

ORDINANCE NO. 245-97

AN ORDINANCE AMENDING ARTICLE 8-13(b) OF THE ZONING ORDINANCE SO AS TO ADD BEAUTY SHOPS NOT EXCEEDING 2,000 SQUARE FEET IN FLOOR AREA WHICH EMPLOY NOT MORE THAN FIVE LICENSED COSMETOLOGISTS, WITH ALL SERVICE PROVIDED ONLY BY LICENSED COSMETOLOGISTS, AS A PRINCIPAL USE IN THE PROFESSIONAL OFFICE (P-1) ZONE.

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WHEREAS, the Lexington-Fayette Urban County Planning Commission has considered a text amendment proposed to it so as to add beauty shops as a principal use in the professional office (P-1) zone; and

WHEREAS, the Planning Commission held a public hearing on this proposed text amendment on September 25, 1997; and

WHEREAS, the Planning Commission failed to approve this proposed text amendment by a vote of 3-6; and

WHEREAS, this Council disagrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated by reference herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That Article 8-13(b) of the Zoning Ordinance of the Lexington-Fayette Urban County Government be and hereby is amended to add the following principal use in the Professional Office (P-1) zone:

8-13(b)

19. Beauty shops not exceeding 2,000 square feet in floor area which employ not more than five licensed cosmetologists, with all service provided only by licensed cosmetologists.

Section 2 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: November 20, 1997



MAYOR

ATTEST:

  
CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: November 26, 1997-1t

O-245-97

Rec'd By JTC  
Date: 10/10/97

Urban County Planning Commission  
200 East Main Street, Lexington, KY.

Office of Director  
Planning Commission Meeting

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

**IN RE: ZOTA 97-6: ADDITION TO ARTICLE 8-13(b), BEAUTY SHOPS IN THE P-1 ZONE - a text amendment which would add beauty shops as a principal use in the professional office (P-1) zone.**

Having considered the above matter on **September 25, 1997**, at a Public Hearing, the Planning Commission made a motion for **APPROVAL** and voted **3-6**, which motion failed. Therefore, the Planning Commission is forwarding a Recommendation of **DISAPPROVAL** of this matter to the Lexington-Fayette Urban County Council for its consideration.

**ATTEST:** This 9th day of October, 1997.

*Franli D. Thomas*  
Secretary, Dale B. Thoma

WALTER W. MAY  
CHAIRMAN

Enclosures: Staff Report with proposed text  
Applicable excerpts of minutes of above meeting

At the Public Hearing before the Urban County Planning Commission, this Petitioner was represented by

**Mr. Richard Murphy, attorney**

**OBJECTIONS** \_\_\_\_\_

None

**OBJECTORS** \_\_\_\_\_

None

**VOTES WERE REGISTERED AS FOLLOWS:**

AYES: (3) Bratt, May, Mays

NAYS: (6) Ballentine, Gregg, Harper, Logan, Lucas, Robinson

ABSENT: (2) Cooper, Vose

ABSTAINED: (0)

DISQUALIFIED (0)

Motion for **APPROVAL** of **ZOTA 97-6: ADDITION TO ARTICLE 8-13 (B), BEAUTY SHOPS IN THE P-1 ZONE** failed.

# DUNN, FRANKLIN & MURPHY

Cecil F. Dunn  
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(606) 255-9091  
FAX (606) 254-4319  
June 4, 1997

Of Counsel  
C. Clinton McKinley

Lexington-Fayette Urban  
County Planning Commission  
200 East Main Street  
Lexington, KY 40507

Re: Proposed text amendment to allow beauty shops as a principal permitted use in the professional office (P-1) zone

Dear Members of the Planning Commission:

I represent Debra Scandore, 438 Potomac Drive, Lexington, KY 40503. We are applying for a text amendment to the zoning ordinance as follows:

Add to Section 8-13(b) principal uses, professional office (P-1) zone:

19. Beauty shops.

Beauty shops are not specifically mentioned as permitted or prohibited uses in the P-1 zone. However, the Division of Building Inspection interprets the ordinance so as not to allow beauty shops in this zone, because they are expressly permitted in the B-1 zone.

The zoning ordinance uses the term "beauty shop." Under state law, this use is technically defined as the practice of cosmetology which includes cutting hair, hairdressing, nail technology, facial treatments and scalp massage.

We are asking for this text amendment for the following reasons:

**I. Beauty schools (schools of cosmetology) are already allowed in the P-1 zone.**

Under Section 8-13(b)(17), the zoning ordinance allows business colleges, and technical or trade schools as principal permitted uses in the P-1 zone. This entry includes beauty schools. At beauty schools, students work on paying customers, under the supervision of instructors. From a land use standpoint, the only difference between a beauty school and a beauty shop is that a beauty shop will have fewer employees because it does not have instructors watching students. Both a beauty school and a beauty shop have customer traffic in and out, and both engage in the practice of cosmetology. Beauty schools

may, on the average, be larger than beauty shops. Thus, there is no logical reason to exclude beauty shops from this zone.

**II. Cosmetologists are licensed professionals under Kentucky law.**

The P-1 zone is the zone for professional services. Regulated professions which are allowed in the P-1 zone include funeral providers, podiatrists, doctors, dentists, and similar professionals.

In order to work at a beauty shop, or even as an apprentice, a cosmetologist must be a graduate of a licensed school of cosmetology (KRS 317A.050). Kentucky regulations require that the course of instruction at a school of cosmetology include at least 1800 hours of student training. Classroom instruction is provided in general anatomy, neurology, dermatology, angiology (blood composition), chemistry, history of the profession, and ethics. After a person graduates from school, he or she must practice as an apprentice for at least six months under the supervision of a licensed cosmetologist. Even after licensing as a cosmetologist, each person must meet annual continuing education requirements.

**III. From a land use perspective, the practice of cosmetology is similar to uses already allowed in the P-1 zone.**

From a land use standpoint, the office of a cosmetologist is very similar to that of a dentist, podiatrist, or doctor, all of which are allowed in the P-1 zone. Like those other professions, the beauty shop operator or cosmetologist depends upon a stable client base. Like a dentist, a cosmetologist provides personal service to a person in a chair. An average appointment will last about 45 minutes. Parking requirements are identical to the other professions mentioned above. Like medical professionals, cosmetologists must sterilize instruments and engage in sanitary techniques. The chemicals used by cosmetologists are of household strength, rather than the stronger chemicals used in dental and medical offices.

Thank you for your consideration of this text amendment request.

Respectfully submitted,



Richard V. Murphy  
Attorney for Debra Scandore

Urban County Planning Commission  
200 East Main St., Lexington, KY

Planning Services Section  
Zoning Text Amendments

**STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT**

**ZOTA 97-6: ADDITION TO ARTICLES 8-13(b):  
BEAUTY SHOPS IN PROFESSIONAL OFFICE ZONES**

**REQUESTED BY: DEBRA SCANDORE**

**PROPOSED TEXT:** (Note: Underlined Text indicates an addition to the Zoning Ordinance)

8-13(b) Principle Uses [in the P-1 zone.]  
19. Beauty Shops

**STAFF REVIEW:**

Debra Scandore has proposed this text amendment to allow beauty shops as a principal permitted use in all Professional Office (P-1) zones.

Currently, the permitted uses in the P-1 zone, found in the Zoning Ordinance at Art. 8-13(b), do not include beauty shops. Nor are beauty shops addressed in the accessory, conditional, or prohibited uses in the P-1 zone, found in Art. 8-13(c)-(e) of the Ordinance. The Ordinance provides that those uses not addressed or substantially similar to those listed are to be considered prohibited.

In light of the Ordinance's prohibitive silence on the subject, the staff surveyed several zoning ordinances from around the country. In the case of existing professional office zones (which would not need to meet the acreage requirements of a planned project), none of the cities surveyed allowed beauty shops.

Des Moines, Iowa allows beauty and barber shops in their Planned Business Park District. The ordinance places restrictions on such services, attempting to limit the use's benefit to those already having business in the park. The ordinance prohibits outside signage as well.

Knoxville also allows beauty shops in the PC-1, or Planned Commercial Development, district. The ordinance in Knoxville places a premium on the visual and commercial continuity of the project and does allow an element of retail uses if they are appropriate to the setting. Both Knoxville and Des Moines allow beauty shops in planned professional areas.

St. Augustine, however, allows beauty shops in their CL-1 zone. The CL-1, or Commercial Low, zone allows for a mixture of both professional and retail uses. Another city in Florida, Gainesville, allows beauty shops in their BO zone. The Business Office district was designed to, "encourag[e] areas wherein professional services, general commercial offices, and personal services may develop in close relationship to one another...."

This zone in Gainesville, which allows beauty shops, is the closest to the product of the proposed addition to Lexington's P-1 zone. However, Lexington's P-1 zone is not designed to foster retail businesses. Article 8-13(a) of the Zoning Ordinance states, "This zone is primarily for offices and related uses." Beauty shops are not generally thought of as related to office uses, nor are they offices.

In other cities, planned business parks and other office developments often have both professional and retail elements. As professional office zones are often buffers between residential and business zones, a carefully planned professional project is the only way to maintain the buffering quality of the zone and accommodate any retail uses.

In Lexington, the Office, Industry, and Research Park (P-2) zone addresses large

park projects which do allow an area of services and retail activity. In the P-2 zone, retail uses are restrictively allowed in a planned setting, allowing the park to continue to have the buffering effect for which professional office zones are useful. Another planned setting, the "Professional Office Project" (in P-1 zones) allows for a minimum of planned retail space, restaurants specifically, and maintains the buffering effect of the professional zone through extensive restrictions. Both of these planned project zones allow retail in an exceptionally restrictive manner. The proposed amendment would allow beauty shops in any professional office district, virtually free from restriction. The retail nature of beauty shops make them incompatible with professional office zones, especially without appropriate restrictions to minimize their impact.

The Zoning Ordinance does not define "beauty shop". However, the Commonwealth of Kentucky licenses anyone who cuts hair as their occupation. Beauty shops can include franchised establishments such as Supercuts, Great Clips, and the Hair Cuttery. These franchised beauty shops operate in volume, and differ greatly from any of the permitted uses allowed in the P-1 zone. They are entirely and overtly retail. Their reliance on volume and walk-in business would increase traffic in office areas. These uses are clearly not compatible with the other permitted uses in the P-1 zone.

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

1. Beauty shops are incompatible with the permitted uses in the P-1 zone as they are retail businesses which are more properly allowed in the Neighborhood Business (B-1) zone.
2. The proposed addition to the Zoning Ordinance to allow beauty shops in the P-1 zone as permitted uses would undermine the buffering effect the P-1 zone has provided for residential uses in the past.

CHA/WLS/FT/ejh  
6/30/97  
zota97-6.stf

ALTERNATIVE REGULATIONS FOR BEAUTY PARLORS IN P-1 ZONES

## 1. RESTRICTION UPON USE - CONDITIONAL USE

Amend 8-13(d) as follows:

Add: 6. Beauty shops.

## 2. RESTRICTION UPON TOTAL NUMBER OF EMPLOYEES

(Note: no such restriction is currently in place for any permitted use in the Zoning Ordinance)

Amend 8-13(c) as follows:

Add: 19. Beauty shops which employ eight (8) or fewer persons.

## 3. RESTRICTION UPON TOTAL NUMBER OF LICENSED COSMETOLOGISTS

(Note: no such restriction is currently in place for any permitted use in the Zoning Ordinance)

Amend 8-13(c) as follows:

Add: 19. Beauty shops which employ five (5) or fewer licensed cosmetologists.

## 4. RESTRICTION UPON TOTAL SQUARE FOOTAGE

Amend 8-13(c) as follows:

Add: 19. Beauty shops not exceeding two thousand (2,000) square feet in floor area.

## 5. RESTRICTION OF USE TO ONLY "PROFESSIONAL OFFICE PROJECTS" (10 acres w/ DP)

Amend 8-13(o) to add as a conditional use in professional office projects:

2. Beauty shops.

## 6. COMBINATIONS DISCUSSED AT PLANNING COMMISSION WORK SESSION IN SEPTEMBER

A. Conditional Use with additional limitations upon BOTH size and cosmetologists

Amend 8-13(d) as follows:

Add: 6. Beauty shops not exceeding two thousand (2,000) square feet in floor area which employ not more than five (5) licensed cosmetologists.

B. Conditional Use with additional limitations upon BOTH size and total employees

Amend 8-13(d) as follows:

Add: 6. Beauty shops not exceeding two thousand (2,000) square feet in floor area which employ eight (8) or fewer persons.

butshops.doc

- 8. Denote treatment of rear and side yard to be resolved at the final development plan stage.
- 9. Resolve sanitary sewer adequacy at the final development plan stage.

Note: Applicant was advised that economic data on the number of units would be expected at the final development plan stage.

(A brief recess was called by the Chairman at 2:40 p.m., with the same members returning at 2:55 p.m.)

C. **PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS** - The Chairman announced that public hearings would be held on Zoning Ordinance text amendments at this time.

- 1. **ZOTA 97-7: CHURCHES IN THE B-3 ZONE** - a text amendment to account for church uses in the highway service business (B-3) zone.

**INITIATED BY:** Urban County Planning Commission (at the request of the Board of Adjustment)

**PROPOSED TEXT:** (Text underlined indicates an addition to the Zoning Ordinance.)

8-18(d) Conditional Uses (B-3)

10. Churches and Sunday Schools.

The Zoning Committee and Staff Recommended: Approval of the Proposed Text, for the following reason:

- 1. Allowing churches and Sunday schools as conditional uses in the B-3 zone will increase the number of sites available for churches, address an omission in the Zoning Ordinance, and allow the Board of Adjustment to make case by case decisions in order to ensure proper development.

Staff Report - Mr. Sallee presented the staff report on this petition, noting that the Board of Adjustment had requested the initiation of this text amendment to allow churches in the B-3 zone. After reviewing the request, the staff recommended that they be allowed as a conditional use since some B-3 locations may not be appropriate for churches and Sunday schools. As a conditional use, the Board could then address specific requests on a case-by-case basis, as noted in the staff's reason for approval. (A copy of the staff report is attached as an appendix to these minutes.)

Objections - There were no objections.

Action - A motion was made by Dr. Cooper, seconded by Mrs. Lucas and carried 11-0, to approve ZOTA 97-7: Churches in the B-3 Zone, for the reason listed by the staff.

Note: The following Zoning Ordinance text amendment was postponed from the August 21, 1997, meeting

- 2. **ZOTA 97-6: ADDITION TO ARTICLE 8-13(b), BEAUTY SHOPS IN THE P-1 ZONE** - a text amendment which would add beauty shops as a principal use in the professional office (P-1) zone.

**REQUESTED BY:** Debra Scandore

**PROPOSED TEXT:** (Note: Underlined Text indicates an addition to the Zoning Ordinance)

8-13(b) Principle Uses [in the P-1 zone.]

19. Beauty Shops

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\* Denotes date by which Commission must either approve or disapprove plan  
 \*\* Denotes at least a portion of the property contains an environmentally sensitive area

The Staff Recommended: Disapproval, for the following reasons:

1. Beauty shops are incompatible with the permitted uses in the P-1 zone as they are retail businesses which are more properly allowed in the Neighborhood Business (B-1) zone.
2. The proposed addition to the Zoning Ordinance to allow beauty shops in the P-1 zone as permitted uses will undermine the buffering effect the P-1 zone has provided for residential uses in the past.

*(Mrs. Vose left during the discussion of this case.)*

Representation - Mr. Richard Murphy, attorney; and Ms. Debra Scandore, applicant; Mr. Brandl Skirvan, Professional Stylist Resources, were present.

Staff Report - Mr. Sallee noted that after research and review of this request, the staff concluded that beauty shops were more like retail businesses, and were not compatible with other permitted P-1 uses. Excerpts from the Zoning Ordinance for the P-1, B-1 and P-2 zones were distributed to the Commission to emphasize the intent of the P-1 zone (which prohibits retail sales except where directly related to office functions); and to show that they are first permitted in the B-1, neighborhood business zone. The use is carried through to all of the business zones, with the exception of the B-5P zone. Additionally, beauty shops are permitted under certain conditions in the P-2 zone.

Included in Mr. Sallee's report was a map exhibit showing where these zones exist in the community. Numerous business zonings are located throughout the community, and the applicant was asking that they also be permitted in the P-1 zones, which were also mapped.

Mr. Sallee emphasized that the intent of the P-1 and P-2 zones is primarily for office uses. Further, the staff believes that the existing allowable locations for a beauty shop use are justifiable and reasonable. Therefore, the staff recommended disapproval of the request for the reasons listed above. (A copy of the staff report is attached as an appendix to these minutes.)

Petitioner's Presentation - Mr. Murphy's approach to this issue was whether a beauty salon was compatible with uses in the P-1 zone; and if so, that it should not be excluded. He submitted that it was compatible with the zone's intent of providing services to customers or clients. Further, he stated that the same use is already allowed in the P-1 zone since beauty and barber colleges are permitted. That is, the only difference in land use was the larger size of the college facilities which offer instruction; but much of the instruction was supervised, hands-on hair styling, etc. Thus, the same use is allowed in the P-1 zone.

Secondly, from a land use perspective, Mr. Murphy compared the general operation of a beauty shop to that of a dentist's office. Specifically, people with appointments come in and wait, they go back to the area where the professional works, and then the work is provided. Therefore, from a land use standpoint, the same procedure is followed with the applicant's business. He added that the activity which takes place in a beauty salon must be compared to what occurs with other uses in the P-1 zone.

Thirdly, he stated that cosmetologists are licensed professionals in the State of Kentucky in that (a) they must attend a licensed beauty school; (b) they must obtain 1,800 hours of instruction to graduate, including areas of anatomy, neurology, dermatology, chemistry, etc.; (c) after graduation, a 6-months apprenticeship is required with a licensed cosmetologist; and (d) continuing education is required. Thus, cosmetologists are licensed professionals with rigorous educational requirements, and they are comparable to a number of other professionals which are allowed in the P-1 zone; such as, real estate agents, insurance agents, etc.

Mr. Murphy then addressed the following areas of concern noted both by the staff and Commission.

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1. Buffering Consideration - P-1 is often used as a transition between multi-family residential and commercial uses. Mr. Murphy maintained that the addition of beauty shops would not hurt the buffering effect that P-1 uses sometimes provide. Rather, he felt that they would serve as a proper buffer between those types of uses because (a) they do not generate noise, odors, or outdoor activities; and, (b) parking is the same as for professional offices and would not be expanded. He pointed out that other permitted P-1 uses, such as medical offices, hospitals, and funeral parlors, are much more intense uses. When considering the level of intensity of beauty salons to these other uses, beauty salons would be at the lower level of intensity. He did not see how a beauty shop of the applicant's size (5 work stations) would cause any more problem buffer-wise than would an attorney's office, doctor's office or insurance office.
2. Chain Establishments Locating in P-1 - Mr. Murphy felt this concern was unfounded because chain establishments depend upon volume and walk-in traffic, and generally locate in shopping centers. A limit of 5 work stations, or 5 cosmetologists could be imposed to limit the use, thereby making it of insufficient size and an undesirable location for a chain beauty salon. (Chain work stations usually have a minimum of 10 work stations.) Another option would be to make them conditional uses and require Board of Adjustment review and approval.
3. Retail Sales - He disagreed with the staff's argument that beauty shops were "entirely and overtly retail." Retail sales for applicant's beauty salon are very low, less than 8 percent, and not to the extent as an optician's business, which is a permitted P-1 use. (Ms. Scandore and Mr. Skirvan testified further on this issue.)
4. Location for Beauty Salons in Other Cities - In the staff report, Mr. Murphy said it appeared that some of the cities allow beauty salons in the same zones as professional offices. The problem is that many cities do not have exclusive professional office zones like Lexington, and he reviewed the requirements for cities he had surveyed as listed in one of his exhibits (referenced below). He noted that in Athens, Georgia, beauty shops are conditional uses in the office-institutional zone.

Exhibits presented by Mr. Murphy during his presentation consisted of the following:

1. Examples of Principal Uses Allowed in the P-1 Zone
2. Uses Along Malabu Drive in the P-1 Zone
3. Letter from the President of Malabu Offices Condominium Association, 7/19/97- This letter stated that there had been no problems with applicant's beauty salon use since she has occupied the suites at 101 Malabu Drive (a P-1 zone).
4. Certificate of Occupancy for "beauty consultation" in a P-1 Zone - This was presented to show that similar uses have been allowed in P-1 in the past.
5. Definition of Cosmetologists and Licensure requirements, Chapter 317A, State Statutes
6. Other Cities where beauty salons are permitted in office zones (Louisville, KY; Charlotte, NC; and Athens, GA)
7. Proposed Findings and Conclusions for Approving ZOTA 97-6

Ms. Scandore, the applicant, and Mr. Brandl Skirvan, owner and president of Professional Stylist Resources, also addressed the Commission. Ms. Scandore told about her establishment and how it differed from chain establishments, and discussed the small amount of retail sales generated from her use. She also discussed the need for high volume and walk-in traffic for chain salons. Even without size limitations, she did not think this amendment would open the door to chain establishments in the P-1 zone. Mr. Skirvan, a supplier for beauty salons, also testified about retail sales for beauty salons and parroted many of the comments made by Ms. Scandore. He stated that the (salon products) companies he represented require that the majority of business be in service, and that the salons do a minimal amount of retail sales.

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Commission Discussion - A discussion was held as to how the applicant came to locate her beauty shop in a P-1 zone. Mr. Murphy explained that the proprietor mistakenly told her that she was within the law when he rented her the suite. Improvements were made and, subsequently, Ms. Scandore filed this text amendment because she could not obtain an occupancy permit.

Mr. Logan pointed out the number of zones where beauty shops were already permitted, which he felt was ample and which had been demonstrated by the staff. He emphasized that the Commission doesn't change the law because one person made a mistake and located in the wrong zone. Mr. Harper had some reservations as well at this point.

Some Commission Members, however, thought small beauty shops should be allowed in P-1 zones, and discussion was held as to how this would best be addressed (number of cosmetologists versus number of work stations, limiting square footage, enforcement considerations, etc.). It was felt that additional time was needed to draft the appropriate language which would keep out the large chains, but at the same time, permit the smaller beauty shop use. Mrs. Gregg cautioned that consideration should be given to limitation of retail sales as well.

Mr. Murphy asked for postponement to draft the appropriate language, with the understanding that this did not mean the staff agrees with it.

Chairman May emphasized that the Commission should make a decision on whether or not this is an appropriate use in the P-1 zone, and not make a rule for the entire community on one person's behalf.

Objections - There were no objections

Action - A motion was made by Ms. Bratt, seconded by Dr. Cooper and carried 8-2 (Logan, Lucas voted no; Vose was absent), to postpone ZOTA 97-6: Beauty Shops in the P-1 Zone, to the September 25, 1997, meeting, to give the applicant time to draft alternative language which would limit this amendment to small beauty shops.

D. ZONING ACTIVITY STATUS THROUGH AUGUST 12, 1997 (A = Approved, D = Disapproved, W = Withdrawn, P = Postponed)

1. Acted on by Zoning Committee but not sent on to Full Commission

MAR 96-32: Sand Lake Properties, A-U & R-3 to B-6P, Richmond Rd., 4/97- P (indef.)  
 MAR 97-8: John D. & Cherilyn Rockaway, R-1B to R-1C, Chinoe Rd., 3/97 - P (indef.)  
 MAR 97-25: John Brotherton, R-1D to B-1, Leestown Rd., 8/12/97 - P (indef.)

2. Amendments Acted on by Full Commission, but not sent to Urban County Council

ZOTA 95-3: Amendment to Art. 8-15(b), Outdoor Volleyball Facilities, 10/26/95 - P (Indefinitely)  
 MAR 97-17: Vettraino Development Company (Amd), A-U to R-4, Todds Rd., 7/24/97 - A  
 MAR 97-20: JDN Development Company, Inc., A-U to B-3, Nicholasville Rd., 7/24/97 - A  
 MAR 97-23: Beaumont Investments, LLC, R-1T to R-3, Harrodsburg Rd., 7/24/97 - A

3. Amendments Sent to Urban County Council but not yet acted upon (S = Final Report sent)

ZOTA 96-7: Amd to Art 8-14 to Allow Drive-In Restaurants in B-1 Zone, 8/29/96 - P (indef.)  
 ZOTA 97-3: Paris Pike/Lexington Road Corridor Overlay Zone, 5/7/97 - S

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C. **ZONING ORDINANCE AND LAND SUBDIVISION TEXT AMENDMENTS** – The Chairman announced that public hearings on zoning ordinance and land subdivision text amendments would be held at this time.

1. **ZOTA 97-6: ADDITION TO ARTICLE 8-13(b), BEAUTY SHOPS IN THE P-1 ZONE** - a text amendment which would add beauty shops as a principal use in the professional office (P-1) zone.

**REQUESTED BY:** Debra Scandore

**PROPOSED TEXT:** (Note: Underlined Text indicates an addition to the Zoning Ordinance)

8-13(b) Principle Uses [in the P-1 zone.]  
19. Beauty Shops

The Staff Recommended: Disapproval, for the following reasons:

1. Beauty shops are incompatible with the permitted uses in the P-1 zone as they are retail businesses which are more properly allowed in the Neighborhood Business (B-1) zone.
2. The proposed addition to the Zoning Ordinance to allow beauty shops in the P-1 zone as permitted uses will undermine the buffering effect the P-1 zone has provided for residential uses in the past.

Representation – Mr. Richard Murphy, attorney; Ms. Debra Scandore, applicant.

Staff/Committee Reports - The report on this petition was presented by Mr. Sallee. (A copy of the staff report is attached as an appendix to these minutes.) He noted that this item was postponed to this meeting from the August 28<sup>th</sup> Planning Commission meeting after a lengthy public hearing. He distributed Exhibit #1 titled "Alternative Regulations for Beauty Parlors in P-1 Zones" which listed several alternative options for this text amendment. The staff was listing these options to answer questions that the Commission had during its public hearing of this item in August. The Commission had also discussed this proposed text amendment during its recent work session. Mr. Sallee noted that items #1 through #5 were distributed to Commission members during the work session. He had added items #6.A. and #6.B. after discussions during the work session.

Mr. Sallee stated that the staff had not changed its staff report or recommendation, and had nothing else to present to the Commission at this time. He noted that a ranking of these alternatives from the most restrictive to the least restrictive would be as follows:

- Alternative #5
- Alternative #6
- Alternative #1
- Alternative #2, #3, and #4

Mr. Sallee stated that the staff had made a lengthy presentation during the August hearing. He also distributed copies of staff exhibits from the August 28<sup>th</sup> meeting:

Highlighted copies of excerpts from the P-1, B-1, and P-2 sections of the Zoning Ordinance.

Copies of the exhibit packet that was distributed by Mr. Murphy, applicant's attorney, during the hearing.

Petitioner's Presentation – Mr. Murphy stated that since the Commission had heard his presentation the previous month, he would not make it again. In response to the staff's proposed alternatives, he noted that items #6.A. and #6.B. combine two alternatives, and made beauty shops a conditional use. This would require a case-by-case review by the Board of Adjustment (BOA). He noted that the Planning staff would also review any proposed beauty shop when it is filed for consideration by the BOA. He argued, therefore, that each location proposed for a beauty shop would receive two levels of review. He further noted that items #6.A. and #6.B. would also place further limitations upon the proposed location, preventing the BOA from granting a conditional use permit for a site that violated those standards.

Items #6.A. and #6.B. were as follows:

6. COMBINATIONS DISCUSSED AT PLANNING COMMISSION WORK SESSION IN SEPTEMBER

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## A. Conditional Use with additional limitations upon BOTH size and cosmetologists

Amend 8-13(d) as follows:

Add: 6. Beauty shops not exceeding two thousand (2,000) square feet in floor area which employ not more than five (5) licensed cosmetologists.

## B. Conditional Use with additional limitations upon BOTH size and total employees

Amend 8-13(d) as follows:

Add: 6. Beauty shops not exceeding two thousand (2,000) square feet in floor area which employ eight (8) or fewer persons.

Mr. Murphy stated that his client would prefer the less restrictive alternatives that were listed at the top of the exhibit. He noted, however, that the applicant would agree to either 6.A. or 6.B., and observed that 6.B. would be easier on the property owner, but 6.A. would be easier for the Building Inspection Division to enforce. He explained that the State Licensing Board for Cosmetologists requires that cosmetologists have their license on display at a salon where they work. Licenses have photographs on them. Therefore, it would be easy for a Building Inspection official to check out the number of licensed cosmetologists that work for a particular salon. Mr. Murphy further noted that Building Inspectors were accustomed to dealing with square footage limitations. He believed that these restrictions would prevent large chains from locating in P-1 areas, and would also ensure that only small establishments would be allowed in those areas.

Mr. Murphy submitted findings of fact for approval of the proposed text amendment. These findings were included in the petitioner's exhibit packet that had been distributed earlier by Mr. Sallee.

Objections – There were no objectors.

Commission Discussion – Noting that Mr. Doug Doolin, Director of Building Inspection Division, was present, Mrs. Lucas requested that he address the Commission. She asked Mr. Doolin if Building Inspection interpreted beauty shops as being only establishments that employ licensed cosmetologists. Mr. Doolin replied that they currently do not interpret beauty shops in that way. He noted that, through the years, other types of enterprises have emerged that are similar. Since these other businesses are not defined in the Zoning Ordinance, Building Inspection must find a definition for a business that is closely related. Some of these businesses are:

- Women's manicure and nail shops
- Tattoo parlors
- Tanning salons
- Body piercing establishments

Mr. Doolin stated that these businesses could either be located within a beauty shop, or could be separate businesses. He noted that, no matter how many definitions or interpretations are created, another similar use that is not defined or interpreted might emerge in the near future.

Mr. Doolin stated that if the Commission does not want these uses to be located within a P-1 zone, the proposed text amendment should include language that excludes them from that zone. He discussed the enforcement implications of item #6.A. which would limit the number of licensed cosmetologists, along with square footage limitations.

Chairman May asked if beauty shops were licensed, as well as cosmetologists. Ms. Scandore replied that the beauty shops and salons are licensed. Mr. Murphy suggested that the following be added to item #6.A.: "... with all service provided by licensed cosmetologists." He believed that this language would take care of enforcement problems described by Mr. Doolin.

Mrs. Lucas pointed out that barbers in barber shops cut both men and women's hair, and cosmetologists in beauty shops also cut both men and women's hair. She asked Mr. Murphy how this could be dealt with, implying that barber shops might also be allowed in P-1 zoning if this text amendment were approved. Mr. Murphy stated that he had proposed an amendment for beauty shops because that was what his client wanted. He had not included barber shops in the proposed text amendment because they are a higher volume business with greater turnover of customers. He believed that if barber shop owners wanted to be allowed in the P-1 zone, the Commission

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\*- Denotes date by which Commission must either approve or disapprove plan.

\*\* - Denotes at least a portion of the property contains an environmentally sensitive area.

would have to consider another text amendment for that use. He maintained that this text amendment proposal would not allow barber shops as a conditional use in the P-1 zone.

Action on Text Amendment - A motion was made by Ms. Bratt, seconded by Mr. Mays, to approve ZOTA 97-8: Addition to Article 8-13(b), Beauty Shops in the P-1 Zone , Alternative #6.A to read as follows:

- 6. Beauty shops not exceeding two thousand (2,000) square feet in floor area which employ not more than five (5) licensed cosmetologists with all service provided by licensed cosmetologists.

for the following reasons submitted by Mr. Murphy:

- 1. Beauty shops are primarily service establishments, and retail sales constitute only a small fraction of the activity. In addition, cosmetologists are required to go through an educational program and apprenticeship, and are required to be licensed by the Commonwealth of Kentucky. Thus, they are similar to other uses allowed in the P-1 zone, including medical and dental offices, opticians, hearing aid centers, and general offices. Indeed, beauty shops are much less intense land uses than many other uses allowed in the P-1 zone including schools, colleges, universities, hospitals, technical or trade schools, child care facilities, and athletic clubs.
- 2. Schools of beauty are already allowed in the P-1 zone. The same functions are carried on in a school of beauty as are carried on in a beauty shop, except that beauty shops are often smaller, and thus less intense land uses, than beauty colleges.
- 3. Beauty shops do not generate noise, odor, or harmful chemicals and therefore would not be a disturbance to surrounding land uses. In addition, parking requirements for beauty shops are the same as for other uses of the P-1 zone. Therefore, allowing beauty shops in this zone would not require physical changes to existing P-1 developments.
- 4. Other cities comparable to Lexington allow beauty shops to be located in the same zone as professional offices.

Discussion of motion – Mrs. Lucas stated that she would not support the motion because she did not believe that this was an appropriate use in the P-1 zone. Mr. Harper agreed with Mrs. Lucas, noting that the distinction between barbers and cosmetologists was important. Ms. Bratt stated her belief that the proper comparison was between beauty shops and the other uses permitted in the P-1 zone. She did not see a significant difference between some of these uses, particularly medical uses, and beauty shops with cosmetologists. She believed that barber shops could be dealt with at a later date. Mr. Logan stated his opinion that this text amendment was special legislation to correct a "wrong" by Ms. Scandore. He did not believe that this was the proper way to handle the situation.

The votes were as follows:

- Ayes - Bratt, May, Mays
- Nays - Ballentine, Gregg, Harper, Logan, Lucas, Robinson
- Absent - Cooper, Vose

The motion to approve ZOTA 97-8 failed 3-6.

D. ZONING ACTIVITY STATUS THROUGH SEPTEMBER 10, 1997 (A = Approved, D = Disapproved, W = Withdrawn, P = Postponed)

1. Acted on by Zoning Committee but not sent on to Full Commission

- MAR 96-32: Sand Lake Properties, A-U & R-3 to B-6P, Richmond Rd., 4/97- P (indef.)
- MAR 97-8: John D. & Cheryl Rockaway, R-1B to R-1C, Chinoe Rd., 3/97 - P (indef.)
- MAR 97-25: John Brotherton, R-1D to B-1, Leestown Rd., 8/12/97 - P (indef.)

2. Amendments Acted on by Full Commission, but not sent to Urban County Council

- ZOTA 95-3: Amendment to Art. 8-15(b), Outdoor Volleyball Facilities, 10/26/95 - P (Indefinitely)
- MAR 97-21: Willis, Beasley & Pleasant Cove, Inc., B-4 to R-1T, 8/28/97 - A
- MAR 97-24: E. Clark Toleman, R-1B to R-1D, 2920 Clays Mill Rd. (rear), 8/21/97 - A

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 \*\* - Denotes at least a portion of the property contains an environmentally sensitive area.

0-245-97

Rec'd By JJK  
Date: 10/10/97

Urban County Planning Commission  
200 East Main Street, Lexington, KY.

Office of Director  
Planning Commission Meeting

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

**IN RE: ZOTA 97-6: ADDITION TO ARTICLE 8-13(b), BEAUTY SHOPS IN THE P-1 ZONE - a text amendment which would add beauty shops as a principal use in the professional office (P-1) zone.**

Having considered the above matter on **September 25, 1997**, at a Public Hearing, the Planning Commission made a motion for **APPROVAL** and voted **3-6**, which motion failed. Therefore, the Planning Commission is forwarding a Recommendation of **DISAPPROVAL** of this matter to the Lexington-Fayette Urban County Council for its consideration.

**ATTEST:** This 9th day of October, 1997.

Franklin D. Thompson  
Secretary, Dale B. Thoma

WALTER W. MAY  
CHAIRMAN

Enclosures: Staff Report with proposed text  
Applicable excerpts of minutes of above meeting

At the Public Hearing before the Urban County Planning Commission, this Petitioner was represented by Mr. Sid Mitchell, engineer.

**OBJECTIONS**

None

**OBJECTORS**

None

**VOTES WERE REGISTERED AS FOLLOWS:**

- AYES: (8) Ballentine, Bratt, Gregg, Harper, Logan, Lucas, May, Robinson
- NAYS: (0)
- ABSENT: (2) Cooper, Vose
- ABSTAINED: (1) Mays
- DISQUALIFIED (0)

Motion for **APPROVAL** of **MAR 97-27: CURLESS FAMILY LIMITED PARTNERSHIP** carried.

**GENERAL INFORMATION**

<p>1. ADDRESS INFORMATION (Name, Address, Zip, Phone No.)</p> <p>APPLICANT: Curless Family Limited Partnership 2850 Todds Road, Lexington, KY 40509 268-2188</p> <p>OWNER: same</p> <p>ATTORNEY: n/a</p>				<p>6. DESCRIBE YOUR JUSTIFICATION FOR REQUESTED CHANGE (Use attachment, if needed)</p> <p>The 1988 Comprehensive Land Use Map indicates Professional Office (P-1) Use at this site as the appropriate recommended use. Because of the site location at the corner of a major arterial, Man O'War Boulevard, and a major collector, Palumbo Drive, the recommended land use as Professional Office (P-1) Zone is very realistic. Neither agricultural nor residential uses are appropriate. Office use at this location will provide much needed office support space in a neighborhood with nearby corporate and medical centers. The impact of traffic generation upon existing road networks will be minimal. LFUCG has acquired right-of-way needed for an additional lane (right turn) on Palumbo Drive.</p>																																					
<p>2. ADDRESS OF APPLICANT'S PROPERTY A portion of 3000 Todds Road, to be 2801 Palumbo Drive.</p>				<p>7. ATTACH LEGAL DESCRIPTION OF PROPERTY</p>																																					
<p>3. ZONING, USE &amp; ACREAGE OF APPLICANT'S PROPERTY</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Existing Zoning</th> <th colspan="2">Requested Zoning</th> <th colspan="2">Acres</th> </tr> <tr> <th></th> <th>Use</th> <th></th> <th>Use</th> <th>Net</th> <th>Gross</th> </tr> </thead> <tbody> <tr> <td>A-U</td> <td>Vacant</td> <td>P-1</td> <td>Office</td> <td>1.62</td> <td>2.66</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>				Existing Zoning		Requested Zoning		Acres			Use		Use	Net	Gross	A-U	Vacant	P-1	Office	1.62	2.66																			<p>8. APPLICANT/OWNER SIGNS THIS CERTIFICATION</p> <p>I do hereby certify that, to the best of my knowledge and belief, all application materials are herewith submitted, and the information they contain is true and accurate. I further certify that I am (X) OWNER or ( ) HOLDER of an agreement to purchase this property since December 30, 1993.</p> <p style="text-align: right;">Signature _____ Date _____</p> <p>APPLICANT <u>J. Curless</u> <u>8/7/97</u></p> <p>OWNER <u>same</u> _____</p> <p>(LFUCG EMPLOYEE/OFFICER, if applicable)</p> <p>_____ n/a _____ n/a</p>	
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CURLESS FAMILY LIMITED PARTNERSHIP  
Zone Change from A-U to P-1  
A portion of 3000 Todds Road( to be 2801 Palumbo Drive)  
Lexington, Fayette County, Kentucky

A TRACT OF LAND SITUATED AT THE SOUTHEAST CORNER OF MAN O'WAR BOULEVARD AND PALUMBO DRIVE IN LEXINGTON, FAYETTE COUNTY, KENTUCKY AND MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

BEGINNING at a point in the centerline of Man O'War Boulevard where it is intersected by the centerline of Palumbo Drive; thence along the centerline of Man O'War Boulevard N82° 27' 50"E 516.19 feet to a point, said point being in line with the northwest line of 2845 Palumbo Drive; thence S40° 06' 08"W 657.37 feet to a point in the centerline of Palumbo Drive; thence with the centerline of Palumbo Drive N14° 28' 16"W 118.52 feet and N10° 22' 39"W 325.69 feet to the point of beginning, containing a gross area of 2.66 acres, and a net area of 1.62 acres.

Revised and corrected August 14, 1997.

**STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT**

**MAR 97-27: CURLESS FAMILY LIMITED PARTNERSHIP**

**DESCRIPTION**

Zone Change: From an Agricultural Urban (A-U) Zone  
To a Professional Office (P-1) Zone

Acreage: 1.62 Net (2.66 Gross) Acres

Location: 2801 Palumbo Drive  
(Council District 12)

**EXISTING ZONING & LAND USE**

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject property	A-U	Agricultural/Vacant
To North	A-U	Golf Driving Range
To East	R-4 & P-1	Apartments & Offices
To South	R-4 & P-1	Apartments & Offices
To West	A-U & P-1	Vacant & Office

**URBAN SERVICES REPORT**

Roads – No new roads are proposed for construction by the developer. Access is proposed to Palumbo Drive south of Man o' War Boulevard.

Refuse – Provided by the Urban County Government.

Utilities – Available.

Police/Fire – Provided by the Urban County Government.

Storm Sewers – To be constructed by the developer.

Sanitary Sewers – To be constructed by the developer.

Curb/Gutter/Sidewalks – Existing. Improvements may be necessary.

**LAND USE PLAN AND PROPOSED USE**

The 1996 Comprehensive Plan (Sector 9) recommends future professional services use for the subject property. The petitioner proposes a 20,000 square foot office building at this location.

**CASE REVIEW**

The petitioner requests a zone change from an agricultural urban (A-U) zone to a professional office (P-1) zone.

The subject property is located on the southeast corner of Palumbo Drive's intersection with Man o' War Boulevard. This tract was created by the construction of Man o' War Boulevard a decade ago. This triangular-shaped property possesses nearly equal amounts of frontage along both Palumbo Drive and Man o' War Boulevard, but access can only be provided from Palumbo Drive. Besides these two roads, the property is also bordered by a 96-unit apartment complex. The Darby Creek Nursing Home and Joby's driving range are located across Man o' War Boulevard to the north.

The P-1 zoning requested is intended for a 20,000 square foot office building, to be oriented to the Man o' War/Palumbo intersection, according to the submitted development plan. Off-street parking is proposed for the remainder of this 1.62-acre site. Landscaped screening will be necessary to be provided along the property line adjoining the existing apartments. Landscaping will also be necessary along Man o' War Boulevard in accordance with a landscaping ordinance passed by the Urban County Council.

The 1996 Comprehensive Plan recommends professional services future land uses for the subject property and for much of the land immediately north and west of the subject property. Professional Services land use is defined in the text of the Plan as "...services which are provided within the confines of an office." The future office building proposed by the applicant will allow a use in agreement with the Comprehensive Plan at the subject property location.

The Staff Recommended: **Approval**, for the following reason:

1. The requested professional office (P-1) zone is in agreement with the future Professional Services land use recommendation of Sector 9 of the 1996 Comprehensive Plan, for the subject property.
2. This recommendation is made subject to the approval and certification of ZDP 97-106: Curless Family Limited Partnership Prop., prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

WLS/FT/ejh  
9/2/97  
September cases

V. ZONING ITEMS – The Zoning Committee met on Thursday, September 4, 1997 at 1:30 p.m. at the Division of Planning Office. Commission members Carolyn Bratt, Thomas Cooper, Walter W. May, Keith Mays, and Leslie Patterson Vose were present. Staff members in attendance were Director Dale Thoma, Frank Thompson, Bill Sallee, Joe Lenney, Doug Greene, Chris King, Susan Skillman, and Evelyn Herron. Chris Westover, Department of Law was also present.

A. ABBREVIATED PUBLIC HEARINGS ON ZONE MAP AMENDMENTS AND RELATED PLANS – The Chairman announced that abbreviated public hearings would be held on petitions meeting the following criteria:

- The staff had recommended approval of the zone change petition and related plans(s):
- The petitioner concurred with the staff recommendations: Petitioner had waived oral presentation, but might submit written evidence for the record.
- There were no objections to the petition.

1. CURLESS FAMILY LIMITED PARTNERSHIP ZONE MAP AMENDMENT AND CURLESS FAMILY LIMITED PARTNERSHIP PROPERTY ZONING DEVELOPMENT PLAN

a. MAR 97-27: CURLESS FAMILY LIMITED PARTNERSHIP – petition for a zone map amendment from an agricultural-urban (A-U) zone to a professional office (P-1) zone for 1.62 net (2.66 gross) acres, located at 2801 Todds Road (frmrly 3000 Todds Road). (Council District 12)

URBAN SERVICES REPORT

Roads – No new roads are proposed for construction by the developer. Access is proposed to Palumbo Drive south of Man o' War Boulevard.

Refuse – Provided by the Urban County Government.

Utilities – Available.

Police/Fire – Provided by the Urban County Government.

Storm Sewers – To be constructed by the developer.

Sanitary Sewers – To be constructed by the developer.

Curb/Gutter/Sidewalks – Existing. Improvements may be necessary.

LAND USE PLAN AND PROPOSED USE

The 1996 Comprehensive Plan (Sector 9) recommends future professional services use for the subject property. The petitioner proposes a 20,000 square foot office building at this location.

The Zoning Committee and Staff Recommended: Approval, for the following reason:

1. The requested professional office (P-1) zone is in agreement with the future Professional Services land use recommendation of Sector 9 of the 1996 Comprehensive Plan, for the subject property.
2. This recommendation is made subject to the approval and certification of ZDP 97-106: Curless Family Limited Partnership Prop., prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

b. ZDP 97-106: CURLESS FAMILY LIMITED PARTNERSHIP PROP. (3000 TODDS ROAD) (11/8/97)\* - located at 3000 Todds Road.

The Subdivision Committee Recommended: Refer to the Full Commission. There were questions regarding the parking and circulation pattern and compliance with required parking.

Should this plan be approved, the following items should be resolved:

1. Provided the Urban County Council rezones this property P-1; otherwise any Commission action of approval is null and void.
2. Urban County Engineer's approval of drainage, storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of parking, circulation, and access.
4. Building Inspection approval of landscaping to include Man o' War Blvd. landscaping.

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\* - Denotes date by which Commission must either approve or disapprove plan.

\*\* - Denotes at least a portion of the property contains an environmentally sensitive area.

Representation – Mr. Sid Mitchell, engineer; Mr. and Mrs. James Curless, property owners.

Staff/Committee Reports - The zoning report on this petition was presented by Mr. Sallee. (A copy of the staff report is attached as an appendix to these minutes.) He stated that the subject property was located on the southeast corner of the Palumbo Drive/Man o' War Boulevard intersection. Using a colored zoning map, he reviewed the zoning of surrounding properties. He noted that P-1 zoning was found in this area, pointing to a site occupied by a nursing home. The subject property was also adjacent to a 96-unit apartment complex in an R-4 zone.

Mr. Sallee stated that the 1996 Comprehensive Plan recommended future Professional Services (PS) use for the subject property, and for other corners of the Palumbo Dr./Man o' War Blvd. intersection. Therefore, the proposed P-1 zoning was in agreement with the land use element of the Plan. For that reason, the Staff and Zoning Committee had recommended approval of the P-1 zone change request.

Mr. Mays returned to the meeting at 1:16 p.m. He later abstained from the action of this hearing because he was not present for the entire hearing

Mr. Greene presented the preliminary development plan and discussed the requirements for approval. He noted that the plan showed a two-story office building of 20,000 square feet. The plan also showed parking areas and a 20 foot landscape buffer along Man o' War Boulevard. He stated that zone-to-zone screening would be required between the subject property and an adjacent apartment complex.

Mr. Greene noted that the Subdivision Committee had recommended Referral because of parking and circulation issues, related to whether the developer can meet the parking requirements. Since that meeting, the developer had submitted a revised plan that satisfied the staff's concerns about parking issues. This plan showed the 95 parking spaces that would be required for the development. Mr. Greene pointed out the location of the Palumbo Drive access point. He stated that the staff would recommend approval subject to the four conditions shown on the agenda. He confirmed for Mr. Harper that there would be no access to Man o' War Blvd. from the subject property.

Petitioner's Presentation – Mr. Mitchell agreed with the staff's recommendations and conditions for approval.

Objections – There were no objectors.

Action on Zoning - A motion was made by Mrs. Lucas, seconded by Mrs. Gregg, and carried 9-0 (Mays abstained; Cooper, Vose absent), to approve MAR 97-27: Curless Family Limited Partnership, for the reasons listed by the staff. (Abstention is counted with the majority.)

Action on Plan - A motion was made by Mrs. Lucas, seconded by Mrs. Gregg, and carried 9-0 (Mays abstained; Cooper, Vose absent), to approve ZDP 97-106: Curless Family Limited Partnership Prop. (3000 Todds Road), subject to the requirements listed by the Subdivision Committee. (Abstention is counted with the majority.)

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\*- Denotes date by which Commission must either approve or disapprove plan.

\*\* - Denotes at least a portion of the property contains an environmentally sensitive area.

**LEGAL NOTICE**

NOTICE is hereby given that a **Public Hearing** will be held on Thursday, November 20, 1997 at **8:00 p.m.** in the Council Chambers, Second Floor, 200 East Main Street, Lexington, Kentucky on the following: An Ordinance amending Article 8-13(b) of the Zoning Ordinance so as to add beauty shops as a principal use in the professional office (P-1) zone.

**BY ORDER OF THE URBAN COUNTY COUNCIL.**

Liz Damrell  
Council Clerk

PUBLISHED: November 10, 1997  
Lexington Herald-Leader  
CLASSIFIEDS

Account #C62250  
Phone #258-3240