

MAR 2015-17

Date Received 8/3/15

Pre-Application Date 6/1/15

Filing Fee \$530.00

GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

1. ADDRESS INFORMATION (Name, Address, City/State/Zip & PHONE NO.)

| | |
|------------|---|
| APPLICANT: | CAPKY Bluegrass Properties, LLC 9219 U.S. Highway 42, Suite 204 Prospect, KY 40059 |
| OWNER: | CAPKY Bluegrass Properties, LLC 9219 U.S. Highway 42, Suite 204 Prospect, KY 40059 |
| ATTORNEY: | Richard Murphy 859-233-9811 250 West Main Street, Suite 2950 Lexington, KY 40507 |

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

353 Waller Avenue, Lexington, KY 40503

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

| Existing | | Requested | | Acreage | |
|----------|---------------------|-----------|--------------|---------|-------|
| Zoning | Use | Zoning | Use | Net | Gross |
| P-1 | Vacant Nursing Home | B-4 | Self Storage | 3.05 | 3.29 |
| | | | | | |
| | | | | | |

4. SURROUNDING PROPERTY, ZONING & USE

| Property | Use | Zoning |
|----------|------------------------------------|-----------|
| North | Single Family Residential | R-1D |
| East | Offices | P-1 |
| South | Business | P-1 |
| West | Multi-Family Residential & Offices | R-4 & P-1 |

5. EXISTING CONDITIONS

a. Are there any existing dwelling units on this property that will be removed if this application is approved? YES NO

b. Have any such dwelling units been present on the subject property in the past 12 months? YES NO

c. Are these units currently occupied by households earning under ____ % of the median income?
If yes, how many units? YES NO
If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing. _____ 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... 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 7/11/2014.

APPLICANT Richard V. Murphy DATE 8/3/15
att. for owner (applicant)

OWNER _____ DATE _____

LFUCG EMPLOYEE/OFFICER, if applicable _____ DATE _____

JUSTIFICATION FOR REQUESTED ZONE CHANGE

The Applicant is requesting a zone change from the Professional Office (P-1) to the Wholesale and Warehouse Business (B-4) zone for approximately three acres of land located at 353 Waller Avenue. The purpose of this request is to allow construction of a self-storage facility to serve this area.

The subject property is the site of the former Kenton Healthcare nursing home facility, which has been closed for about six years.

We propose an attractive, three-story building in the center of the property, with one-story buildings surrounding. The facility will be compatible with the existing office and commercial uses on this portion of Waller Avenue. Most of the facility will be climate controlled, and the prospective users of the facility include the professional offices and medical facilities in close proximity and single-family residential homeowners and other nearby residents.

There is a great need for this facility at this location. Most storage facilities are located outside the New Circle Road area. There are few self-storage facilities available in close proximity to the professional office and medical facilities nearby and to the single-family homeowners and other residents in the immediate area. While there is an over-abundance of professional office use in the immediate area, there is a great need for service uses (including storage) to support the professional and business uses. The Kenton Healthcare facility has remained vacant for over six years. The certificates of need, which allow the facility to be used as a nursing home, were sold to others. Because this facility was built for a single purpose, it is very difficult to find another user for the existing building.

Our proposal will allow a redevelopment of this property in a manner which will serve the professional office, business and residential neighbors. In the experience of the developer, it will have much lower traffic generation, and will be an even quieter use than the prior use. It will have much less impact on the sanitary sewer system, thus helping with the compliance with the Consent Decree. There is no need for additional professional office use in this area, but there is a great need for support for the professional office use and other uses nearby. This proposal will result in re-investment in this neighborhood, it will contribute to the economic prosperity of nearby businesses, it will provide a service to homeowners and residents, and will be attractively designed.

For all the reasons mentioned above, the existing P-1 zoning is no longer appropriate for this property, and the B-4 zoning is appropriate. We understand that there are uses allowed in the B-4 zone which may be higher intensity and would not be appropriate in this neighborhood. We propose conditional zoning restrictions which would prohibit establishments and lots for the display, rental, sale and repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles, such as mini-bikes, motorcycles, bicycles, boats or supplies

for such items, and truck terminals and freight yards. The Applicant would welcome discussion with the staff regarding other potential zoning restrictions.

In addition, we feel this proposal agrees with the 2013 Comprehensive Plan. This proposal provides accessible community support facilities, as called for in Goal D.2. This redevelopment proposal complies with Objective E.1.b., providing for compact and contiguous development. The Comprehensive Plan calls for community facilities which are accessible to all citizens (Page 16) and calls for redevelopment opportunities throughout the community (Page 97). In addition, this proposal would assist with implementation of the Consent Decree, as it would result in a lower usage of the sewer system than the previous facility (Goal B.1.), and it would help reduce the carbon footprint of the city by supplying necessary services in areas close to where they are needed (Goal B.2.).

In addition to the zone change, we are requesting a dimensional variance of the requirements set forth in Section 8-21(o) of the B-4 zone. That provision requires that buildings and structures must be 100 feet for any residential zone, except for the portions of the building which have no openings except stationary windows, and doors which are designed and intended solely for pedestrian access. We are requesting a variance from 100 feet to 25 feet. The building wall adjacent to the residential zone will have no windows or doors. There will be no parking along these property lines. Thus, the residential neighbors along the west and north will be buffered from light, sound and activity by the buildings themselves. In addition, on the west side, the building will retain a 25 foot setback, which is the same as the existing setback for the nursing home facility. In the rear, the existing nursing home had parking within a few feet of the property line adjoining the residential zone. Our proposal has a green area with no parking, and the building will be setback 20 feet along this boundary. Thus, the traffic, light, noise and activity will be farther away from the residential zone under this proposal than they were under the current use.

Thus, we are requesting approval of the variance for the following reasons:

1. Granting this variance will not adversely affect the public health, safety or welfare and will not alter the character of the general vicinity, and will not cause a hazard or nuisance to the public because on the west property line, we will maintain the same 25 foot setback as the existing building. The wall of the building will have no windows or doors facing the residential zone. On the north boundary, the building will be set back 20 feet from the property line, with a green space between the building and the residential zone. This will replace the existing configuration which has a parking area a few feet away from the residential zone. Thus, the plan will better buffer the proposed use than does the current use.

2. Granting these variances will not allow an unreasonable circumvention of the requirements of the zoning ordinance because the Applicant will maintain greater setbacks than would otherwise be required and will not have parking facilities adjacent to residential zones.


The walls facing the residential zones will buffer those zones from parking, traffic, light and activity.

3. The special circumstances which apply to this property and which do not generally apply to land in the general vicinity or in the same are that this is a mixed-use area and the subject property borders both residential and professional office uses. This is a service use which is a low intensity, low traffic generating, and low noise generating use. The Applicant is proposing conditional zoning restrictions which would prohibit higher intensity B-4 uses.

4. Strict application of the regulations of the zoning ordinance would deprive the Applicant of a reasonable use of its land or create an unnecessary hardship because the Applicant can achieve the goal of buffering the adjacent residential uses through solid walls, setbacks and other matters as set forth above.

5. The circumstances surrounding the requested variance are not the result of the actions of this Applicant, taken subsequent to the regulation from which relief is sought. This Applicant has not started construction and is requesting this variance prior to, not after construction of improvements and re-zoning of the property.

Thank you for your consideration of this zone change and variance request.


Richard V. Murphy
Attorney for Applicant

CAPKY BLUEGRASS PROPERTIES, LLC
353 Waller Avenue
Lexington, Fayette County, Kentucky
Zone Change from P-1 to B-4

A TRACT OF LAND SITUATED NORTH OF AND ADJACENT TO WALLER AVENUE IN LEXINGTON, FAYETTE COUNTY, KENTUCKY AND BEING MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

BEGINNING AT A POINT in the centerline of Waller Avenue, said point also lying in the extended western property line of Imperial Waller, LLC (347 Waller Avenue); thence with said centerline for the following three (3) calls: North 69 Degrees 19 Minutes 10 Seconds West, 28.98 feet to a point; thence North 65 Degrees 17 Minutes 10 Seconds West, 202.51 feet to a point; thence North 61 Degrees 06 Minutes 10 Seconds West, 69.96 feet to a point; thence leaving said centerline North 30 Degrees 24 Minutes 50 Seconds East, 487.78 feet to a point; thence South 59 Degrees 35 Minutes 10 Seconds East, 300.00 feet to a point; thence South 30 Degrees 24 Minutes 50 Seconds West, 460.91 feet to **THE POINT OF BEGINNING** and containing 3.29 acres (gross) and 3.05 acres (net).