

GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

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

APPLICANT: WMM Properties, LLC, 168 Bent Creek Court, Bowling Green, KY 42103, (859) 312-7750
OWNER: 435 Redding, LLC, 300 W. Vine Street, Ste. 2100, Lexington, KY 40507, (859) 231-3000
ATTORNEY: T. Bruce Simpson, Jr., Stoll Keenon Ogden PLLC, 300 W. Vine Street, Ste. 2100, Lexington, KY (859) 231-3621

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

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

Zoning	Existing Use		Requested Use		Acreage	
					Net	Gross
R-3	Parking for Business	B-1	B-1	Parking and Business	.43	.49

4. SURROUNDING PROPERTY, ZONING & USE

Property	Use	Zoning
North	Extended Stay Hotel	R-5
East	Gas Station/Convenience Store	B-1
South	Restaurant	B-1
West	Residential Condominiums	R-3

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 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 <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 type="checkbox"/> HOLDER of an agreement to purchase this property since 2007.	
APPLICANT <u>T. Bruce Simpson Jr. for WMM Properties, LLC</u> OWNER <u>435 Redding, LLC by T. Bruce Simpson</u> LFUCG EMPLOYEE/OFFICER, if applicable _____	DATE <u>10/17/14</u> DATE <u>10/17/14</u> DATE _____



**STOLL
KEENON
OGDEN**

PLLC

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 6, 2014

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

HAND DELIVERY

Re: Application for Zone Map Amendment (435 Redding Road, 0.49 gross acres/0.43 net acres) from Planned Neighborhood Residential (R-3) zone to Neighborhood Business (B-1)

Dear Chairperson Owens:

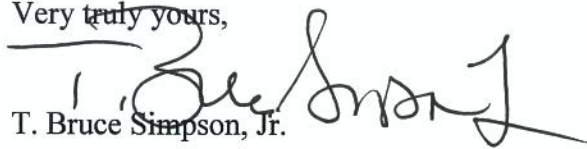
I represent WMM Properties, LLC in its application for a zone map amendment request for property located at 435 Redding Road. This zone change request is for only a small parcel of property consisting of 0.49 gross and 0.43 net acres which has been used as a parking lot to serve the existing commercial business. This zone change request would allow full use of this property for B-1 purposes. The purpose of this zone change request is to accommodate a Zaxby's restaurant in place of the space which used to be occupied by Nagasaki Inn. A portion of the existing building will have to be removed in order to accommodate the freestanding Zaxby's restaurant. There is sufficient parking available to accommodate this use.

The existing zoning of the property (R-3) is inappropriate because there is not enough land available to construct any viable residential use considering the geographical features of this property which is very narrow. It is also located directly where the service area is for an existing shopping center. Dumpsters are also located in this area. The proposed zoning of B-1 is appropriate because it will complement the existing contiguous zoning and will be consistent with the historical use of the entire property located at 435 Redding Road. Restaurant uses are permissible uses and drive-through restaurant uses are permitted uses in the B-1 zone.

The application is also consistent with many of the goals, objectives, and themes of the 2013 Comprehensive Plan which encourages infill and redevelopment of parcels which are not suitable for the existing zoned uses. Incorporating the subject property into the adjacent property will eliminate a split zone lot which is encouraged by the Zoning Ordinances, as well as the Comprehensive Plan.

I look forward to presenting the full application to the Planning Commission during its November 20, 2014 hearing.

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.

991187.801187/4315219.1

991187.801187/4315219.1

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 R-3 to B-1
for
435 Redding Road (Portion)
Lexington, Ky. 40502**

PARCEL-1

Beginning at a point on the centerline of Redding Road approximately 518.50 feet northwest along said Redding Road from the centerline intersection of Walden drive:

Thence along a curve to the right having a **Radius of 515.77 feet and a Long Chord of North 17° 30' 07" West 103.99 feet** to a point on the centerline of said Redding Road;

Thence **South 79° 08' 01" East 32.66 feet** to a point on the northern right-of-way line of said Redding Road;

Thence **South 79° 08' 01" East 142.01 feet**;

Thence **South 10° 52' 17" West 6.00 feet**;

Thence **North 79° 08' 01" West 44.06 feet**;

Thence **South 54° 23' 24" West 87.17 feet** to a point on the northern right-of-way line of said Redding Road;

Thence **South 54° 23' 24" West 30.75 feet** to the Point of Beginning containing 0.15 Acre (Gross) and 0.09 Acre (net).

PARCEL-2

Beginning at a point South 29° 02' 51" East 11.69 feet from the third corner of **PARCEL-1**;

Thence **South 29° 02' 51" East 48.31 feet**;

Thence **South 76° 54' 28" East 189.71 feet**;

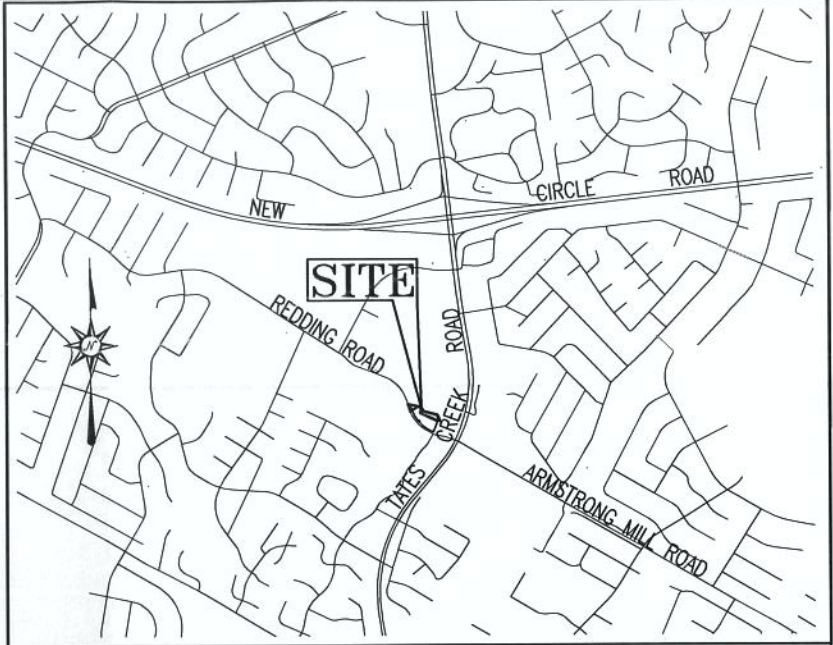
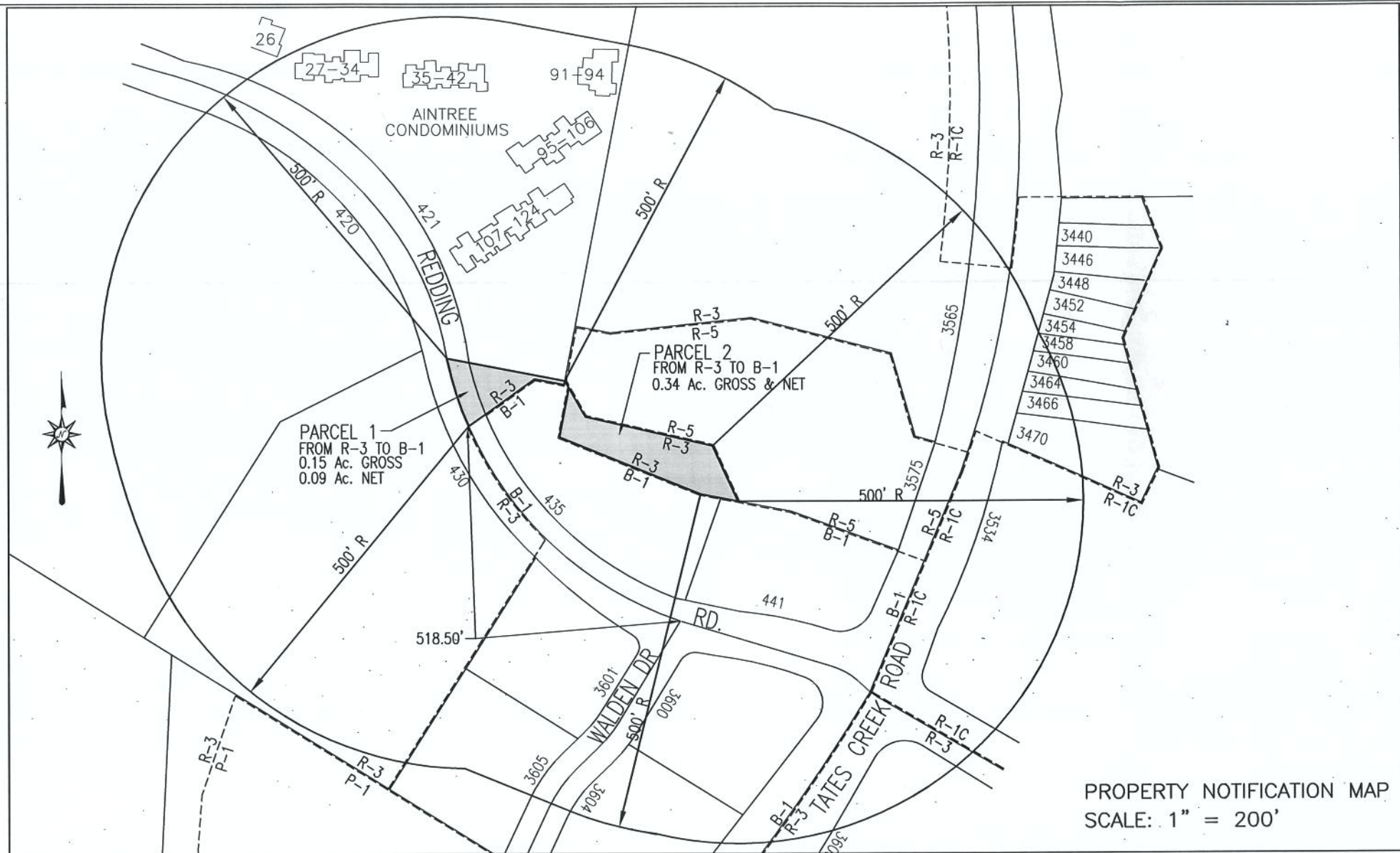
Thence **South 24° 06' 24" East 88.66 feet**;

Thence **North 79° 05' 30" West 54.98 feet**;

Thence **North 67° 48' 04" West 220.69 feet**;

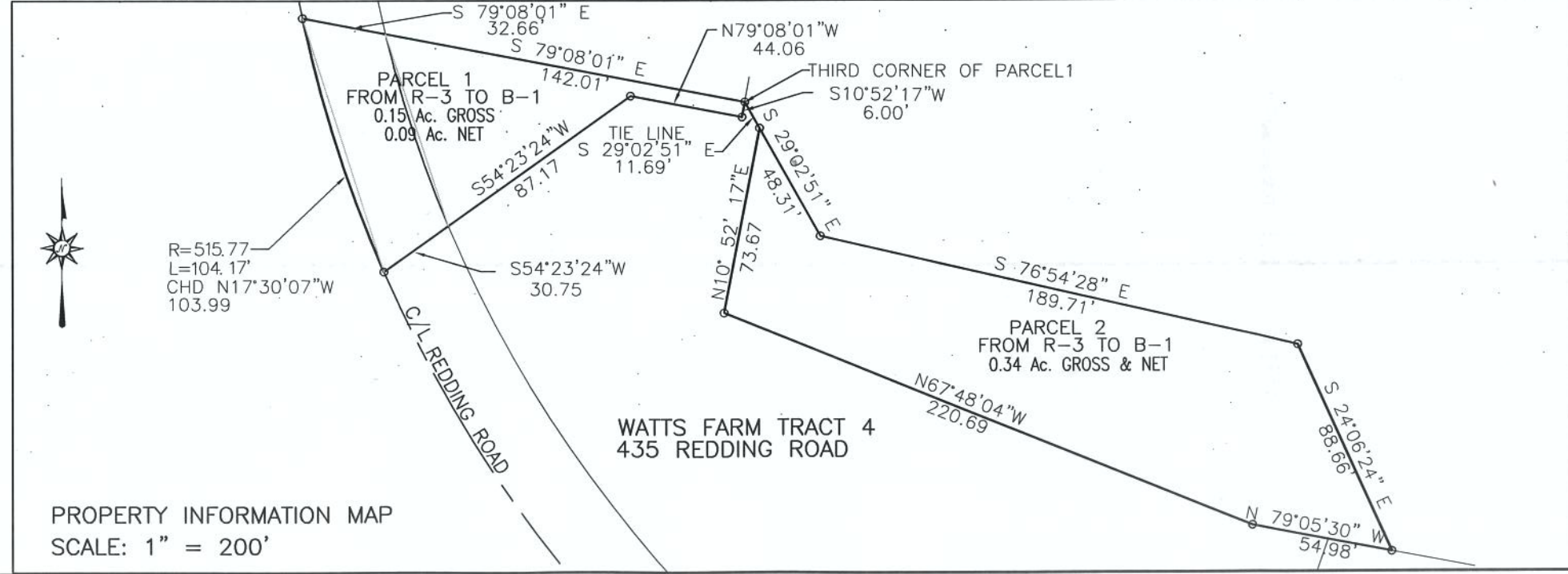
Thence **North 10° 52' 17" East 73.67 feet** to the Point of Beginning containing 0.34 Acre (Gross) and 0.34 Acre (net).





STATE of KENTUCKY
R.B. NEWTON
3674
LICENSED
PROFESSIONAL
LAND SURVEYOR

NOTE:
THIS PLAT IS INTENDED FOR ZONING PURPOSES ONLY.
BOUNDARY INFORMATION DEPICTED HERON WAS DERIVED
FROM DOCUMENTS OF RECORD FOUND IN THE FAYETTE
COUNTY CLERK'S OFFICE AS NOTED. THIS PLAT DOES NOT
REPRESENT A BOUNDARY SURVEY AND SHOULD NOT BE
USED FOR REAL ESTATE CONVEYANCE OR TRANSFER.



ZOMAR:	TITLE:	WATTS FARM - TRACT 4 (A PORTION OF)		
PROPERTY ADDRESS:	FROM	TO	GROSS	NET
435 REDDING ROAD, PARCELS 1	R-3	B-1	0.15 Ac.	0.09 Ac.
435 REDDING ROAD, PARCELS 2	R-3	B-1	0.34 Ac.	0.34 Ac.
APPLICANT NAME / ADDRESS:				
W. M. M. PROPERTIES, LLC				
168 BENT CREEK COURT				
BOWLING GREEN, KY 42103				
OWNER: 435 REDDING LLC, C/O DAN ROSE				
300 WEST VINE STREET, SUITE 2100				
LEXINGTON, KY 40507				
PREPARED BY: VISION ENGINEERING, LLC				
DATE FILED OR AMENDED: OCTOBER 15, 2014			TOTAL	0.49 Ac. 0.43 Ac.