

MAR 2012-12

Date Received 7/2/12

Pre-Application Date 5/25/12

Filing Fee \$ 510⁰⁰

GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

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

APPLICANT: Greer Land Co.-SMYRNA #2, LLC, 3620 Walden Dr., #200, Lexington, KY 40517
OWNER: Frank Allen Atkins & Clara Atkins, 3939 Tates Creek Rd., Lexington, KY 40517
ATTORNEY: T. Bruce Simpson, Jr./Stoll Keenon Ogden, LLC, 300 W. Vine St., #2100, Lexington, KY 40517

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

3939 Tates Creek Rd.

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

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
A-II	Vacant	R-1	Commercial	2.79	5.05

4. SURROUNDING PROPERTY, ZONING & USE

Property	Use	Zoning
North	Residential (duplex)	R-2
East	Residential (high-density apartments)	R-4
South	Professional office and retail	P-1 & B-6P
West	Windstream Co. & truck/vehicular parking	A-U & R-2

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 type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input checked="" type="checkbox"/> Developer	<input type="checkbox"/> Other
Storm Sewers	<input type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input checked="" type="checkbox"/> Developer	<input type="checkbox"/> Other
Sanitary Sewers	<input type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input checked="" type="checkbox"/> Developer	<input type="checkbox"/> Other
Curb/Gutter/Sidewalks	<input type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input checked="" type="checkbox"/> Developer	<input type="checkbox"/> Other
Refuse Collection	<input 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... <input checked="" type="checkbox"/> in agreement with the Comp. Plan <input checked="" type="checkbox"/> more appropriate than the existing zoning <input type="checkbox"/> 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 <input type="checkbox"/> OWNER or <input checked="" type="checkbox"/> HOLDER of an agreement to purchase this property since <u>5/12/12</u> .	
APPLICANT <u>[Signature]</u>	DATE <u>7-2-12</u>
OWNER <u>[Signature] (Agent for owner)</u>	DATE <u>7-2-12</u>
LFUCG EMPLOYEE/OFFICER, if applicable _____	DATE _____



STOLL
KEENON
OGDEN

300 WEST VINE STREET
SUITE 2100
LEXINGTON, KY 40507-1801
MAIN: (859) 231-3000
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bruce.simpson@skofirm.com

7/2/2012

HAND DELIVERY

Mike Owens, Chairman
Lexington-Fayette Urban County Planning Commission
101 E. Vine Street, 7th Floor
Lexington, KY 40507

Re: Zone Map Amendment for 3939 Tates Creek Road
5.08 Acres Gross and 2.79 Acres Net
A-U to B-1

Dear Chairman Owens,

I am pleased to represent Greer Land Co.-SYMRNA #2, LLC in connection with the zone map amendment request for property located at 3939 Tates Creek Road. The requested zoning is for 5.08 acres gross and 2.79 acres net, from A-U to B-1. This property is located at the corner of Wilson Downing Road and Tates Creek Road.

The property is directly across Wilson Downing Road from Tates Creek Center, zoned B-6P, and professional offices, zoned P-1. The property is bordered to the west by the Verizon Company and its associated truck/vehicular parking lot and some R-2 duplex uses. The property north of the subject property is zoned R-2. To the east of the subject property are R-4 apartments. Also located to the southwest of the subject property is a substantial Kentucky Utilities power station.

The basis for the proposed application is that the existing zoning, A-U, is inappropriate and the proposed zoning, B-1, is appropriate. The property is located directly across the street from a significant commercial shopping center and a professional office complex. Only a limited amount of the subject property can be developed due to Flood Plain restrictions. The costs associated with getting this property developed for such a few number of residential units makes it highly unlikely that this property will ever be developed as residential. However, the property is well-suited for the proposed B-1 uses, as reflected on the attached Conceptual Plan, which provides for significant buffering between the duplex uses to the west and north of the subject property. The existing vegetation between the subject property and the residential uses is so substantial that it is highly unlikely that the proposed B-1 use would ever be visible to any of

Mike Owens, Chairman

July 2, 2012

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the adjoining residential users. In addition, the proposed B-1 use complements the existing commercial and professional office uses to the south. Access will be coordinated with the existing ingress and egress from the Tates Creek Center professional office buildings to Wilson Downing Road. The A-U zone is inappropriate because its purpose as set forth in the Zoning Ordinance is to control the development of rural land within the Urban Services Area. This land is no longer rural, and there are public facilities and services available to serve the proposed B-1 use.

Additionally, the proposed application is consistent with many of the Goals and Objectives of the 2007 Comprehensive Plan which pertain to infill development and providing important employment opportunities.

I look forward to presenting the case for this zone map amendment request at the appropriate time.

Thank you.

Very truly yours,

T. Bruce Simpson, Jr.



TBS/emr
Attachment



2.79 ACRES (NET) SITE PLAN PREPARED
BY
VISION ENGINEERING, LLC
JULY 2, 2012
NOT TO BE USED AS BASIS FOR SALE

CONCEPT PLAN 3939 TATES CREEK RD

The following legal description is intended for zoning purposes only and should not be used for transfer or conveyance purposes. This description represents information attained by Deeds of record, and in no way implies an actual or representation of such.

FRANK ALLEN ATKINS & CLARA ATKINS PROPERTY

Zone Change from A-U to B-1
3939 Tates Creek Road
Lexington, Fayette County, Kentucky

Being a tract of land located at the northwest corner of the intersection of Tates Creek Road and Wilson Downing Road in Lexington, Fayette County, Kentucky and more particularly described as follows:

Beginning at a point in the northeast right of way line of Wilson Downing Road;

Thence, leaving said right of way line, **N 39°33'33" E, 196.63** feet to a point;

Thence, **N 47°38'54" E, 68.38** feet to a point; Thence, **N 43°26'54" E, 277.76** feet to a point in the west right of way line of Tates Creek Road; Thence, **N 50°51'20" E, 136.09**

feet to a point in the center of Tates Creek Road; Thence, with the center of Tates Creek

Road **S 07°50'30" E, 662.69** feet to a point at the intersection of the center of Tates Creek Road and

the centerline of Wilson Downing Road; Thence, with the centerline of Wilson Downing Road,

S 86°52'38" W, 144.32 feet to a point; Thence, with the centerline of Wilson Downing

Road, **S 86°10'19" W, 56.68** feet to a point; Thence, with the centerline of Wilson

Downing Road, **S 88°42'01" W, 38.36** feet to a point; Thence, with the centerline of

Wilson Downing Road with a curve turning to the right with an arc length of **100.11**feet,

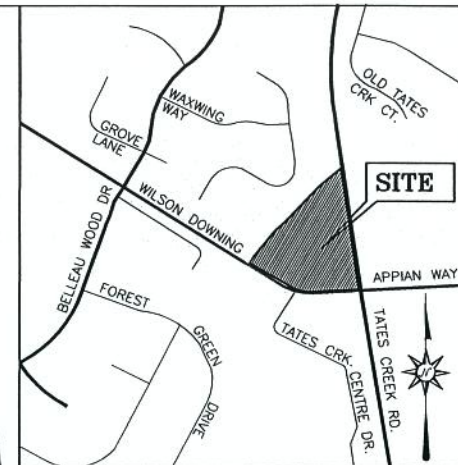
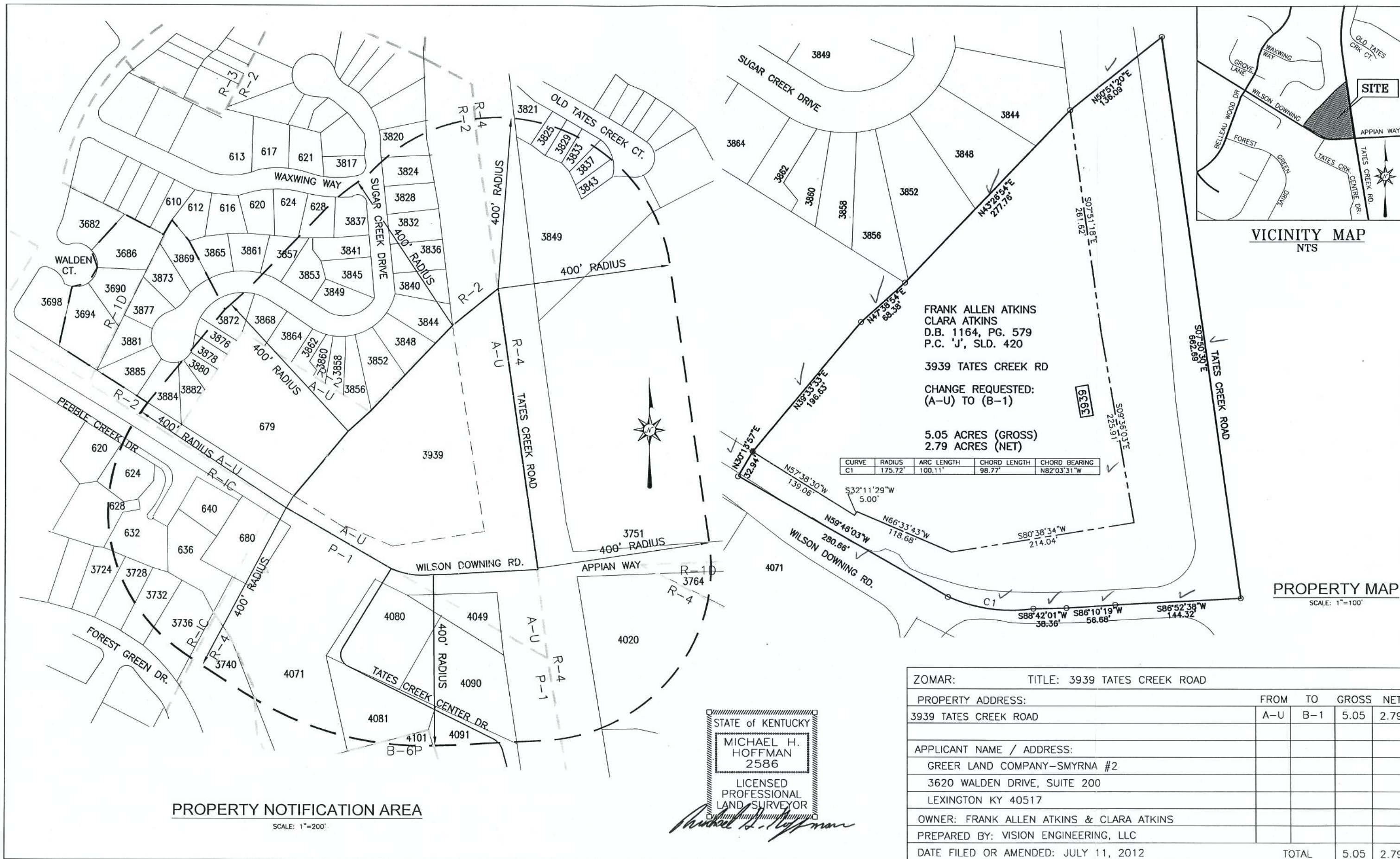
a radius of **175.72** feet, a chord bearing of **N 82°03'31" W**, and a chord length of **98.77**

feet to a point, Thence, **N 59°46'03" W, 280.66** feet to a point;

Thence, leaving the centerline of Wilson Downing Road, **N 30°13'57" E, 32.94** feet to

the Point of Beginning and containing 220,164 square feet, (5.05 acres) gross and

121,607 square feet (2.79 acres) net.



VICINITY MAP
NTS

FRANK ALLEN ATKINS
CLARA ATKINS
D.B. 1164, PG. 579
P.C. 'J', SLD. 420

3939 TATES CREEK RD
CHANGE REQUESTED:
(A-U) TO (B-1)

5.05 ACRES (GROSS)
2.79 ACRES (NET)

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	175.72'	100.11'	98.77'	N82°03'31"W

STATE OF KENTUCKY
MICHAEL H. HOFFMAN
2586

LICENSED PROFESSIONAL LAND SURVEYOR

Michael H. Hoffman

PROPERTY NOTIFICATION AREA
SCALE: 1"=200'

PROPERTY MAP
SCALE: 1"=100'

ZOMAR:	TITLE: 3939 TATES CREEK ROAD			
PROPERTY ADDRESS:	FROM	TO	GROSS	NET
3939 TATES CREEK ROAD	A-U	B-1	5.05	2.79
APPLICANT NAME / ADDRESS:				
GREER LAND COMPANY-SMYRNA #2				
3620 WALDEN DRIVE, SUITE 200				
LEXINGTON KY 40517				
OWNER: FRANK ALLEN ATKINS & CLARA ATKINS				
PREPARED BY: VISION ENGINEERING, LLC				
DATE FILED OR AMENDED: JULY 11, 2012	TOTAL		5.05	2.79