The property is of sufficient size to allow for proper design with adequate parking and internal vehicle circulation.
- b. The existing landscaping along Ruccio Way will remain intact, and the applicant has stated that there will be additional landscaped islands and plantings provided.
- c. All necessary public services and facilities are available and adequate for the proposed use.

This recommendation of approval is made subject to the following conditions:

1. The facility shall be constructed and operated in accordance with the submitted application and site plan, or as revised by the Planning Commission or otherwise modified to satisfy requirements of the Divisions of Engineering, Traffic Engineering or Building Inspection.
2. All necessary permits shall be obtained from the Divisions of Planning and Building Inspection prior to construction and occupancy.
3. The final design of the parking, access and traffic circulation shall be reviewed and approved by the Division of Traffic Engineering.
4. A storm water management plan shall be implemented in accordance with the requirements of the adopted Engineering Manuals, subject to acceptance by the Division of Engineering.
5. Landscaping for the vehicular use areas shall be provided and maintained in accordance with the provisions of Article 18 of the Zoning Ordinance.
6. Action of the Board shall be noted on an amended Final Development Plan for the subject property.

IV. **BOARD ITEMS** - The Chair will announce that any items a Board member wishes to present will be heard at this time.

V. **STAFF ITEMS** - The Chair will announce that any items a Staff member wishes to present will be heard at this time.

- a. Discussion of alternative Board of Adjustment meeting days.

VI. **NEXT MEETING DATE** - The Chair will announce that the next meeting date will be December 15, 2017.

VII. **ADJOURNMENT** - If there is no further business, the Chair will declare the meeting adjourned.