

MAR 2015-28

Date Received 11/2/2015

Pre-Application Date 10/23/15

Filing Fee \$500

### GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

**1. ADDRESS INFORMATION (Name, Address, City/State/Zip, & PHONE NUMBER)**

APPLICANT <b>Strongbox, LLC, P.O. Box 288, Zionsville, IN 46077</b>
OWNER: <b>HMMR Realty, LLC, 2208 Poplar Grove Place Lexington, KY 40515</b>
ATTORNEY: <b>Nick Nicholson, Stoll Keenon Ogden PLLC, 300 W. Vine St, Ste. 2100, Lexington, KY 40507, (859) 231-3000</b>

**2. ADDRESS OF APPLICANT'S PROPERTY (Please attach Legal Description)**

**1973 Bryant Road**

**3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY (Use attachment, if needed--same format.)**

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
B-5P	Vacant Commercial	I-1	ATV & Motorcycle Sale/Repair Lot	3.08	6.35

**4. SURROUNDING PROPERTY, ZONING & USE**

Property	Use	Zoning
North	Commercial	B-5P
East	Commercial	B-5P
South	Commercial (Vacant)	B-6P
West	Commercial	B-5P

**5. EXISTING CONDITIONS**

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
b. Have any such dwelling units been present on the subject property in the past 12 months?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
c. Are these units currently occupied by households earning under 40% of the median income? If yes, how many units? If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in Obtaining alternative housing.	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO  ____ Units

**6. URBAN SERVICES STATUS (Indicate whether existing or how to be provided.)**

Roads	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Storm Sewers	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Sanitary Sewers	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Curb/Gutter/Sidewalks	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Refuse Collection	<input checked="" type="checkbox"/> LFUCG	<input type="checkbox"/> Other		
Utilities	<input checked="" type="checkbox"/> Electric	<input checked="" type="checkbox"/> Gas	<input checked="" type="checkbox"/> Water	<input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable

**7. DESCRIBE YOUR JUSTIFICATION FOR REQUESTED CHANGE (Please provide attachment.)**

This is  in agreement with the Comp. Plan  more appropriate than the existing zoning  due to unanticipated changes.

**8. APPLICANT/OWNER SIGNS THIS CERTIFICATION.**

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  OWNER or  HOLDER of an agreement to purchase this property since 2007.

APPLICANT *[Signature]* DATE 10/29/15  
 OWNER Attorney for Strongbox, LLC DATE \_\_\_\_\_  
 LFUCG EMPLOYEE/OFFICER, if applicable \_\_\_\_\_ DATE \_\_\_\_\_

October 29, 2015

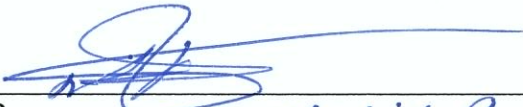
Lexington-Fayette Urban County Planning Commission  
Lexington-Fayette Urban County Government  
101 E. Vine Street, 7<sup>th</sup> Floor  
Lexington, Kentucky 40507  
ATTN: William Sallee

Re: 1973 Bryant Road

Dear Mr. Sallee:

I am writing to advise the Planning Commission that StrongBox Commercial LLC, an Indiana limited liability company, has the permission of HMMR Realty, LLC, a Kentucky limited liability company, to file an application for a zone change to allow for an establishment and lot for the display, sale, service, and minor repair of motorcycles and all-terrain vehicles and related supplies on the above listed address which property is owned by HMMR Realty, LLC.

HMMR Realty, LLC

  
By: \_\_\_\_\_ *Masid Rezaee*  
Its: \_\_\_\_\_ *Member*



**STOLL  
KEENON  
OGDEN**

PLLC

300 WEST VINE STREET  
SUITE 2100  
LEXINGTON, KY 40507-1801  
MAIN: (859) 231-3000  
FAX: (859) 253-1093

**NICK NICHOLSON**  
DIRECT DIAL: (859) 231-3950  
DIRECT FAX: (859) 246-3649  
Nick.Nicholson@skofirm.com

October 27, 2015

Lexington Fayette Urban County Planning Commission  
Lexington-Fayette Urban County Government  
101 East Vine Street  
Lexington, KY 40507

Re: Zone Map Amendment 1973 Bryant Road.

Dear Members of the Planning Commission:

The applicant, Strongbox, LLC (“Strongbox”), requests a zoning map amendment for the a the property located at 1973 Bryant Road (the “Property”) from Planned Shopping Center (B5-P) to Light Industrial (I-1) for 3.08 net (6.35 gross) acres to allow an establishment and lot for the display, sale, service, and minor repair of motorcycles and all-terrain vehicles (ATVs) and related supplies.

The proposed zone change is in compliance with the Comprehensive Plan and is consistent with and supported by the following "General Land-Use Considerations for the Urban Service Area" as adopted by the Planning Commission on April 29, 2014:

1. The change will address a community need such as . . . significant employment opportunities. . . .
2. The proposed land use enhances, and is compatible with, adjacent land uses.
7. The land use will not impair existing environmental conditions of the site.
8. The existing utility and transportation networks will accommodate the new land use.
9. Underutilized land should be promoted for greater utility, function. . . .
10. The land use will attract or retain a skilled work force and/or further economic prosperity.

13. The land use should maximize opportunities to accommodate future growth within the Urban Services Area, including land that is underutilized, vacant or planned for a reuse."

The Property has been a revolving door of restaurants since it was originally developed in 2004. In just 10 years, there have been three restaurant chains on the Property: Fire Mountain Grill, Ryan's Steakhouse, and Show Me's Restaurant and Bar. In fact, this parcel has been a vacant restaurant building for a greater time period that it has been an occupied restaurant. In spite of the success of restaurants in the general area, it is quite clear that this type of use is not right for this particular parcel.

Contrary to the Property's history, the I-1 motor-based uses along Bryant Road have thrived. Within 1,000 feet, there is a Harley Davidson store, Monro Muffler and Brake store, and a Lexington Motorsports complex with new and used Honda, Kawaski, Sea Doo, Yamaha, Suzuki, and Polaris recreational vehicles for sale. This area of Bryant Road has clearly demonstrated the appropriateness of the proposed use. Allowing the proposed zone change would certainly enhance the success mix of zones in the Bryant Road corridor without any negative impact.

Further, the recent zone change (MAR 2015-14) of 1750 Pleasant Ridge Drive, 1976 Justice Drive & 2008 & 2024 Bryant Road from B-6P to B-5P is a significant and unanticipated change. This action has led to an overabundance of Interchange Service business zoned properties that are mostly vacant. All of the following properties are vacant parcels that are zoned B-5P or B-6P within 1000 feet of the Property: 1908, 1916, 1990, 1940, 1956, 1988, 2008, 2024 Bryant Lane; 1916, 1975, and 1976 Justice Drive; and, 1750 Pleasant Ridge Drive. While we are not necessarily arguing that business zones are inappropriate in this area, it is worth noting the high number of vacant business parcels as opposed to the entirely occupied Industrial zoned land.

As was noted in the recent Staff Report for MAR 2015-14, a zone change of 4 parcels across Bryant Road from the Property:

The existing B-6P zoning is no longer appropriate at this location because the demand for general commercial use is being met on alternate sites within the larger general area. The fact that a rezoning in 2004 to a zoning category that permits more commercial land uses (but not a hotel) did not spur development, speaks to the market demand in this particular area of the Urban County. It is likely that Hamburg Pavilion and now Hamburg East (across the interstate), have met the general business zoning demands, but neither of these two developments has successfully incorporated hotels. The site remains an underutilized site after a decade of vacancy, and should be considered for a possible change to an alternative business use in order to better serve the needs of the community and infill vacant lands within the Urban Service Area.

A very similar argument can be made for the proposed zone change. The Property has been mostly vacant since 2004, in spite of several attempts at a business use. Just as these properties looked for a use (hotel) that is appropriate for their parcels and demonstrably working across

the street, Strongbox believes that an industrial use similar to the successful motorsports-themed industrial use down the street is appropriate on the Property.

For the foregoing reasons the proposed zone change is in substantial compliance with the Comprehensive Plan and in furtherance of its guiding principles. There has also been a substantial change in the area, thereby making B-5P no longer necessary or appropriate for the Property. Light Industrial (I-1) is a much more needed and appropriate zoning for the Property especially in light of the motorsports use already existing in the industrial corridor along Bryant Road.

The proposed development will provide a benefit to the immediate area and the entire community and will do so in a manner that complies with both the letter and the spirit of the Comprehensive Plan. The applicant, therefore, respectfully submits that the land use action described above is entirely appropriate and should be approved.

Best Regards;

Stoll Keenon Ogden PLLC



Nick Nicholson

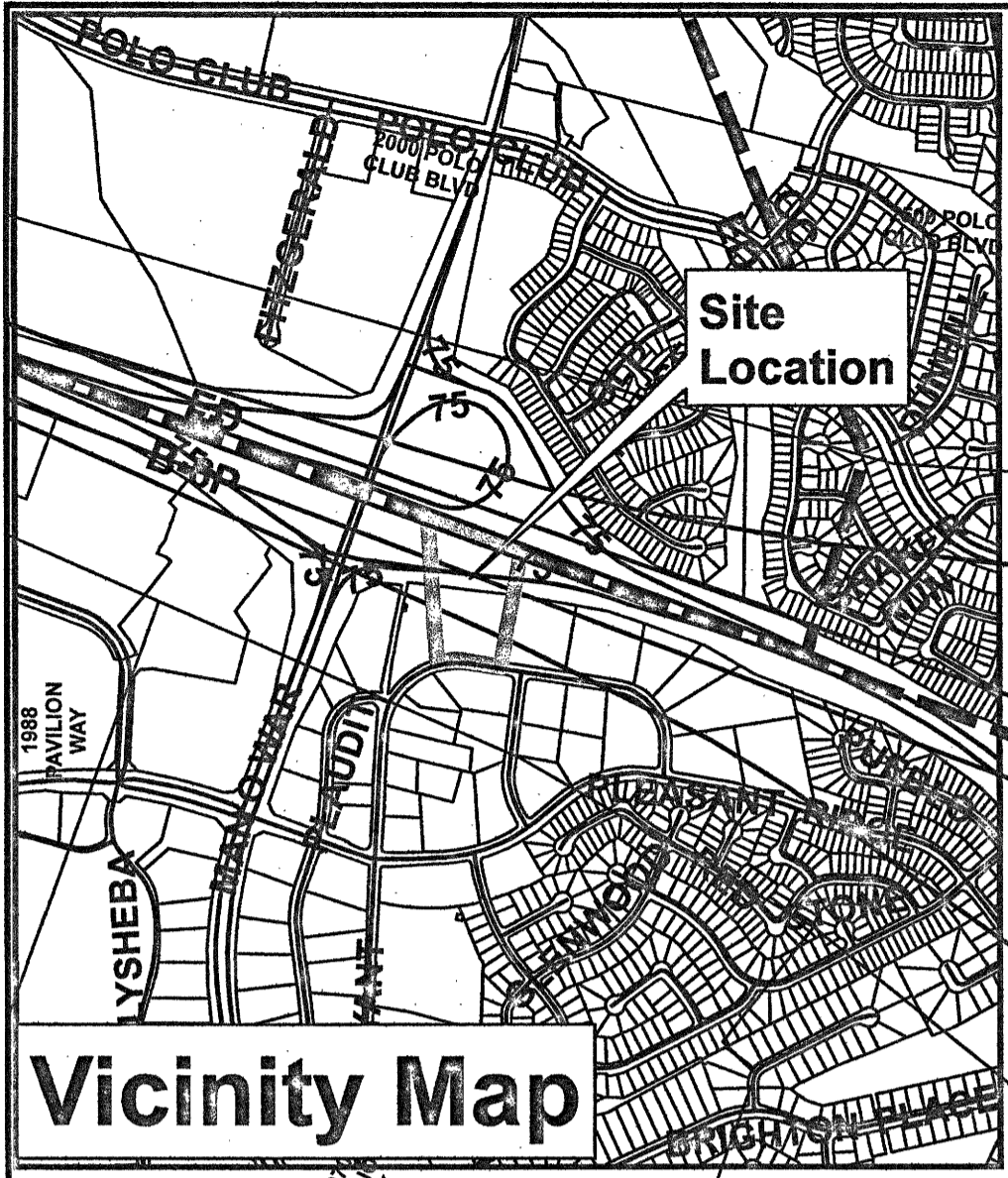
NN:NN

Enclosure

HMMR REALTY, LLC PROPERTY  
1973 Bryant Road  
Lexington, Fayette County, Kentucky  
Zone Change from B-5P to I-1

BEING A TRACT OF LAND SITUATED ADJACENT TO AND NORTHEAST OF BRYANT ROAD IN LEXINGTON, FAYETTE COUNTY, KENTUCKY AND BEING MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

**BEGINNING AT A POINT** in the centerline of Bryant Road, said point also lying in the extended western lot line of Parcel 1 and Parcel 2 of Man-O-War Unit 2A, Phase 2 as recorded in Plat Cabinet "M", Slide 364 in the Fayette County Clerk's Office; thence with said western line North 30 degrees 25 minutes 21 seconds East, 746.49 feet to a point in the centerline of Interstate 75; thence with said centerline South 37 degrees 11 minutes 55 seconds East, 517.68 feet to a point in the extended eastern lot line of Parcel 1 and Parcel 2 of Man-O-War Unit 2-A, Phase 2 as recorded in Plat Cabinet "M", Slide 364 in the Fayette County Clerk's Office; thence with said western line South 44 degrees 13 minutes 16 seconds West, 609.90 feet to a point in the centerline of Bryant Road; thence with said centerline for the following two (2) calls: North 46 degrees 33 minutes 02 seconds West, 175.08; thence 163.83 feet along a curve to the left having a radius of 400.00 feet and a chord which bears North 58 degrees 21 minutes 49 seconds West, 162.69 feet to **THE POINT OF BEGINNING** and containing 6.35 acres (gross) and 3.08 acres (net).



FROM B-5P ZONE TO I-1 ZONE  
3.08 NET & 6.35 GROSS ACRES

**ZOMAR**  
**MAN O'WAR UNIT 2A**  
**SECTION 2, LOT A2**

STATE OF KENTUCKY  
 ALBERT WILLIAM GROSS  
 LS - 2115  
 LICENSED  
 PROFESSIONAL  
 LAND SURVEYOR

ADDRESS: 1973 BRYANT ROAD

APPLICANT: STRONGBOX, LLC  
 P.O. BOX 288  
 ZIONSVILLE, IN 46077

OWNER: HMMR REALTY, LLC  
 2208 POPLAR GROVE PLACE  
 LEXINGTON, KY 40515

PREPARED BY: EA PARTNERS, PLC  
 DATE FILED: NOVEMBER 2, 2015

ZONE CHANGE REQUEST:  
 FROM: INTERCHANGE SERVICE BUSINESS (B-5P) ZONE  
 TO: LIGHT INDUSTRIAL (I-1) ZONE  
 3.08 NET ACRES & 6.35 GROSS ACRES

Notification Map

