

MAR 2015-3

Date Received January 5, 2015

Pre-Application Date 12/8/14

Filing Fee \$530

# GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

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

APPLICANT Thistle Holdings, LLC a Kentucky limited liability company 135 East Maxwell, Suite 302 Lexington, KY 40508

OWNER: Thistle Holdings, LLC a Kentucky limited liability company 135 East Maxwell, Suite 302 Lexington, KY 40508

ATTORNEY: Bruce Simpson, Stoll Keenon Ogden PLLC, 300 W. Vine St, Ste. 2100, Lexington, KY 40508, (859) 231-3000

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

308-310, 322 and 330 Newtown Pike, Lexington, KY 40508

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

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
I-1	Vacant/Industrial	B-1	Retail & Residential	3.78	4.72

## 4. SURROUNDING PROPERTY, ZONING & USE

Property	Use	Zoning
North	Vacant/Retail/Hospital	I-1/A-U
East	Industrial	I-1
South	Industrial/Retail/Vacant	I-1
West	Industrial/Retail/Vacant	I-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 40% 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 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 To: Bruce Simpson, Stoll Keenon Ogden PLLC, 300 W. Vine St, Ste. 2100, Lexington, KY 40508, (859) 231-3000 DATE 1/14/15  
 OWNER \_\_\_\_\_ DATE \_\_\_\_\_  
 LFUCG EMPLOYEE/OFFICER, if applicable \_\_\_\_\_ DATE \_\_\_\_\_



**STOLL**  
**KEENON**  
**OGDEN**  
P L L C

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

**T. BRUCE SIMPSON, JR.**  
DIRECT DIAL: (859) 231-3621  
DIRECT FAX: (859) 259-3521  
bruce.simpson@skofirm.com

January 5, 2015

Mr. Mike Owens, Chairperson  
Lexington-Fayette Urban County Planning Commission  
Phoenix Building  
101 E. Vine St., 7<sup>th</sup> Floor  
Lexington, KY 40507

**HAND DELIVERY**

Re: Application for Zone Map Amendment Requests for Property Located at 308-310, 312, 330 Newtown Pike from an I-1 (Light Industrial Zone) to a B-1 (Neighborhood Business Zone (Form Based)) Zone

Dear Chairperson Owens:

We represent Thistle Holdings, LLC in connection with the enclosed application for a zone map amendment request for property located at 308-310, 312, 330 Newtown Pike. The existing zoning for the subject property is I-1 (Light Industrial). The proposed zoning is B-1 (Neighborhood Business, "Form Based," 8-16(o)3.). For many years, the subject property has either been underutilized or not used at all. The property has deteriorated and is much in need of redevelopment. The proposal is to build a 16-story apartment building with a mixture of 202 studio, one and two bedroom units. On the ground floor of the proposed apartment building will be retail space devoted to neighborhood-oriented uses. There will also be a retail building developed along Fourth Street which will be designed in conformance with the recommendations outlined in the study recently completed concerning the proposed redevelopment of Fourth Street properties located between Broadway and Newtown Pike.

This is the first "form based" zoning request submitted pursuant to article 18-6(o)3. of the Lexington-Fayette Urban County Government's Zoning Ordinance. Thistle Holdings retained the services of local architect Graham Pohl and his firm Pohl Rosa Pohl to design the development. In compliance with the B-1 form-based zoning requirements, Graham Pohl has prepared an area character and context report, a copy of which is enclosed with his application. Mr. Pohl's report documents the architectural and urban design character of the area. Mr. Pohl's report demonstrates through the use of renderings, elevations and similar graphic materials how the proposed project will enhance and complement the character of the area. Finally, the Pohl report explains how the proposed development will be integrated with the surrounding neighborhoods by using positive design features.

The legal basis for this zone map amendment request is that it is in compliance with the 2013 Comprehensive Plan. In particular, this application is in agreement with the following Themes, Goals and Objectives of the 2013 Comprehensive Plan:

**1) THEME A - Growing Successful Neighborhoods**

Goal 1: Expand housing choices.

Objectives:

- a. Pursue incentives and regulatory approaches that encourage creativity and sustainability and housing development.
- b. Plan for housing that addresses the market needs for all of Lexington-Fayette County residents, including, but not limited to, mixed-use and housing near employment in commercial areas.
- d. Create and implement housing incentives that strengthen the opportunity for economic development, new business, and jobs, including but not limited to higher density and housing affordability.

Goal 2: Support infill and redevelopment throughout the Urban Services Area as a strategic component of growth.

Objectives:

- a. Identify areas of opportunity for infill, redevelopment, adaptive reuse that respect the area's context and design features whenever possible.

Goal 3: Provide well-designed neighborhoods and communities.

- a. Enable existing and new neighborhoods to flourish throughout through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expanded options for mixed-use and mixed-type housing throughout Lexington-Fayette County.
- b. Strive for positive and safe social interactions in neighborhoods, including but not limited to, neighborhoods that are connected for pedestrians and various modes of transportation.
- c. Minimize disruption of natural features when building new communities.

**2) THEME E - Maintaining a balance between planning for urban uses and safeguarding rural land.**

Goal 1: Uphold the urban services concept objectives.

Objectives:

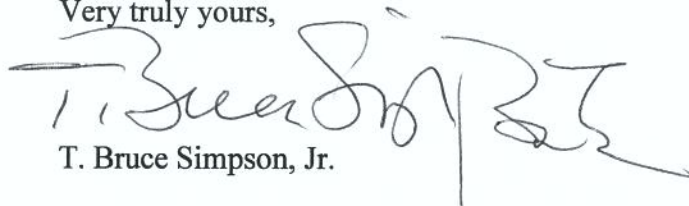
- a. Continue to monitor the absorption of vacant and underutilized land within the Urban Services Area.
- b. Encourage compact, contiguous, and/or mixed-use sustainable development within the Urban Services Area, as guided by market demand, to accommodate future growth needs.

This proposed mixed-use development will be located directly across from the campus of the Bluegrass Community Technical College and also within easy walking distance to the Jefferson Street corridor, which is fast becoming a popular restaurant and entertainment district. The site is also within easy commuting distance to many employers. The project will be designed so that there are important pedestrian linkages and access to bikeways, trails, and public transportation.

As you know, the 2013 Goals and Objectives placed added emphasis on infill development, adaptive reuse of existing buildings and redevelopment of underutilized properties. The 2013 Comprehensive Plan strives to provide flexibility and opportunity for Lexington to grow within the existing urban services boundary yet not be consigned to the rigidity of a parcel base land use map. This zone map amendment application is in perfect harmony with these important Goals and Objectives. Lastly, the last several Comprehensive Plans have recognized the importance of "growing up and not out." However, in addition to increasing density within the existing Urban Services Area, it is also important that good design be incorporated into such infill projects. Thistle Holdings' application is handsomely designed and provides increased residential density in the downtown area.

I look forward to presenting this application to the Planning Commission during its February meeting.

Very truly yours,

A handwritten signature in black ink, appearing to read "T. Bruce Simpson, Jr.", written over a horizontal line.

T. Bruce Simpson, Jr.

The following description is intended for zoning purposes only. The description represents information depicted on documents of record found in the Fayette County Clerk's office. This description does not represent a boundary survey and should not be used for real estate conveyance or transfer.

**Zone Change from I-1 to B-1  
For  
308, 322 & 330 Newtown Pike\*  
Lexington, Ky. 40508**

Beginning at a point at the centerline intersection of Newtown Pike (KY 922) and West Third Street:

Thence **South 42° 59' 28" East 98.22 Feet** with the centerline of said West Third Street to a point on the centerline of the L&N Railroad;

Thence **North 62° 11' 28" East 660.56 Feet** with said centerline;

Thence **North 27° 48' 32" West 22.50 Feet** leaving and perpendicular to said centerline;

Thence **North 46° 43' 26" West 64.54 Feet**;

Thence **North 48° 48' 39" East 137.194 Feet**;

Thence **North 48° 48' 39" East 23.35 Feet** to a point on the centerline of West Fourth Street;

Thence **North 41° 09' 12" West 156.16 Feet** with said centerline;

Thence **South 48° 50' 48" West 23.27 Feet** leaving and perpendicular to said centerline;

Thence **South 45° 53' 42" West 80.82 Feet**;

Thence **South 45° 51' 35" West 39.53 Feet**;

Thence **South 09° 27' 18" West 20.00 Feet**;

Thence along a curve to the left having a **Radius of 563.19 Feet**, arc length **146.86'**, a **Delta Angle of 14° 56' 26"** and a **Long Chord of North 88° 00' 55" West 146.44 Feet**;

Thence along a curve to the left having a **Radius of 690.99 Feet**, arc length **112.82'**, A **Delta Angle of 09° 21' 17"** and a **Long Chord of South 80° 23' 41" West 112.69 Feet**;

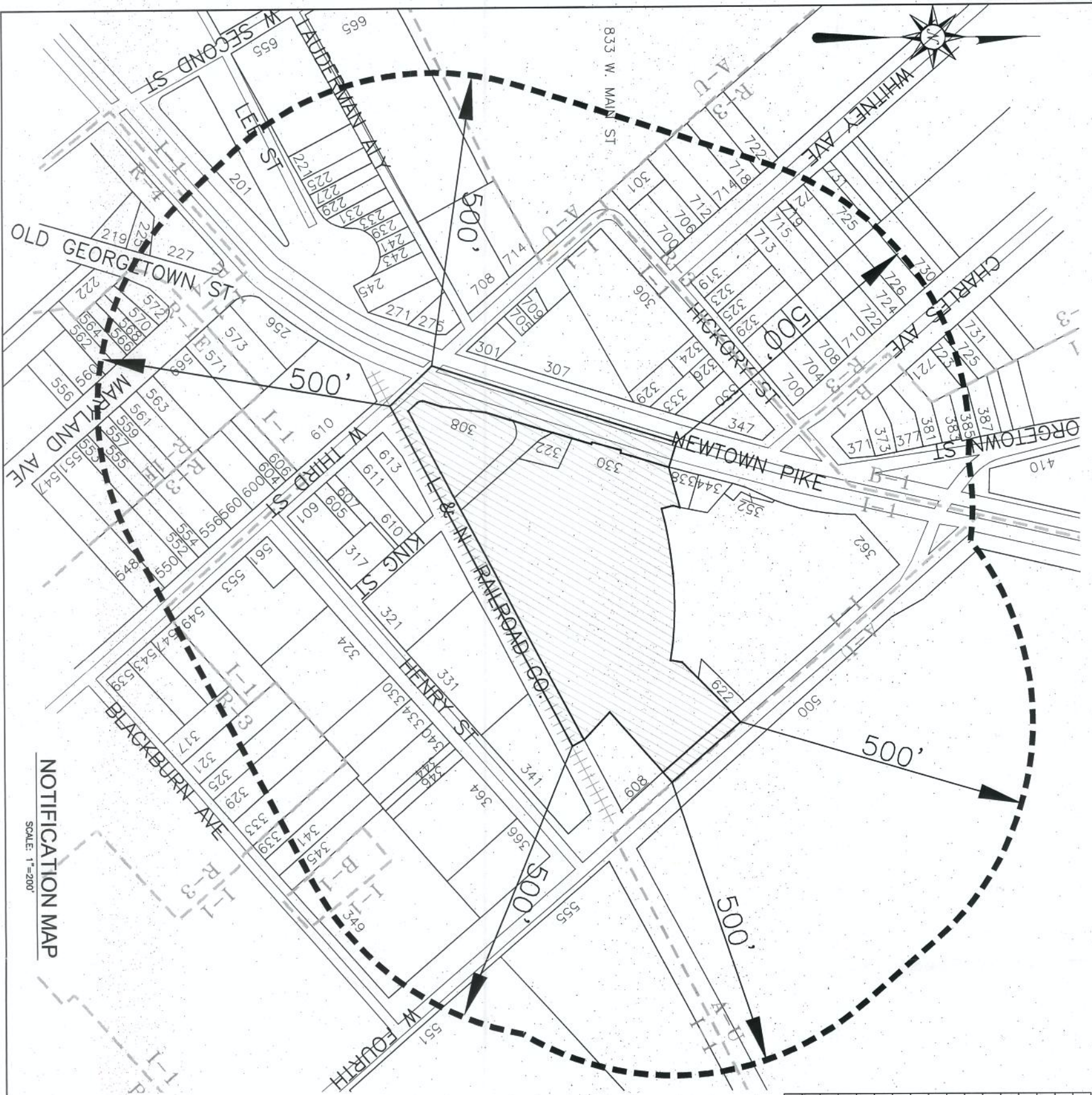
Thence **North 14° 17' 33" West 20.04 Feet**;

Thence **North 15° 23' 16" East 12.51 Feet**;

Thence **South 74° 58' 19" West 72.15 Feet**;

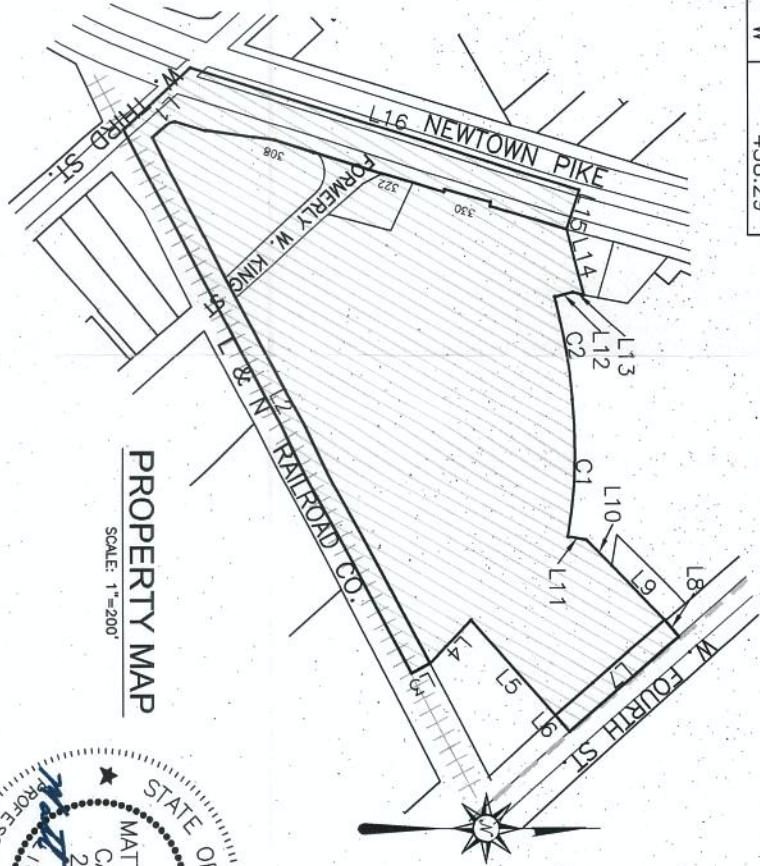
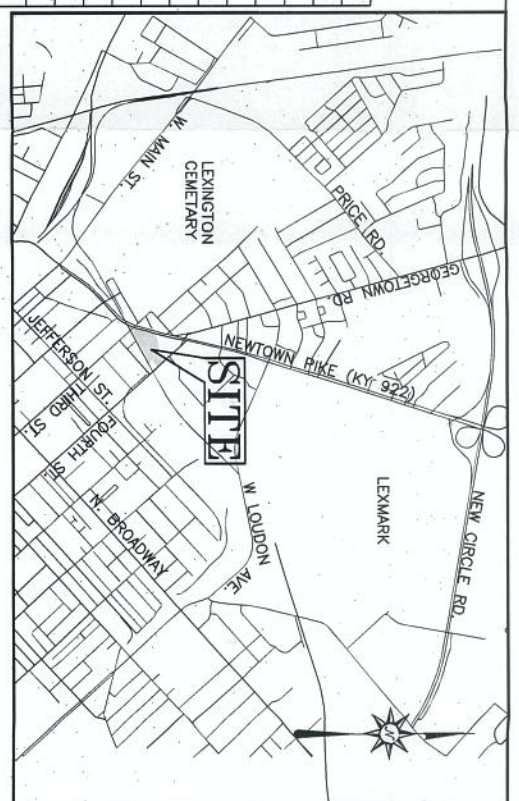
Thence **North 72° 20' 22" West 44.98 Feet** perpendicular to and to a point on the centerline of said Newtown Pike (KY 922);

Thence **South 17° 39' 38" West 438.29 Feet** with said centerline to the **Point of Beginning containing 4.72 Gross Acres and 3.78 Net Acres**.



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	563.19'	146.86'	146.44'	N 88°00'55" W	14°56'26"
C2	690.99'	112.82'	112.69'	S 80°23'41" W	09°21'17"

LINE	BEARING	DISTANCE
L1	S 42°59'28" E	98.22'
L2	N 62°11'28" E	660.56'
L3	N 27°48'32" W	22.50'
L4	N 46°43'26" W	64.54'
L5	N 48°48'39" E	137.19'
L6	N 48°48'39" E	23.35'
L7	N 41°09'12" W	156.16'
L8	S 48°50'48" W	23.27'
L9	S 45°53'42" W	80.82'
L10	S 45°51'35" W	39.53'
L11	S 09°27'18" W	20.00'
L12	N 14°17'33" W	20.04'
L13	N 15°23'16" E	12.51'
L14	S 74°58'19" W	72.15'
L15	N 72°20'22" W	44.98'
L16	S 17°39'38" W	438.29'



**NOTIFICATION MAP**

SCALE: 1"=200'

ZOMAR:	TITLE:	308-310, 322 and 330 NEWTOWN PIKE
PROPERTY ADDRESS:	FROM	TO GROSS NET
308-310, 322 and 330 NEWTOWN PIKE	I-1	B-1 4.72 3.78
APPLICANT NAME / ADDRESS:		
THISTLE HOLDINGS, LLC		
135 E. MAXWELL ST., STE 302		
LEXINGTON, KENTUCKY 40508		
OWNER: THISTLE HOLDINGS, LLC		
PREPARED BY: VISION ENGINEERING, LLC		
DATE FILED OR AMENDED: JANUARY 14, 2015	TOTAL	4.72 3.78