

GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

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

APPLICANT: MILK & HONEY DAYCARE / PRESCHOOL 2700 OLD TODDS RD., LEXINGTON, KY. 40509
 OWNER: COVENANT CHURCH, INC. 2700 OLD TODDS ROAD, LEXINGTON, KY. 40509

ATTORNEY: JOHN N. BILLINGS, 111 CHURCH ST., SUITE #200, LEXINGTON, KY 40507

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

2700 OLD TODDS ROAD, LEXINGTON, KY.

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

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
A-U	CHURCH/DAYCARE	R-3	DAYCARE/PRESCHOOL	5.48 AC.	5.84 AC.
R-3	CHURCH/DAYCARE	R-3	DAYCARE/PRESCHOOL	0.10 AC.	0.12 AC.

4. SURROUNDING PROPERTY, ZONING & USE

Property	Use	Zoning
North	RESIDENTIAL	R-1T
East	RESIDENTIAL	R-3
South	RESIDENTIAL	R-3 & R-1T
West	RESIDENTIAL	R-4

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 type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input checked="" 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 1/28/2014.

APPLICANT Opquin E Pittard DATE 2/2/14

OWNER _____ DATE _____

LFUCG EMPLOYEE/OFFICER, if applicable _____ DATE _____

7. JUSTIFICATION FOR REZONING FROM A-U to R-3 AND FOR CONDITIONAL USE PERMIT.

A. Overview

The Applicant, Milk and Honey Day Care, Inc., seeks a zone change for the property located at 2700 Todds Road, Lexington, Fayette County, Kentucky 40509 (the "Property"), from A-U to R-3, and for approval of a conditional use of a Child Care Center, as defined in the LFUCG Zoning Ordinance,¹ on the Property.

Currently, the Property is zoned A-U, and the current principal use is as a Church, and the Applicant currently operates a Child Care Center on the Property as an accessory, conditional use as well. Applicant is in the process of purchasing the Property from the current owner, and to changing the principal use, to utilization as a Child Care Center.

The Property is approximately 6 acres, and a tiny, triangle-shape sliver on the eastern edge of the Property is already zoned R-3. *See* attached Property map.

As set forth herein, this zone change will bring the zoning classification to be consistent with a portion of the Property (already zoned R-3), with surrounding land uses, and with 2013 Comprehensive Plan. Further, the conditional use sought is consistent with the current use of the property. The request for rezoning and conditional use is sought for the following reasons:

1. The Property and its features are better suited for R-3 zoning, as opposed to its current A-U zoning;
2. The rezoning will bring the Property into compliance with the 2013 Comprehensive Plan and 2007 Comprehensive Plan Land Use Map recommendations;
3. The Rezoning and Conditional Use will satisfy the 2013 Comprehensive Plan Goals and Objectives;
4. The Rezoning is consistent with the existing zoning for adjacent land use; and
5. The Conditional Use is consistent with the current accessory, conditional use of the Property.

B. The Property its features and parking.

The Property consists of 5.96 gross acres. Of this, the zone change is sought on 5.84 gross acres. The western sliver that is already zoned R-3 is .12 acres.

It does not have any features that would speak against rezoning. For example:

¹ A "Child Care Center" is "Any facility which provides full or part-time care, other than family child care, day or night, to children who are not the children, grandchildren, nieces, nephews, or children in legal custody of the operator, as regulated by the Commonwealth of Kentucky." *See* LFUCG Zoning Ordinance, Article 1, General Provisions and Definitions.

- It does not have any existing cemeteries;
- It does not have any existing lakes or ponds;
- It does not have any existing stone fences;
- It is not adjacent to an LFUCG park or green space;
- It is not adjacent to a school or school property;
- There are no hazardous material stored on site;
- There is no stream channelization being proposed;
- There are no significant areas for any cut or refill needed;
- There is no grading plan needed;
- There is no impact on any greenways;
- There are no proposed restaurants;
- There are no easements existing which would preclude the requested zone change; and
- There are no sinkholes.

Further, the Property has currently 81 designated parking spaces. It is only required to have three spaces for the first 12 children, plus one parking space for every additional ten children. Thus, the Applicant could have approximately 782 children in its day care center under the existing parking, the building and site would not support that large of a number of children. [The Day Care is currently approved for 150 children maximum, which would thus require a minimum parking of 18 spaces. The Day Care's goal is to have 120 children.] Thus, the current parking meets or exceeds the required parking for a Child Care Center.

C. Goals and Objectives of the 2013 Comprehensive Plan.

The Preamble to the 2013 Comprehensive Plan provides:

To ensure that the urban growth boundary policies and other long range planning issues address the expected needs for new urban development and contribute to the prosperity of Lexington Fayette County, these goals and objectives have been drafted based upon the determined community needs of today with confidence that they will continue to be reviewed and revised as necessary.

Goal 2, of Theme A, Growing Successful Neighborhoods, states:

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

To achieve this Goal 2, Objective 2(a) states:

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

Goal 1 of Theme C, Creating Jobs and Prosperity, states:

Goal 1: Support and showcase local assets to further the creation of a variety of jobs.

Objectives 1(a) and (d) state:

- a. Strengthen efforts to develop a variety of job opportunities that lead to prosperity for all.
- d. Foster the success and growth of large employment sectors; protect and provide readily available economic development land to meet the needs for jobs; and enable infill and redevelopment that creates jobs where people live.

Similarly, Goal 2 of Theme C, Creating Jobs and Prosperity, similarly recommends enhancing “our ability to recruit and retain a talented, creative workforce by establishing opportunities that embrace diversity with inclusion in our community.” To do this, Lexington must have affordable day care located close to residential areas, and/or along arterial traffic lines between residential areas and where the “jobs” are located.

Goal 1 of Theme E, Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land, emphasizes the continued importance of development inside of the Urban Service Area (USA). Its objectives are to:

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

Identified strategies include allowing for “increased density and affordable housing in appropriate locations;” and “mixed use or higher density to achieve critical mass of residential to attract business for daily needs.” *See* 2013 Comprehensive Plan, p. 100-101 “Strategies.”

With respect to mid-sized parcels (5 to 10 acres), the 2013 Comprehensive Plan suggests:

Mid-size development or redevelopment on parcels of 5 to 10 acres are opportunities for mixed-use development and may create a new character in an area, however, if these developments are surrounded by an established neighborhood, it is important for the project to relate to the existing context and character. This type of development should include varied housing choices, connect to the existing neighborhood and contain both private and common open space. Housing types may include multifamily residential, small-lot residential, duplex or other small-attached housing types,

townhouses and condominiums. This type of development is an opportunity to for small, mixed-use development, either horizontal or vertical in design. Existing residential or commercial buildings that contribute to the character of the area should be considered as an opportunity for adaptive reuse and be incorporated into the overall design of the development.

Further, to promote infill, the 2013 Comprehensive Plan recommends “Improv[ing] regulations to enhance infill opportunities.” *See* 2013 Comprehensive Plan, p. 103 “Recommendations.”

While the Property is currently zoned A-U, it not has been used for agriculture, or related, uses in many, many years, and, instead, has been largely used as a church.

Thus, absorbing vacant and underutilized land within the Urban Services Areas is consistent with the 2013 Comprehensive Plan.

D. Adjacent Land Use

1. Part of the Property is already zoned R-3.

Previously, a portion of the eastern edge of Property was parceled off and developed into townhomes on Pinewood Court. As part of that development process, the parceled-off property was rezoned R-3. During that process, a small triangle-shaped section of the Property was also rezoned R-3. The attached Property Map shows this area. Thus, part of the Property is already zoned R-3. Thus, the zone change is consistent with zoning on this portion of the Property.

2. Adjacent properties to the East are zoned R-3.

As noted above, the properties to the immediate east of the Property are already zoned R-3. Thus, the zone change is consistent with zoning on the properties located to the esat of the Property.

3. Adjacent properties to the South are zoned R-1T.

Similar to the properties to the north, the properties to the south (Bonanza Drive, Reno Court) also consist of single family townhomes. This area is zoned R-1T.

4. Adjacent properties to the North are zoned R-1T.

The Property is bounded on the North by Todds Road. Directly across Todds Road is a detached single family residential development (Chelsea Woods, Bent Bough Place). Like the properties to the South, this area is zoned R-1T.

5. Adjacent properties to the West are zoned R-4.

To the west lies a .8 acre tract that is zoned R-4, for high density apartments. Additionally, the 2007 Comprehensive Plan Land Use Map (which the 2013 Comprehensive Plan did not include), noted that the property to the west was recommended for high density residential.

Thus, the Property is bounded by 3 different zoning classifications, one of which (East) is the same as the requested change, one of which (West) is even more density-permissive than the R-3 sought, and two of which (South and North) are consistent with the zone change sought now. Further, a part of the Property is already zoned R-3.

E. The Proposal

As noted, the zone change request seeks to rezone the property from A-U to R-3, and for a conditional use of a Child Care Center on the Property.

1. R-3 zoning promotes better utilization.

The Property, being nearly 6 acres, is currently underutilized. By rezoning the Property, it prepares it, or a portion of it, for potential development, which satisfies multiple of the Themes from the 2013 Comprehensive Plan. It is one of four parcels currently zoned A-U within the area bounded by Man O' War, Liberty/Todds Road Extended, Richmond Road and New Circle. [The others being located on Liberty Road or at the intersection of Liberty and Todds Road Extended.]

2. R-3 zoning promotes infill.

Further, the rezoning promotes infill opportunities. The A-U zone severely limits the use of the Property, and by rezoning the Property to R-3, it will promote infill opportunities on it.

3. R-3 zoning promotes other Goals and Objectives.

Further, the continued use of the Property as a Child Care Center promotes other Goals and Objectives of the 2013 Comprehensive Plan, including:

- Providing affordable child care for nearby residential developments and neighborhoods;
- centrally located to four major arterial roadways (Richmond Road, Liberty Road/Todds Road Extended, Man O' War Boulevard and New Circle Road);
- being a very short distance from Hamburg and I-75; and
- Continuing to provide job opportunities adjacent to, or near, multiple residential developments and neighborhoods.

E. Conclusion

Accordingly, we request rezoning of the Property from A-U to R-3, and for a conditional use for the following reasons:

1. The Property and its features are better suited for R-3 zoning, as opposed to its current A-U zoning;
2. The rezoning will bring the Property into compliance with the 2013 Comprehensive Plan and 2007 Comprehensive Plan Land Use Map recommendations;
3. The Rezoning and Conditional Use will satisfy the 2013 Comprehensive Plan Goals and Objectives;
4. The Rezoning is consistent with the existing zoning for adjacent land use; and
5. The Conditional Use is consistent with the current accessory, conditional use of the Property.

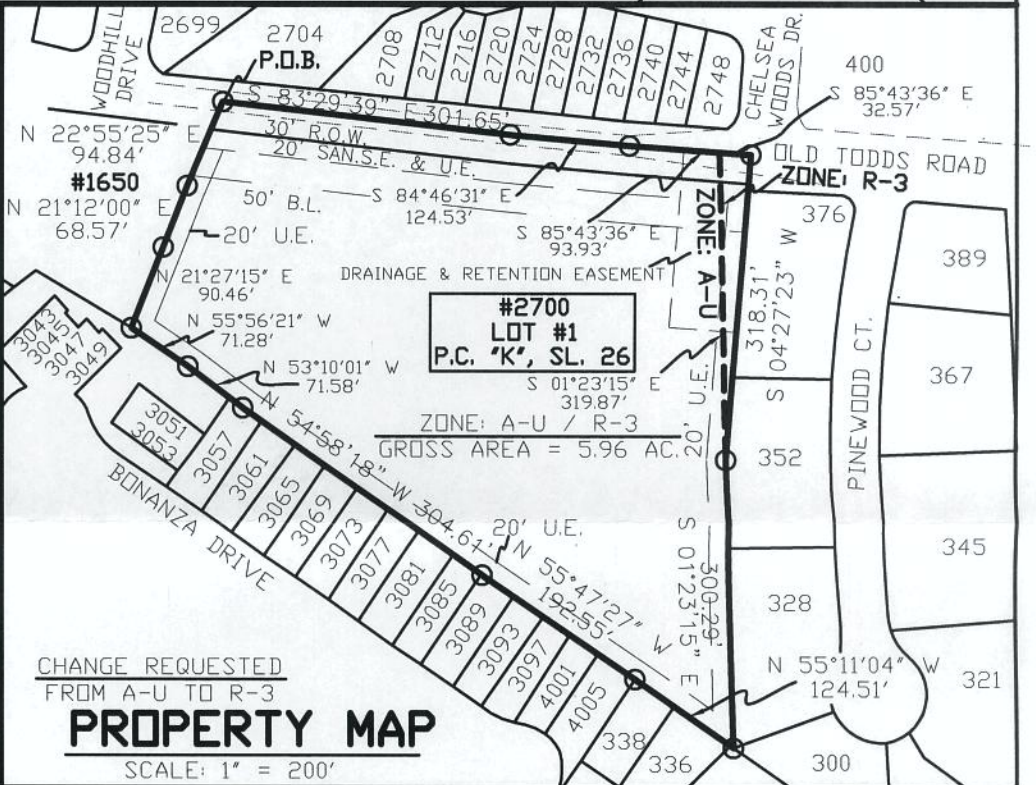
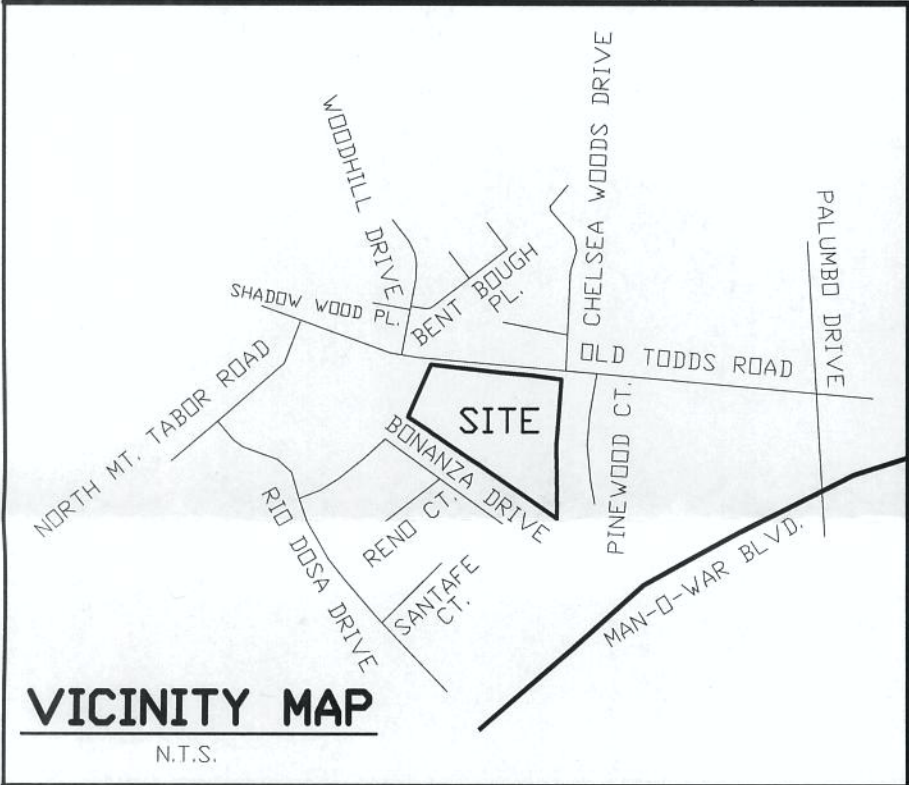
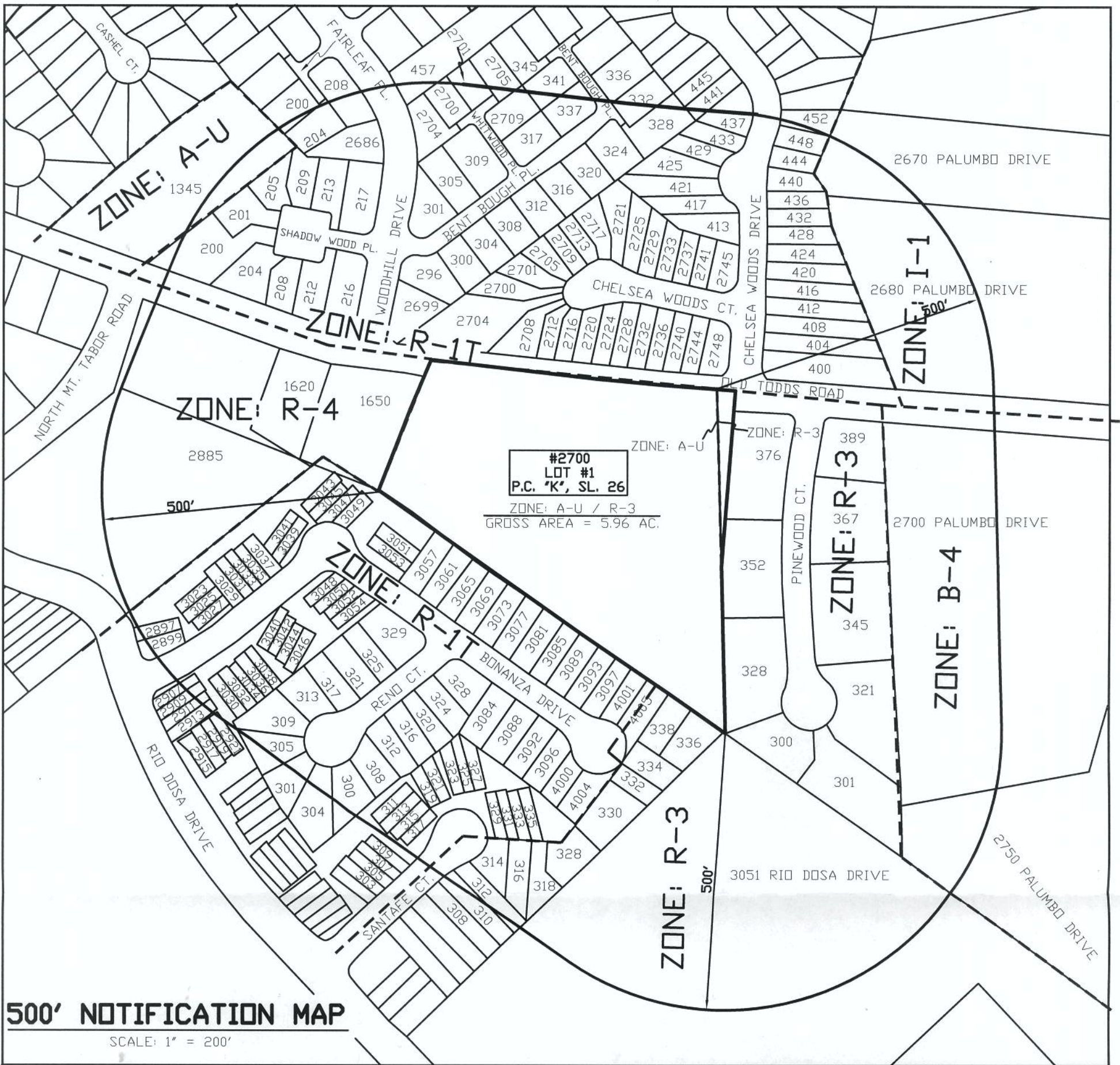
**Zone Change Description
For
Covenant Church, Inc. Property**

2700 Old Todds Road
(D.B. 1314, Pg. 669)
P.C. "K", Sl. #26)

All Bearings are based on Plat Cabinet "K", Slide #26.

Beginning at a point in the center of Old Todds Road at the intersection of the west property line of Lot #1 (Plat Cabinet "K", Slide #26) Point Of Beginning; thence with the center of Old Todds Road for the next three calls S 83°29'39" E a distance of 301.65' to a point in the center of said road; thence S 84°46'31" E a distance of 124.53' to a point in the center of said road; thence S 85°43'36" E a distance of 93.93' to a point in the center of said road at the intersection of the R-3 zone line; thence leaving said road and with the R-3 zone line S 01°23'15" E a distance of 319.87' to a point in the east property line of Lot #1 (Plat Cabinet "K", Slide #26); thence with the lot line of Lot #1 & Lot #2 (Plat Cabinet "K", Slide #26) S 01°23'15" E a distance of 300.29' to a point in the south lot line of Lot #1 (Plat Cabinet "K", Slide #26);

thence with the south lot line of said lot for the next five calls N 55°11'04" W a distance of 124.51' to a point; thence N 55°47'27" W a distance of 192.55' to a point; thence N 54°58'18" W a distance of 304.61' to a point; thence N 53°10'01" W a distance of 71.58' to a point; thence N 55°56'21" W a distance of 71.28' to a point in the *WEST* property line of Lot #1 (Plat Cabinet "K", Slide #26); thence with the *WEST* property line of said lot for the next three calls N 21°27'15" E a distance of 90.46' to a point; thence N 21°12'00" E a distance of 68.57' to a point; thence N 22°55'25" E a distance of 94.84' to a point; which is the point of beginning, having an area of 5.84 acres (gross) and 5.48 acres (net). See attached plat. Lot #1 on Property Map.



CHANGE REQUESTED FROM A-U TO R-3	ZONE: A-U GROSS AREA = 5.84 AC. R.O.W. AREA = 0.36 AC. NET AREA = 5.48 AC.	ZONE: R-3 GROSS AREA = 0.12 AC. R.O.W. AREA = 0.02 AC. NET AREA = 0.10 AC.	
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OWNER: COVENANT CHURCH, INC.
PROPERTY
 2700 OLD TODDS ROAD
 LEXINGTON, FAYETTE COUNTY KENTUCKY

APPLICANT: MILK & HONEY
DAYCARE / PRESCHOOL
 2700 OLD TODDS ROAD
 LEXINGTON, FAYETTE COUNTY KENTUCKY

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