

AGENDA FOR THE BOARD OF ADJUSTMENT MEETING

December 15, 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 November 17, 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-17-00085: SERENITY PLACE** – requests a conditional use permit to establish an outpatient office in one unit of an existing apartment building in a Planned Neighborhood Residential (R-3) zone, at 1589 Hill View Place (Council District 11).

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

- a. The requested use should not adversely affect the subject or surrounding properties. It is compatible with the mission of the overall campus operated by Chrysalis House and Hope Center, which extends from Hill View Place to Versailles Road. The intent of this organization is to provide supportive services in conjunction with housing that will promote long-term stability, sobriety, and independence for recovering women heads of families.
- b. There are 70 parking spaces on the property. Parking is not a major concern as some of the participants will be residents of Serenity Place, and the hours of operation coincide largely with typical work hours when residents of the apartments may be elsewhere.
- c. While this type of use is not specifically listed in the Zoning Ordinance as a Conditional Use for the R-3 zone, similar uses such as community centers and hospitals are listed. Historically, this type of office, as long as it is part of a non-profit organization, has been allowed to exist within community centers. Given the overall mission of Chrysalis House and Serenity Place, this type of use is appropriate for this location. This office will provide needed services to residents of the apartments and other clients.
- d. 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 outpatient office shall be 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.
3. There shall be no prescribing or dispensing of medications as part of the outpatient operation.
4. The conditional use permit shall become null and void should the applicant cease to either own the subject property or occupy the property as an outpatient office.

2. **PLN-BOA-17-00086: WHITEHAVEN** – requests a conditional use permit to establish a wedding/events venue in an Agricultural Urban (A-U) zone, at 3515 Richmond Rd. (Council District 7).

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

- a. The proposed use should not adversely affect the subject or surrounding properties. The designated wedding and reception area is located well within the site, at least 800 feet from any residential use. The area proposed for the events utilizes an existing natural tree buffer, which should help to mitigate noise or loud music from the events.
- b. The property is within the Urban Service Area and the surrounding area is a mix of residential, office, and

commercial uses. A moderate intensification of use on this particular property with no new building construction should not have an effect on the character of the general vicinity, nor have adverse effects on the public health, safety, or welfare.

- c. Adequate parking for this type of use exists on the property and will be available during weddings and receptions.
- d. All necessary public services and facilities are or will be available and adequate for the proposed use.

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

1. The use of this property as a venue for weddings and receptions shall be operated in accordance with the submitted application and site plan.
2. All events shall be limited to no more than 200 participants.
3. Participants shall enter the site at the Yorkshire Boulevard entrance and shall not utilize the service access to Richmond Road, except in the event of an emergency.
4. Any lighting for events shall be shielded and directed downward to avoid disturbing the surrounding properties.
5. Temporary structures, such as tents, shall be permitted for this use for up to 180 days, provided approval is obtained from the Division of Building Inspection.
6. For events, approval for the septic system and/or any portable toilets as well as for any food services offered, shall be obtained from the Fayette County Health Department.

3. **PLN-BOA-17-00088: MAN O' WAR GOLF** – requests a conditional use permit to expand an existing golf course; and a variance to increase the maximum height of a sign from 10 feet to 20 feet in the Agricultural Rural (A-R) zone, at 1201 Man O' War Blvd. (Council District 12).

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

- a. The additions should not adversely affect the subject or surrounding properties. The addition and covered porch are located near the existing structures on the site, and are not particularly close to any of the property lines. The additions will be used for activities that already exist on the site and should not cause significant increases in traffic or noise.
- b. There are special circumstances that justify the variance. The property has an increased right-of-way width along Man O' War Blvd., which causes the required setback for the sign to be farther away from the road. There are existing trees in this area which would need reduce visibility of a compliant 10-foot tall sign.
- c. The variance will not adversely affect the public health, safety, or welfare; nor will it allow an unreasonable circumvention of the Zoning Ordinance. The applicant has not erected the requested sign and is going through the appropriate process to seek the variance. The sign will make the golf course more visible to motorists who are looking for the entrance.
- d. No additional parking is required for this addition because parking for golf courses is based on the number of holes on the main course.
- e. All necessary public services and facilities are or will be available and adequate for the proposed expansion.

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

1. The additions and sign 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 construction and occupancy, and prior to installation of the sign.
3. The applicant shall consult with the Board of Health and make if any changes to the existing septic system as determined to be necessary.
4. The existing identification sign posted on the fence at the entrance shall be removed when the new sign is installed, as only one sign is permitted.

4. **BOA-17-00089: TIME TO SHINE CAR WASH** – requests a conditional use permit to establish a self-service car wash in a Neighborhood Business (B-1) zone, at 1250 South Broadway (Council District 3).

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 not be adjacent to any residential uses and nearby buildings are oriented away from the proposed facility. The property is of sufficient size to allow for proper design with adequate vehicular stacking space and internal vehicle circulation.
- b. Adequate parking will be provided. 32 parking spaces are required and 36 will be provided.
- c. The site plan includes landscape improvements, including new green space areas at the front and rear of the property.
- d. 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 12/04/17), or as 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. The parking area shall be paved and striped according to article 16 of the Zoning Ordinance.
6. Landscaping for the vehicular use areas shall be provided and maintained in accordance with the provisions of Article 18 of the Zoning Ordinance.

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. **Landscape Review Committee** - The term of Mr. Louis Hillenmeyer, Nurseryman member of the Landscape Review Committee, expired on November 30 of this year. Mr. Hillenmeyer has agreed to serve another four-year term. Based on his agreement to serve another term, names and terms of current Landscape Review Committee members are as follows:

<u>TERM</u>	<u>NAME</u>	<u>REPRESENTING</u>
Term on BOA	Jan Meyer	Board of Adjustment
11/30/2018	Mr. Richard Weber	Landscape Architect
11/30/2019	Mr. Mark McCain	Tree Board
11/30/2020	Mr. Mike Cravens	Lexington Homebuilders
11/30/2021	Mr. Louis Hillenmeyer, III	Nurseryman

- b. The staff would like to wish the Board members and their families a safe and happy holiday season.

VI. **NEXT MEETING DATE** - The Chair will announce that the next meeting date will be January 8, 2018.

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