

AN ORDINANCE CHANGING THE ZONE FROM AN AGRICULTURAL URBAN (A-U) ZONE TO A PROFESSIONAL OFFICE (P-1) ZONE, FOR 1.5 NET (2.12 GROSS) ACRES, FOR PROPERTY LOCATED AT 3280 CLAYS MILL ROAD. (G. DAVIS, CCM; COUNCIL DISTRICT 9).

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WHEREAS, at a Public Hearing held on January 26, 2017, a petition for a zoning ordinance map amendment for property located at 3280 Clays Mill Road from an Agricultural-Urban (A-U) zone to a Professional Office (P-1) zone, for 1.5 net (2.12 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change by a vote of 9-0; and

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

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

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

Section 1 - That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for property located at 3280 Clays Mill Road from an Agricultural-Urban (A-U) zone to a Professional Office (P-1) zone, for 1.5 net (2.12 gross) acres, being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

Section 3 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: March 2, 2017

ATTEST

  
CLERK OF URBAN COUNTY COUNCIL

Published: March 9, 2017-1t

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MAYOR





**LEGAL DESCRIPTION**

**Kathleen Huffman Property  
Zone Change from A-U to P-1  
3208 Clays Mill Road  
Lexington, Fayette County, Kentucky**

**AREA TO BE RECLASSIFIED "P-1" (PROFESSIONAL OFFICE DISTRICT)**

Situate in Lexington, Fayette County, Kentucky and being more particularly described as follows:

Beginning at the centerline intersection of Clays Mill Road and Vincent Way;

Thence along the centerline of Clays Mill Road, North 24° 54' 00" East, 290.63 feet to a point;

Thence leaving said centerline, South 64° 50' 00" East, 317.76 feet to a point, said point being the northeast corner of the lands conveyed to Kathleen Huffman in Deed Book 957, Page 598 of the Fayette County Clerk's Office;

Thence along the east line of said Huffman parcel of land, South 24° 54' 00" East, 290.27 feet to a point in the centerline of Vincent Way;

Thence with the centerline line of said Vincent Way, North 64° 53' 54" West, 317.76 feet to the Point of Beginning;

Containing a gross area of 2.12 acres of land, and a net area of 1.50 acres of land.

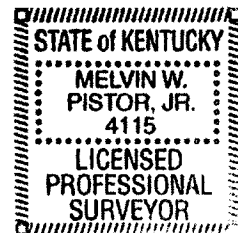
Subject to all legal highways, easements and restrictions of record.

The above description was prepared from a Property Information Map prepared by McGill Smith Punshon, Inc. dated October 28, 2016.

I hereby certify that the above description is a complete, proper and legal description of the property to be re-classified herein. The above description is based on existing deeds and plats of record and is not based on an actual field survey. Said description is to be used for the purpose of re-classification only, and is not to be used for the transfer of property.

A handwritten signature in black ink, appearing to read 'Melvin W. Pistor, Jr.', is written over a horizontal line.

Melvin W. Pistor, Jr. P. S. #4115



Engineers ■ Architects ■ Surveyors ■ Planners ■ Landscape Architects  
3700 Park 42 Drive ■ Suite 190B  
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## MAP AMENDMENT REQUEST (MAR) APPLICATION

### 1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)

**Applicant:**

G. Davis CCM, 5733 West Fork Rd, Cincinnati, OH 45247

**Owner(s):**

KATHLEEN HUFFMAN, 3280 CLAYS MILL RD, LEXINGTON, KY 40503

**Attorney:**

Bruce Simpson, 300 West Vine St Suite 2100, Lexington, KY 40507

### 2. ADDRESS OF APPLICANT'S PROPERTY

3280 CLAYS MILL RD LEXINGTON KY

### 3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY

Zoning	Existing Use	Zoning	Requested Use	Acreage	
				Net	Gross
A-U	Agricultural Urban	P-1	Childcare Facility	1.50	2.12

### 4. EXISTING CONDITIONS

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input checked="" type="checkbox"/> YES <input 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

### 5. URBAN SERVICES STATUS (Indicate whether existing, or how to be provided)

Roads:	LFUCG
Storm Sewers:	LFUCG
Sanity Sewers:	LFUCG
Refuse Collection:	LFUCG
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





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

October 31, 2016

Mr. William Wilson, Chairperson  
Lexington Fayette Urban County Planning Commission  
200 East Main Street  
Lexington, Kentucky 40507

Re: Zone Map Amendment Request for 3280 Clays Mill Rd.

Dear Chairperson Wilson,

I represent Greg Davis in connection with his application to rezone property located at 3280 Clays Mill Rd. from (AU) Agricultural Urban to (P-1) Professional Office for the purpose of constructing and operating a child care center. The subject property is a remnant parcel of real estate that was not developed at the time the contiguous properties to the north and east were developed in the late 1990's. The property is located at the corner of Clays Mill Road and Vincent Way. Ingress and egress to the proposed childcare center will be from Vincent Way.

The property is bordered to the north by residential units, to the east by a large detention basin and then additional residential units, to the south by professional offices and to the west by residential units and the Jessie Clark Middle School. The site is well suited for a child care center due to its location near many existing homes and along a major traffic corridor which the residents living in the south end of Lexington use to travel to and from work.



The applicant intends to construct and operate a franchise of All About Kids A Green Childcare & Learning Center (“All About Kids”), a state-of-the-art child care facility. Every All About Kids facility is constructed with the environment in mind. Every new facility is a Green learning center built by certified green building contractors.

The “All About Kids” staff emphasizes the importance of the “green building” philosophy and environmental stewardship. This new facility will be designed to capture rain water and store it on site in water tanks. This water will then be used to water the landscaping and the gardens which will be planted. The teaching curriculum will have a dedicated focus on environmental protection.

This application is in conformity with the following provisions of the 2013 Comprehensive Plan:

**1. Theme A, Growing Successful Neighborhoods, 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 development and adaptive reuse that respect the area’s context and design features whenever possible.

**2. Theme B, Protecting the Environment, Goal 3: Support the funding, planning and management of a green infrastructure program.**

Objectives

b. Incorporate green infrastructure principles in new plans and policies, including but not limited to, land use and transportation.

**3. Theme E, Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land, Goal 1, Uphold the Urban Services Area Concept.**

Objectives

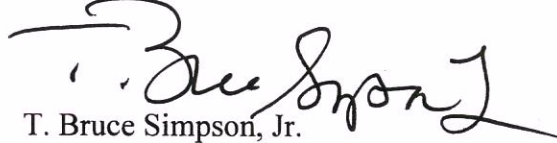
b. Encourage compact, contiguous, and/or mixed use sustainable development within the Urban Services Area as guided by market demand to accommodate future growth needs.

Mr. William Wilson, Chairperson  
October 31, 2016  
Page 3

The proposed "green" child care facility is consistent with the above-stated Themes, Goals and Objectives of the 2013 Comprehensive Plan. This is a suburban infill property which is well suited for the proposed child care facility use. Its proximity to the nearby Wellington and Stonewall neighborhoods will be of significant convenience to parents in need of child care services. Child care centers are generally located next to residential neighborhoods. The design of the proposed childcare center will also be compatible with the existing neighborhood. Finally, the construction of the child care center consistent with green building principles and its program focus on environmental stewardship are also consistent with the above-referenced provisions of the 2013 Comprehensive Plan.

I look forward to presenting this application for your consideration during the December meeting of the Planning Commission.

Very truly yours,

A handwritten signature in black ink, appearing to read "T. Bruce Simpson, Jr.", written in a cursive style.

T. Bruce Simpson, Jr.

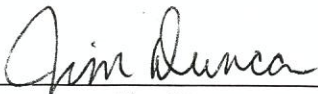
**RECOMMENDATION OF THE**  
**URBAN COUNTY PLANNING COMMISSION**  
**OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY**

**IN RE:** **PLN-MAR-16-00021: G DAVIS, CCM** – a petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Professional Office (P-1) zone, for 1.5 net (2.12 gross) acres, for property located at 3280 Clays Mill Road. (Council District 9)

Having considered the above matter on **January 26, 2017**, at a Public Hearing, and having voted **9-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL** of this matter for the following reasons:

1. The Professional Office (P-1) zone is in agreement with the 2013 Comprehensive Plan, as follows:
  - a. The Goals and Objectives encourage infill development throughout the Urban Service Area as a strategic component of growth for our community (Theme A, Goal #2). The petitioner proposes to utilize the subject property for land use that is compatible with both residential neighborhoods and professional office uses along and near the Clays Mill Road corridor.
  - b. The Goals and Objectives recommend supporting green infrastructure (Theme B, Goal #3). The new childcare center will be constructed utilizing “certified green building contractors” in a manner to support a learning environment that focuses on protection of the physical environment. Also, the site will capture rain water and re-use it to irrigate the on-site landscaping and gardens.
  - c. By utilizing land inside of the Urban Service Area for this urban development, the proposed rezoning and development will meet Theme E, Goal #1 to uphold the Urban Service Area concept.
2. P-1 zoning is compatible with the development along Clays Mill Road, and is consistent with the existing P-1 zone to the south of the subject property.
3. This recommendation is made subject to approval and certification of **PLN-MJDP-16-00046: All About Kids Childcare & Learning Center**, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission’s approval.

ATTEST: This 10<sup>th</sup> day of February, 2017.

  
 \_\_\_\_\_  
 Secretary, Jim Duncan

**WILLIAM WILSON**  
 CHAIR

**Note:** The corollary development plan, **PLN-MJDP-16-00046: ALL ABOUT KIDS CHILDCARE & LEARNING CENTER** was approved by the Planning Commission on January 26, 2017 and certified on February 8, 2017.

K.R.S. 100.211(7) requires that the Council take action on this request by April 26, 2017.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Bruce Simpson, Attorney.**



**OBJECTORS**

- None

**OBJECTIONS**

- None

**VOTES WERE AS FOLLOWS:**

AYES: (9) Berkley, Cravens, Drake, Mundy, Owens, Plumlee, Richardson, Smith, and Wilson

NAYS: (0)

ABSENT: (2) Brewer, and Penn

ABSTAINED: (0)

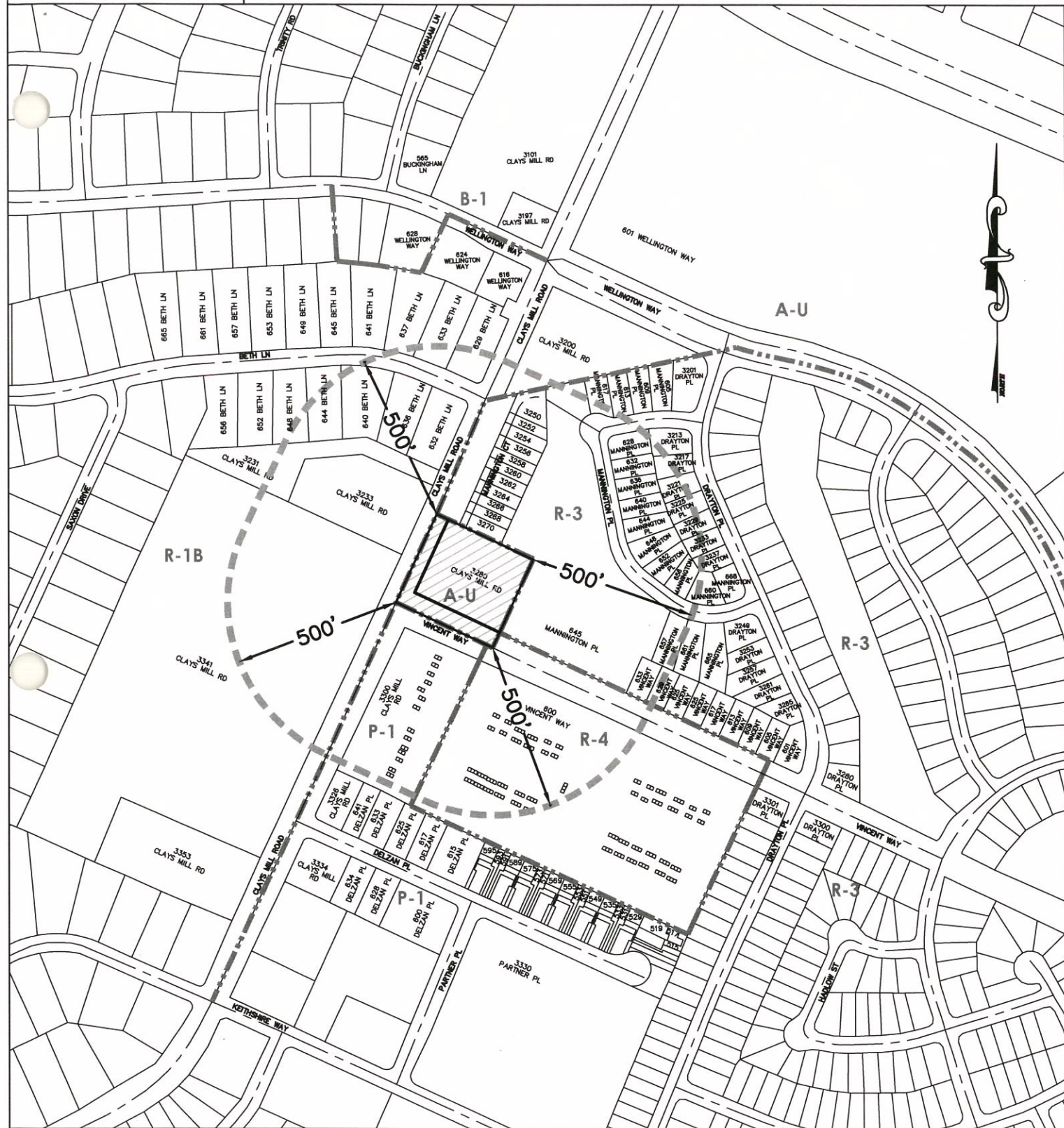
DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR 16-00021** carried.

Enclosures: Application  
Plat  
Staff Report  
Applicable excerpts of minutes of above meeting



**Notification Map**

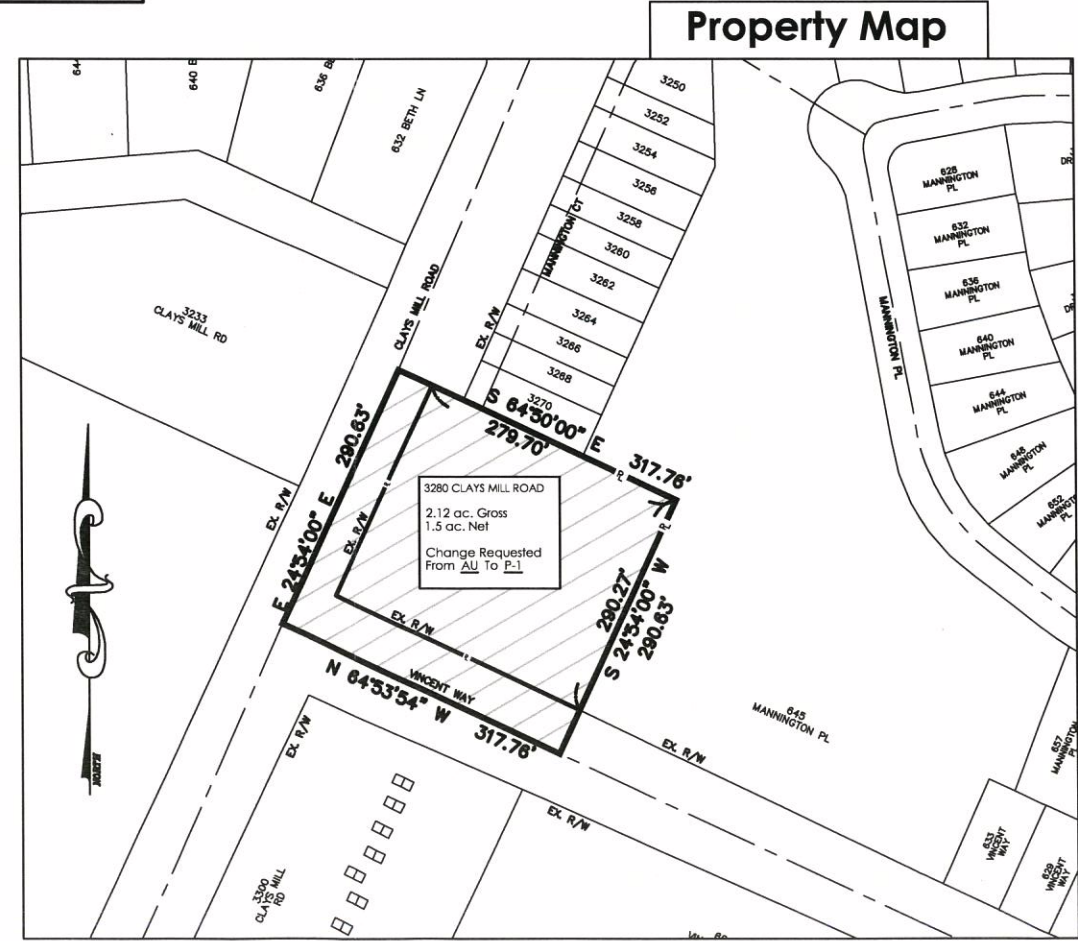


Property Map 1"=200'  
 Notification Map 1"=400'  
 Vicinity Map - NTS

**ZOMAR**  
**ALL ABOUT KIDS**  
**DAYCARE FACILITY**  
 ADDRESS: 3280 CLAYS MILL ROAD  
 APPLICANT:  
 GDAVIS CCM, LLC.  
 5733 WEST FORK ROAD  
 CINCINNATI, OHIO 45247  
 OWNER:  
 KATHLEEN HUFFMAN  
 3280 CLAYS MILL ROAD  
 LEXINGTON, KY 40503-3403  
 PREPARED BY: McGill Smith Punshon, Inc.  
 DATE FILED: November 15, 2016  
 ZONE CHANGE REQUEST:  
 FROM: (AU) Agricultural Urban  
 TO: (P-1) ZONE PROFESSIONAL OFFICE  
 1.50 ACRES NET & 2.12 ACRES GROSS



**Vicinity Map**



**Property Map**



3. **G. DAVIS, CCM ZONING MAP AMENDMENT & ALL ABOUT KIDS CHILDCARE & LEARNING CENTER ZONING DEVELOPEMT PLAN**

- a. PLN-MAR-16-00021: G DAVIS, CCM (1/29/17)\* – petition for a zone map amendment from an Agricultural Urban (A-U) zone to a Professional Office (P-1) zone, for 1.5 net (2.12 gross) acres, for property located at 3280 Clays Mill Road.

**COMPREHENSIVE PLAN AND PROPOSED USE**

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The 2013 Plan's Goals and Objectives emphasize the importance of supporting infill and redevelopment (Theme A, Goal #2), supporting green infrastructure (Theme B, Goal #3), and upholding the Urban Service Area concept (Theme E, Goal #1).

The petitioner proposes to develop a childcare center and associated off-street parking to serve approximately 200 children.

**The Zoning Committee Recommended: Approval.**

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

1. The requested Professional Office (P-1) zone is in agreement with the 2013 Comprehensive Plan, as follows:
    - a. The Goals and Objectives encourage infill development throughout the Urban Service Area as a strategic component of growth for our community (Theme A, Goal #2). The petitioner proposes to utilize the subject property for land use that is compatible with both residential neighborhoods and professional office uses along and near the Clays Mill Road corridor.
    - b. The Goals and Objectives recommend supporting green infrastructure (Theme B, Goal #3). The new childcare center will be constructed utilizing "certified green building contractors" in a manner to support a learning environment that focuses on protection of the physical environment. Also, the site will capture rain water and re-use it to irrigate the on-site landscaping and gardens.
    - c. By utilizing land inside of the Urban Service Area for this urban development, the proposed rezoning and development will meet Theme E, Goal #1 to uphold the Urban Service Area concept.
  2. P-1 zoning is compatible with the development along Clays Mill Road, and is consistent with the existing P-1 zone to the south of the subject property.
  3. This recommendation is made subject to approval and certification of PLN-MJDP-16-00046: All About Kids Childcare & Learning Center, 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. PLN-MJDP-16-00046: ALL ABOUT KIDS CHILDCARE & LEARNING CENTER (1/29/17)\* - located at 3280 Clays Mill Road.  
**(McGill, Smith & Punshon, Inc.)**

**The Subdivision Committee Recommended: Approval**, subject to the following conditions:

1. Provided the Urban County Council rezones the property P-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. .Addition of adjacent property record plan or property owner's name (s).
6. .Addition of proposed and existing easements.
7. Document compliance with Art. 21-7(b)(3) of the Zoning Ordinance prior to plan certification.
8. Resolve parallel parking (vs. angled) proposed in the island area near building entrance.
9. Resolve the need to extend the sidewalk along the Vincent Way frontage.

**Staff Zoning Presentation** – Ms. Wade presented and summarized the staff report and recommendations for this zone change. She said the applicant would like to build a childcare center, which would serve approximately 200 children. She said that the applicant contends that this zone change is in agreement with the 2013 Comprehensive Plan. She also said the building will appear residential in nature, and will support the concept of green infrastructure. The staff recommends approval of the zone change.

**Development Plan Presentation** – Mr. Martin presented the staff report on the corollary zoning development plan, and a rendering of that plan. He said that the petitioner is proposing a 100' by 100' building on the property with associated parking. He said that the main vehicular access to the childcare center would be off of Vincent Way. He said that there was some staff concern with the layout of the parking/drop-off area.

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\* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Petitioner Presentation – Bruce Simpson, attorney, was present representing the petitioner. He said the applicant is in agreement with the staff's recommendations.

Citizen Comment – There were no citizens present to speak to this application.

Zoning Action – A motion was made by Ms. Mundy, seconded by Ms. Plumlee, and carried 9-0 (Brewer and Penn absent) to approve PLN-MAR-16-00021: G DAVIS, CCM, for the reasons provided by the staff.

Development Plan Action – A motion was made by Ms. Mundy, seconded by Ms. Plumlee, carried 9-0 (Brewer and Penn absent) to approve PLN-MJDP-16-00046: ALL ABOUT KIDS CHILDCARE & LEARNING CENTER, for the reasons provided by the staff.