

GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

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

APPLICANT:	Michler Florist, Inc., 417 East Maxwell Street, Lexington, KY 40508 859-254-0383
OWNER:	Michler Florist, Inc. and Michler family, 417 East Maxwell Street, Lexington, KY 40508
ATTORNEY:	Richard V. Murphy, PLC., 250 West Main St., Ste. 2510, Lexington, KY 40507 859-233-9811

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

417 East Maxwell Street

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

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
R-3	Florist and Greenhouses	B-1	Florist, Greenhouses, café and events	0.9798	1.0774

4. SURROUNDING PROPERTY, ZONING & USE

Property	Use	Zoning
North	Residential	R-3
East	Professional Office	P-1
South	Residential, student housing	R-3
West	Residential, student housing	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 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 1903.

APPLICANT Richard V. Murphy, atty for applicant and owners DATE 3/4/2013

OWNER _____ DATE _____

LFUCG EMPLOYEE/OFFICER, if applicable _____ DATE _____

7. Statement of Justification

The applicant, Michler Florist, Inc., and the Michler family, are requesting your approval of a zone change from the Planned Neighborhood Residential (R-3) zone to the Neighborhood Business zone (B-1) for approximately one acre of land located at 417 E. Maxwell Street.

After founding the business in 1903, five generations of the Michler family have operated Michler Florist and Greenhouses. It is one of the oldest continuously operating family businesses in Lexington. It has operated at this location since prior to the existence of zoning. When Michler Florist started in 1903, most of the flowers and plants were grown on premises. At that time, there were a number of other similar florist operations in Lexington. The business has changed through the years, so that now, many flowers are imported from other countries, and the Michlers have a nursery in rural Fayette County.

The Michler family is committed to downtown Lexington and wants to remain in business at the location it has used for 110 years, during which time the business has become a downtown icon. The business is a non-conforming use, however, as it is zoned residential, R-3, and cannot be altered without a zone change. We are requesting a change to the Neighborhood Business (B-1) zone which will allow the current business to remain. A zone change will also ensure the continued viability of the business by allowing it to be enhanced by the ability to operate a café and to have meetings and events at the site. Michler Florist serves as an urban oasis, and many people over the years have suggested that there be a café or other sale of food so that people can enjoy the pleasant, green atmosphere. Similarly, there have been many requests for garden club meetings, weddings, and similar events. Allowance of these activities would strengthen the core business by making new generations aware of the flowers, plants and landscape services provided by the Michler family.

The 2007 Comprehensive Plan land use map provides little guidance for this property, because this parcel is simply placed in the downtown core area. However, other portions of the Comprehensive Plan show that this proposed zone change is in agreement with comprehensive planning principles. Retaining and strengthening community-based family businesses is an important part of the 2012 Comprehensive Plan Goals and Objectives. This proposal provides an opportunity for neighborhood character preservation by allowing this business to flourish, as advocated by Goal A3a. It will provide an opportunity for positive and safe social interactions in neighborhoods, as called for in Goal A3b. It will provide quality of life opportunities that attract young professionals and a workforce of all ages and talents to Lexington (Goal C2d). Most importantly, it will protect and enhance the cultural landscape that gives Lexington-Fayette County its unique identity and image, by protecting this historic resource, and by providing incentives for the renovation and maintenance of this historic commercial institution (Goals D3, D3a and D3b).

This proposal is also supported by the Goals and Objectives of the 2007 Comprehensive Plan. The 2007 plan calls for the revitalization of existing neighborhood business areas (Goal 15 G). Enhancing the greenhouses with a gathering place will promote human-scale, bicycle, and pedestrian-friendly neighborhoods, as called for in Goal 15 K. This proposal will ensure the continued viability of a non-residential use that is compatible with existing developed areas (Goal 7 I). Because all public facilities are already available, it supports and upholds the Urban Service Area concept, as called for by Goal 7. As called for by Goal 8 G, this zone change proposal will revitalize and enhance this existing neighborhood business. It will continue to be compatible with and complementary to existing development (Goal 8 H). Adequate urban services and infrastructure are in place or are planned, as called for by Goal 8 L. Goal 10 F calls for promotion and enhancement of facilities in and around the downtown area which are necessary to support and attract tourism. Also, Goal 11 calls for provision of diverse business and employment opportunities in Lexington-Fayette County.

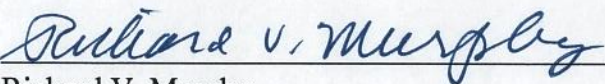
The Downtown Lexington Masterplan spotlighted the importance of a variety of food and gathering place options in the downtown area to reach both the resident and tourist markets.

Thus, this proposal is in agreement with all recent planning efforts relating to downtown, promotion of neighborhood interaction, promotion of tourism, and preservation and enhancement of historic and family-owned businesses. It is in agreement with the Comprehensive Plans of this community.

Alternatively, the existing Planned Neighborhood Residential (R-3) zoning is no longer appropriate and the proposed Neighborhood Business (B-1) zoning is appropriate for this property. As mentioned above, the florist shop and greenhouses are non-conforming uses, and cannot be expanded or altered in the existing zone. To allow the continued viability of this business, it is necessary to allow complementary uses of the property to take place. Allowing a café or similar facility, along with the ability to host events such as garden clubs, weddings and meetings, will allow new generations to discover the florist and greenhouse business. In addition, it will allow residents and tourists to enjoy the pleasant atmosphere of the greenhouses. Preservation and enhancement of this business will allow this property to continue to be a neighborhood focal point and it will be complementary to the businesses in the nearby Woodland Triangle commercial area. Granting this zone change will also make this property less of a non-conforming use.

This property will continue to be located in the Historic District (H-1 overlay). The existing on-site parking can be augmented by available parking on adjacent property located on High Street and by the recent addition of metered on-street parking and loading zone provided by the Maxwell Street project.

Thank you for your consideration of this zone change request.



Richard V. Murphy

Attorney for Applicant

LEGAL DESCRIPTION

Michler Florist Inc.

Zone Change from R-3 to B-1

417 East Maxwell Street,
Lexington, Fayette County, Kentucky

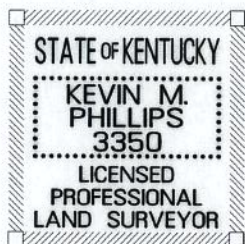
Being a parcel of land in the city of Lexington, Fayette County, Kentucky lying on the northeast side of East Maxwell Street approximately 280 feet southeast of Arlington Avenue and more particularly described as:

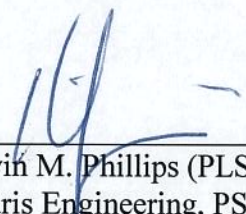
BEGINNING at a 24" long, 5/8" diameter rebar with surveyor's cap (PLS 3350) at a point 370 feet southeast of the intersection of the southeast right-of-way of Arlington Avenue and the northeast right-of-way of East Maxwell Street, and said point having Kentucky State Plane Coordinates of E(X)=1,569,880.33', N(Y)=195,961.86' (NAD 83, KY North Zone, US Survey Feet); thence leaving the right-of-way of East Maxwell Street, South 48°10'51" West a distance of 25.00 feet to a point in the center of East Maxwell Street; thence with the center of East Maxwell Street, North 41°49'09" West a distance of 169.97 feet to a point; thence leaving the centerline of East Maxwell Street, North 48°10'51" East a distance of 25.00 feet to a 24" long, 5/8" diameter rebar with surveyor's cap (PLS 3350), set in the northeast right-of-way of East Maxwell Street, said point being a corner to John L & Claudia K Michler (Deed Book 1486, Page 46); thence with the southeast line of John & Claudia Michler, North 48°18'34" East a distance of 223.88 feet to a 24" long, 5/8" diameter rebar with surveyor's cap (PLS 3350), said point being in the line of the Lexington Property Group (Deed Book 2524, Page 240 - Plat Cabinet K, Slide 97); thence with the southeast line of the Lexington Property Group and David a Bottom (Deed Book 1213, Page 370), North 48°18'34" East a distance of 64.00 feet to a 24" long, 5/8" diameter rebar with surveyor's cap (PLS 3350), said point being a corner to William E Wassmer (Deed Book 1397, Page 591); thence with the line of Wassmer for two calls: South 29°34'33" East a distance of 20.00 feet to a 24" long, 5/8" diameter rebar with surveyor's cap

(PLS 3350); thence North $73^{\circ}10'49''$ East a distance of 13.90 feet to a 24" long, 5/8" diameter rebar with surveyor's cap (PLS 3350), said point being a corner to C&K Limited, LLC (Tract 4 of Deed Book 2633, Page 538); thence with the line of C&K Limited, LLC, South $11^{\circ}55'53''$ East a distance of 39.70 feet to a 24" long, 5/8" diameter rebar with surveyor's cap (PLS 3350), said point being a corner to Louis A Michler (Deed Book 357, Page 1); thence with the line of said C&K Limited (Tract 3), South $15^{\circ}28'51''$ East a distance of 65.64 feet to a 24" long, 5/8" diameter rebar with surveyor's cap (PLS 3350), said point being in the line of C&K Limited, LLC (Tract 2 of Deed Book 2633, Page 538); thence with the line of said Tract 2 of C&K Limited, LLC, South $74^{\circ}03'03''$ West a distance of 40.78 feet to a 24" long, 5/8" diameter rebar with surveyor's cap (PLS 3350); thence continuing with the line of C&K Limited, LLC, South $34^{\circ}21'04''$ East a distance of 69.03 feet to a 24" long, 5/8" diameter rebar with surveyor's cap (PLS 3350), said point being a corner to Glenn C & Virginia M Kirk (Deed Book 1288, Page 625); thence with the line of Kirk, South $48^{\circ}10'51''$ West a distance of 201.67 feet to a 24" long, 5/8" diameter rebar with surveyor's cap (PLS 3350); which is the point of beginning, having a Gross area of 46,930.5 square feet or 1.0774 acres, and a Net area of 42,681.3 square feet or 0.9798 acres.

The bearings used in the description above are based on Kentucky State Plane Grid North, North American Datum of 1983 (NAD'83). Particularly, the bearings are based on a GPS survey utilizing the KYTC CORS (Continuously Operating Reference Station) data broadcast from the monument located at the KYTC District 7 office having a point designation of "KY Hwy Dist 7 CORS ARP" and having geographic coordinates of N $38^{\circ} 04' 31.96484''$, W $084^{\circ} 29' 31.91127''$ and Kentucky State Plane Coordinates (North Zone, NAD 83) of N=209,682.94', E=1,570,696.89'.

The description above being based on an actual ground survey of the property conducted under the direct supervision of Kevin Phillips (PLS 3350), of Endris Engineering, 771 Enterprise Drive, Lexington, Kentucky concluding on February 20, 2013.





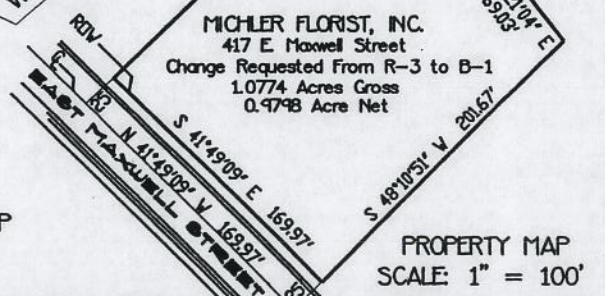
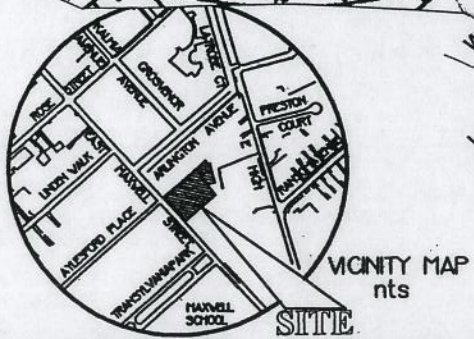
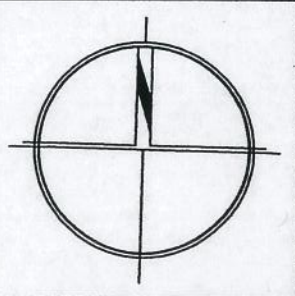
Kevin M. Phillips (PLS 3350)
Endris Engineering, PSC
771 Enterprise Drive
Lexington, KY 40510

02-23-2013

Date



NOTIFICATION AREA MAP
SCALE: 1" = 200'



ZOMAR: MICHLER FLORIST, INC.

APPLICANT: MICHLER FLORIST, INC.	FROM	TO	GROSS	NET
PROPERTY ADDRESS: 417 EAST MAXWELL STREET, LEXINGTON, KY.	R-3	B-1	1.0774	0.9798
OWNER: MICHLER FLORIST, INC.				
ADDRESS: 417 EAST MAXWELL STREET, LEXINGTON, KY.				
PREPARED BY: WHEAT & LADENBURGER				
212 NORTH UPPER STREET, LEXINGTON, KY.				
DATE FILED: MARCH 4, 2013				

TOTAL 1.0774 0.9798

STATE OF KENTUCKY
Roger Ladenburger
315
LICENSED
LAND SURVEYOR