

## GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

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

APPLICANT:	Solar Eclipse L.L.C. 3600 Palomar Centre Drive, Lexington, KY 40513
OWNER:	Charlsey Y. Schroyer, 2285 Savannah Lane, Lexington, KY 40513 and Solar Eclipse L.L.C., 3600 Palomar Centre Drive, Lexington, KY 40513
ATTORNEY:	Richard V. Murphy, Murphy & Clendenen, PLLC, 3250 West Main Street, Suite 2510 Lexington, KY 40507

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

3600 Palomar Centre Drive and 2101 Palomar Trace Drive (portion)
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**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	Veterinarian clinic	B-1	Restaurant	0.95	1.25
R-3	Vacant	P-1	Driveway	0.25	0.29
<b>TOTAL</b>				<b>1.20</b>	<b>1.54</b>

**4. SURROUNDING PROPERTY, ZONING & USE**

Property	Use	Zoning
North	Residential	R-3
East	Residential	R-3
South	Bank	P-1
West	Day care and tae kwan do facility	P-1 and B-1

**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 checked="" type="checkbox"/> Existing	<input checked="" type="checkbox"/> To be constructed by	<input checked="" 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 checked="" type="checkbox"/> To be constructed by	<input checked="" type="checkbox"/> Developer	<input type="checkbox"/> Other
Curb/Gutter/Sidewalks	<input checked="" type="checkbox"/> Existing	<input checked="" type="checkbox"/> To be constructed by	<input checked="" 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...	<input checked="" type="checkbox"/> in agreement with the Comp. Plan	<input checked="" type="checkbox"/> more appropriate than the existing zoning	<input checked="" type="checkbox"/> due to unanticipated changes.
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**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 checked="" type="checkbox"/> OWNER or <input checked="" type="checkbox"/> HOLDER of an agreement to purchase this property since <u>October, 2015</u> .	
APPLICANT <u>Richard V. Murphy, atty for applicant</u>	DATE <u>11/23/15</u>
OWNER <u>Richard V. Murphy, atty for owner</u>	DATE <u>11/23/15</u>
LFUCG EMPLOYEE/OFFICER, if applicable _____	DATE _____

## **7. Justification of zone change**

The Applicant, Solar Eclipse, L.L.C., is requesting your approval of a zone change from the P-1 zone to the B-1 zone for the property at 3600 Palomar Centre Drive. Although it has an address on Palomar Centre Drive, this property actually fronts on Harrodsburg Road and is the current site of Dr. Andrew Schroyer's Animal Care Clinic. Dr. Schroyer is purchasing a larger facility nearby at the intersection of Wellington Way and Lyon Drive. The Subject Property is now available for redevelopment. We are proposing a restaurant on this property.

This zone change also includes a small portion of the property at 2101 Palomar Trace, which also has frontage on Harrodsburg Road. The zone change on 2101 Palomar Trace is solely for the purpose of a driveway.

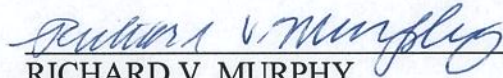
Our development plan shows the three adjacent properties which Solar Eclipse will own along Harrodsburg Road. We will be lowering the intensity of land use compared to what has already been approved for these three properties. The southernmost property, 3600 Palomar Centre Drive, as mentioned above, is the current location of the veterinary clinic. It will be replaced by a restaurant use. The property immediately to the north, 3581 Harrodsburg Road, was approved in 2014 for a three-story, 27,000 foot office building. We are proposing a one-story daycare facility on this property. The third property, which is the northernmost tract, is 2101 Palomar Trace Drive. This property was approved by the Board of Adjustment for a daycare facility last year. Under our proposed development plan, this property will remain a single-family house, with the edge of the property having a driveway to serve the other two properties. A similar configuration had previously been approved. Thus, the overall density of development will be reduced, both in coverage and in height.

We feel the proposal is in keeping with the Comprehensive Plan, because it is in agreement with the Goals & Objectives which call for compact and contiguous growth, redevelopment of existing properties and preservation of the Urban Service Area Boundary. In addition, the existing P-1 zoning is no longer appropriate for the property, and the B-1 zoning is appropriate. There have also been major changes of a physical, economic or social nature within the area which have occurred since the adoption of the Comprehensive Plan.

Last year, neighboring properties at 1009 and 1017 Wellington Way were rezoned from professional office to neighborhood residential. Like the subject property, those properties are planned for redevelopment from professional office to neighborhood business. This is in keeping with the Palomar Centre shopping area, which is immediately across Wellington Way. It is appropriate to have the B-1 use fronting along a major arterial, Harrodsburg Road. The driveway from Harrodsburg Road to Palomar Centre Drive will relieve traffic congestion at the intersection of Wellington Way and Palomar Centre Drive. In addition, the Applicant plans to reduce the grade of the subject property so that it relates better to the surrounding land uses, all of which are commercial.

We are also requesting a variance in the maximum setback along Harrodsburg Road from 20 feet to 40 feet. As you know, the B-1 zone imposes a "build to" front yard line. On the subject property, however, there is a sanitary sewer easement along the front of the property. We are proposing to build the building at the edge of the easement, as close to Harrodsburg Road as feasible. Because of the easement, a variance is needed. It is a unique circumstance which makes it impossible to comply with the "build to" line. We are constructing the building as close to the road as the existing easement will allow.

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

  
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RICHARD V. MURPHY  
Attorney for Applicant

***LEGAL DESCRIPTION***

***SCHROYER PROPERTY***

Zone Change from P-1 to B-1  
3600 Palomar Centre Drive  
Lexington, Fayette County, Kentucky

A TRACT OF LAND SITUATED NORTHEAST OF PALOMAR CENTRE DRIVE IN LEXINGTON, FAYETTE COUNTY, KENTUCKY AND MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

Beginning at a point in the centerline of Harrodsburg Road (Hwy. 68); thence within the right-of-way of Harrodsburg Road N 56°33'55" W for 81.09 feet to a point, said point being the intersection of the northerly right-of-way of Harrodsburg Road and the southwesterly corner of Tract 1; thence along the southwesterly property line of Tract 1 for the following two courses and distances: N 56°33'55" W for 230.19 feet to a point; thence N 50°17'50" W for 23.07 feet to a point, said point be the northwesterly corner of Tract 1; thence along the northwesterly property line of Tract 1 N 36°42'40" E for 149.70 feet to a point, said point being the northeasterly corner of Tract 1; thence along the northeasterly property line of Tract 1 S 58°58'54" E for 275.53 feet to a point, said point being the intersection of the southeasterly corner of Tract 1 and the northerly right-of-way of Harrodsburg Road; thence within the right-of-way of Harrodsburg Road S 58°58'54" E for 77.29 feet to a point in the centerline of Harrodsburg Road; thence along the centerline of Harrodsburg Road S 42°34'36" W for 169.00 feet to the point of beginning and containing 1.25 GROSS acres and 0.95 NET acres.

## ***LEGAL DESCRIPTION***

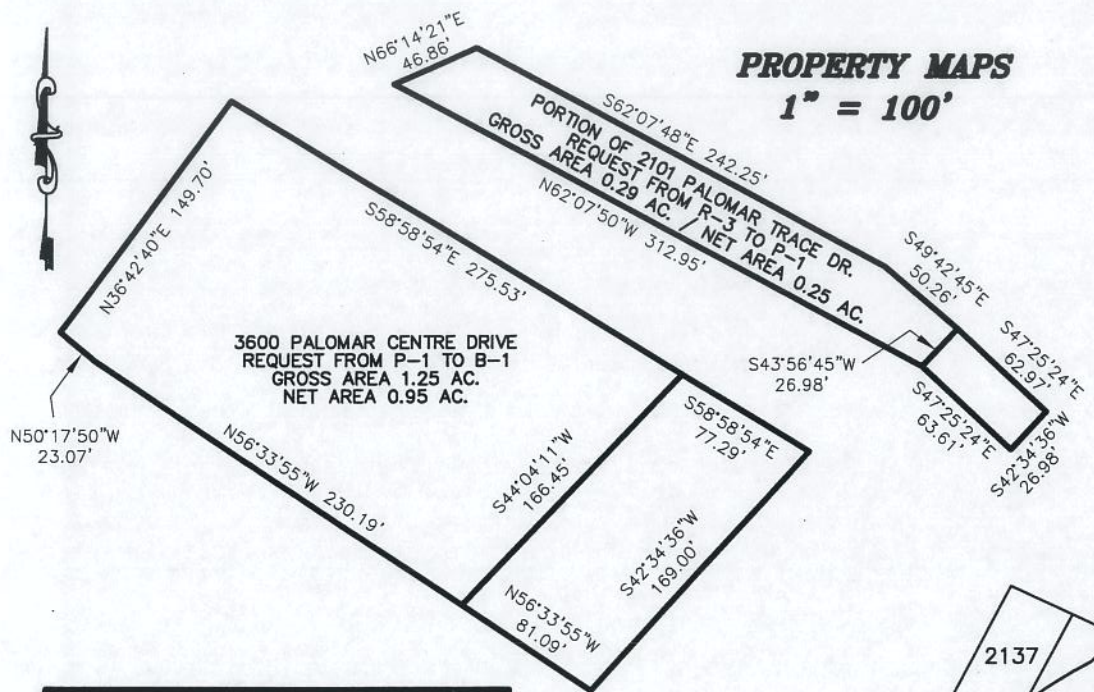
### ***DOZIER PROPERTY***

Zone Change from R-3 to P-1  
2101 Palomar Trace Drive  
Lexington, Fayette County, Kentucky

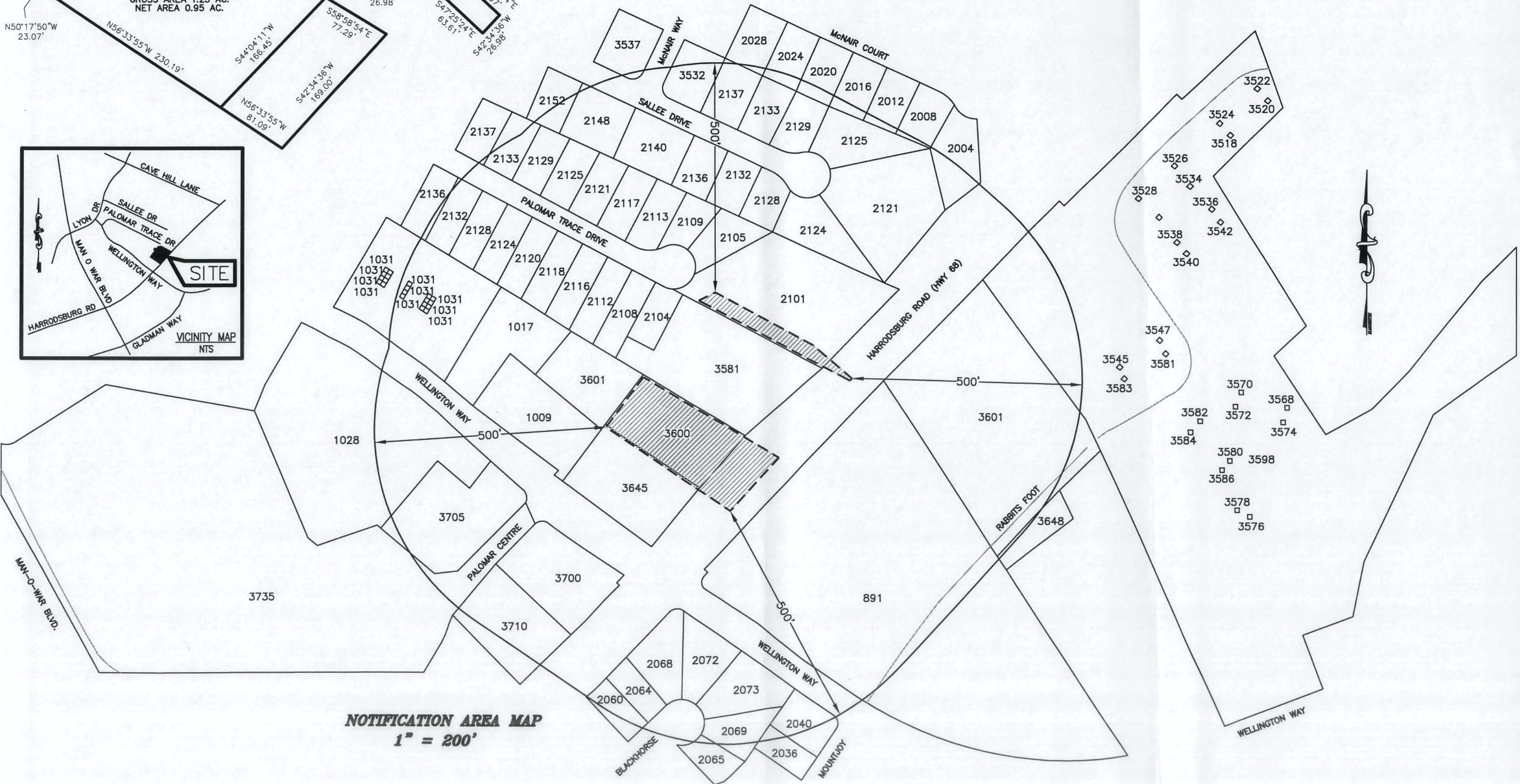
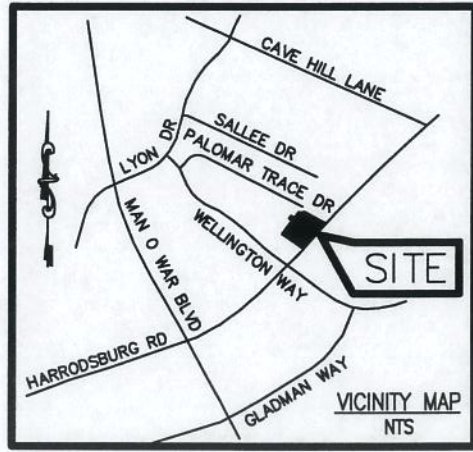
A PORTION OF A TRACT OF LAND SITUATED SOUTHEAST OF PALOMAR TRACE DRIVE IN LEXINGTON, FAYETTE COUNTY, KENTUCKY AND MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

Beginning at a point in the centerline of Harrodsburg Road (Hwy. 68), thence within the right-of-way of Harrodsburg Road N 47°25'24" W for 63.61 feet to a point, said point being the intersection of the northerly right-of-way of Harrodsburg Road and the southwesterly corner of Tract 2; thence along the southwesterly property line of Tract 2 N 62°07'50" W for 312.95 feet to a point, said point being the northwesterly corner of Tract 2; thence along the northwesterly property line of Tract 2 N 66°14'21" E for 46.86 feet to a point, said point being the northeasterly corner of Tract 2; thence along the northeasterly property line of Tract 2 for the following two courses and distances: S 62°07'48" E for 242.25 feet to a point, thence S 49°42'45" E for 50.26 feet to a point, said point being the common corner of the southeasterly corner of Tract 2 and the northerly right-of-way of Harrodsburg Road; thence within the right-of-way of Harrodsburg Road S 47°25'24" E for 62.97 feet to a point in the centerline of Harrodsburg Road; thence along the centerline of Harrodsburg Road S 42°34'36" W for 26.98 feet to the point of beginning and containing 0.29 GROSS acres and 0.25 NET acres.

**PROPERTY MAPS**  
1" = 100'



	TITLE: DOZIER PROPERTY / SCHROYER PROPERTY	3600 PALOMAR CENTRE DRIVE
	ADDRESS: 3600 PALOMAR CENTRE DRIVE AND A PORTION OF 2101 PALOMAR TRACE DR.	FROM: P-1
	APPLICANT NAME/ADDRESS: SOLAR ECLIPSE LLC, 3600 PALOMAR CENTRE DRIVE, LEXINGTON, KY 40513	TO: B-1
	PREPARED BY: EAGLE ENGINEERING & ASSOC., 2351 VERSAILLES ROAD, LEXINGTON, KY 40504	NET: 0.95 ac.
DATE FILED: NOVEMBER 23, 2015		GROSS: 1.25 ac.
		2101 PALOMAR TRACE DRIVE
		FROM: R-3
		TO: P-1
		NET: 0.25 ac.
		GROSS: 0.29 ac.



**NOTIFICATION AREA MAP**  
1" = 200'