

MARV 2015-26

Date Received 11/2/15

Pre-Application Date 9/21/15

Filing Fee \$ 500.00

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

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

APPLICANT: Jeffrey Stuart Morgan, P.O. Box 966, Lexington, KY 40588, 859.489.0908

OWNER: Foxtrot 16 LLC, 105 Wind Haven Drive, Nicholasville, KY 40356, 859.333.1000

ATTORNEY: Murphy & Clenenen, PLLC, 250 W Main Street, Suite. 2510, Lexington, KY 40507, 859.233.9811

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

500-506 Maryland Avenue

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

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
R-4	Commercial - Vacant Land	B-1	Retail	0.355 AC	0.542 AC

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

Property	Use	Zoning
North	Duplex/Residential	R-2
East	Commercial - Vacant Land	B-4
South	Office	B-1
West	Hospitality/Recreational	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 type="checkbox"/> Existing	<input checked="" type="checkbox"/> To be constructed by	<input checked="" 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 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 05/15/2013.

APPLICANT Jeffrey S. Morgan DATE 11/02/15

OWNER Stephen Paul, member Foxtrot 16, LLC DATE 11/1/15

LFUCG EMPLOYEE/OFFICER, if applicable \_\_\_\_\_ DATE \_\_\_\_\_



## 7. **Justification for requested change.**

The Applicant, Jeffrey Stuart Morgan, is requesting your approval for a zone change from the high density apartment (R-4) zone to the neighborhood business (B-1) zone for about one-third of an acre at the corner of Jefferson Street and Maryland Avenue. The current street address for the property is 500-506 Maryland Avenue.

The zone change is part of a mixed-use development which is shown on our development plan, which is submitted with the zone change. The larger portion of the property will remain in the R-4 zone and will be the site of sixteen single-family townhouses. The B-1 zoning will be at the corner of Jefferson Street and Maryland Avenue.

The Applicant is the developer of the Jefferson Davis Inn (JDI) property on South Broadway and wishes to build a similar development on Jefferson Street. In the South Broadway project, we have found that the combination of the townhomes and the restaurant uses creates a synergy which has strengthened both uses. The architecture will be similar, a modern take on quality brick buildings. This property is currently the site of the Jefferson Fitness Club and Bluegrass Physical Therapy. However, the building has been vacant for two years. It is an old YMCA building and its architectural style is characterized by roofing material which is used as external walls.

The Applicant proposes to redevelop the property. The restaurant uses will be consistent with other new restaurants which have brought new vibrancy to Jefferson Street. We will also be strengthening the residential character of the area by constructing sixteen new, upscale brick townhomes, similar to the new townhomes along South Broadway.

This proposal is in agreement with the 2013 Comprehensive Plan. It is in accord with many of the goals and objectives which emphasize revitalization of downtown, supporting local business, establishing entertainment options which appeal to young professionals, supplying new housing which will strengthen existing neighborhoods, and maintaining the integrity of existing neighborhoods:

- Identify areas of opportunity for infill, **redevelopment** and adaptive reuse that respect the area's context and design features whenever possible (Theme A, Goal 2a). (Emphasis added).
- Provide well-designed neighborhoods and communities (Theme A, Goal 3).
- Support and showcase local assets to further the creation of a variety of jobs (Theme C, Goal 1).



- Provide entertainment and other quality of life opportunities that attract young professionals and a workforce of all ages and talents to Lexington (Theme C, Goal 2d).
- Encourage compact, contiguous and/or mixed-use sustainable development within the Urban Service Area, as guided by market demand, to accommodate future growth needs (Theme E, Goal 1b).

In addition, we feel the existing R-4 zoning is no longer appropriate for the corner lot and B-1 zoning is appropriate for the corner property. This property has functioned as a parking lot for the old YMCA building for many years, and is extremely underutilized. The parking lot does not contribute to the revitalization of this area.

Also, all property on the block facing us across the street on Jefferson, from Second Street to Third Street, is zoned business. The Apiary, a restaurant and special events facility, is directly across the street from this property. West Jefferson Place, an office/retail area, is adjacent to the south. In addition, the B-1 zoning will be a good transitional use from the commercial uses along Jefferson Street, to the new, proposed townhouse uses on Maryland Avenue and the existing residential uses on Maryland Avenue.

We are also requesting your approval of two variances. The first variance will reduce the required back yard for eight of the interior units (Units 9-16) for the townhouse section of the development. Because of the need of an access easement through the middle of the property, we are asking a modest reduction in the required back yard from 20% of the depth of the lot to 15% of the depth of the lot. We will still meet all open space requirements.

The second variance is requested to reduce the required parking in the B-1 zone from 44 spaces onsite to 22 spaces onsite. We have excess parking in the residential area. (We will be supplying two or three times as much parking in the residential portion of the property as required.) Although we have cross parking agreements with adjacent properties, the major area may be slightly more than 300 feet from this property, and cannot be counted in our required parking for the B-1 zone. More importantly, we anticipate that many of the patrons will walk or bicycle to this site. That has been the case for Mr. Morgan's development on South Broadway.

Thus, we are requesting these variances for the following reasons:

1. Granting these variances will not adversely affect the public health, safety or welfare, and will not alter the character of the general vicinity, and will not cause a hazard or nuisance to the public because the Applicant has supplied more parking than necessary for the residential uses, and other parking is available for the B-1 use, but is just beyond the 300 foot walking distance. Jefferson Street has become an entertainment district, and proprietors have worked together to solve parking issues. In addition, many of the patrons will walk or bicycle to



this area in the central portion of Lexington. The backyard variance will allow the Applicant to have an appropriate access easement to serve the townhouse units.

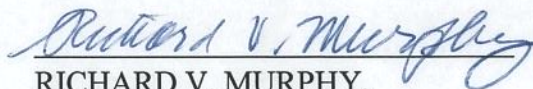
2. Granting these variances will not allow an unreasonable circumvention of the requirements of the Zoning Ordinance because 44 parking spaces will not be needed for the proposed use, and granting the variance will allow a redevelopment of this property to transform it from a vacant parking lot to a contributing mixed-use development for Jefferson Street.

3. The special circumstances which apply to this property and which do not generally apply to land in the general vicinity or in the same zone are that this is a redevelopment of the old YMCA building. The residential portion of the property exceeds parking requirements, and 44 spaces are not anticipated to be needed for the restaurant uses, as outlined above.

4. Strict application of the regulations of the Zoning Ordinance would deprive the Applicant of a reasonable use of his land or create an unnecessary hardship because parking for the residential uses is oversupplied, which will mean that the none of the residential users will park on the street. The restaurant parking is of more limited duration and will allow redevelopment of this property. There is additional parking available, but beyond the 300 foot walking distance.

5. The circumstances surrounding the requested variances are not the result of actions this Applicant taken subsequent to the regulation from which relief is sought. No construction has started. Reductions in parking are allowed in the infill and redevelopment area.

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

  
RICHARD V. MURPHY,  
Attorney for Applicant

**LEGAL DESCRIPTION**

FOXTROT 16, LLC  
ZONE CHANGE FROM R-4 TO B-1  
500-506 MARYLAND AVENUE  
LEXINGTON, FAYETTE COUNTY, KENTUCKY

A TRACT OF LAND SITUATED NORTH OF JEFFERSON STREET AND WEST OF MARYLAND AVENUE IN  
LEXINGTON, KENTUCKY AND MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE INTERSECTION OF THE CENTER OF JEFFERSON STREET AND THE  
CENTER OF MARYLAND AVENUE, THENCE ALONG THE CENTER OF JEFFERSON STREET S  
46°30'00" W 148.62', TO A POINT; THENCE N 42°32'00" W 29.00' TO AN IRON PIN FOUND (PLS  
#3558); THENCE N 42°32'00" W 100.00' TO AN IRON PIN FOUND (PLS #3558); THENCE S  
46°39'51" W 3.38' TO AN IRON PIN FOUND (PLS #3558); THENCE N 42°32'00" W 30.55' TO A  
POINT; THENCE N 47°28'00" E 121.99' TO A POINT; THENCE N 47°28'00" E 30.00' TO A POINT IN  
THE CENTER OF MARYLAND AVENUE; THENCE ALONG THE CENTER OF MARYLAND AVENUE S  
42°32'00" E 156.99' TO THE POINT OF BEGINNING, CONTAINING A GROSS AREA OF 0.542 ACRES  
AND A NET AREA OF 0.355 ACRES.

THIS DESCRIPTION PREPARED BY BUDDY J. SMYTH, PLS 2374 FROM A SURVEY CONDUCTED BY OTHERS.



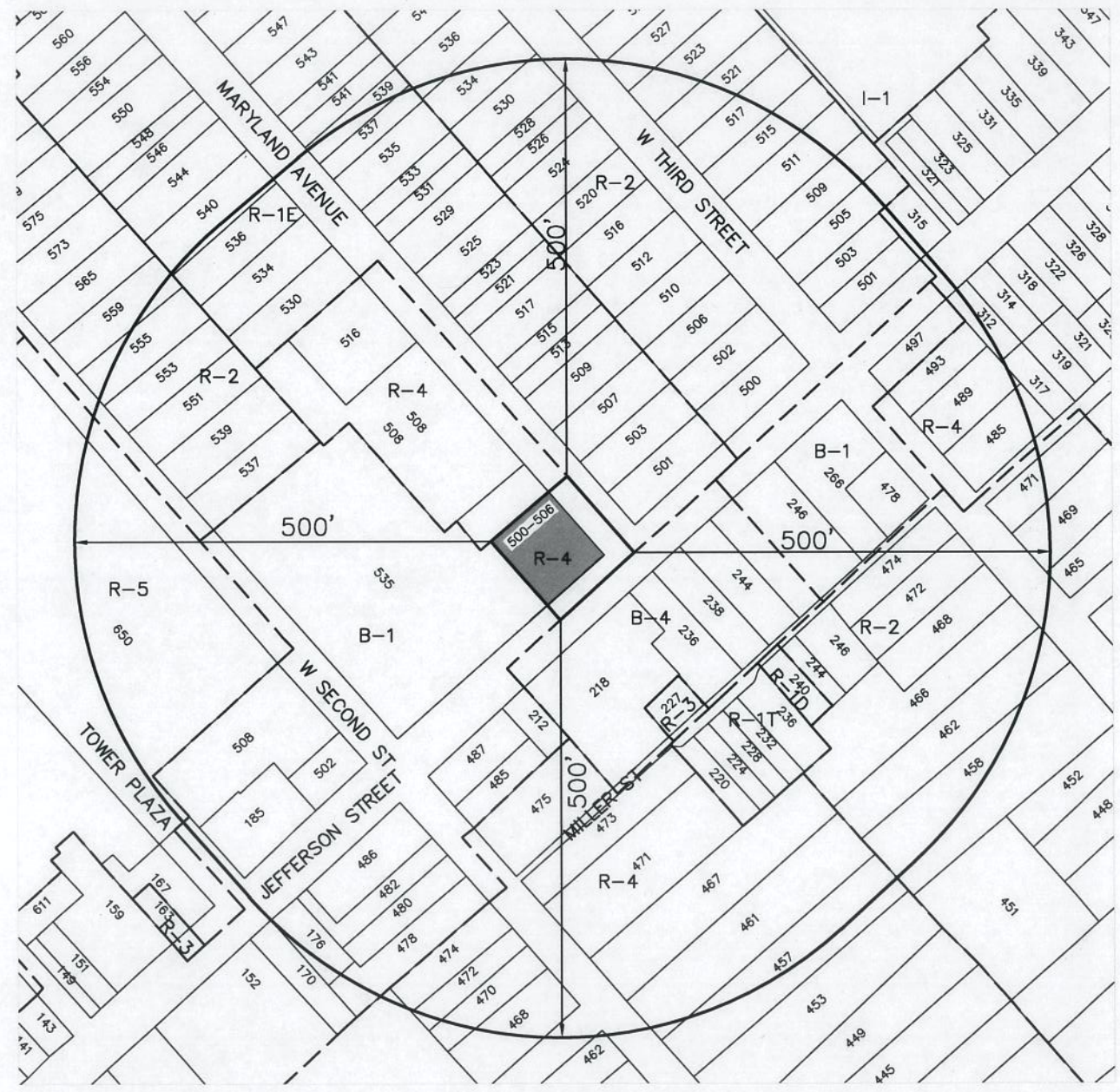


Architecture  
Interior Design  
Engineering  
Landscape Architecture  
a: 400 East Vine Street  
Suite 400  
Lexington, Kentucky 40507  
o: (859) 254-6623  
f: (859) 259-1877  
w: <http://www.cmwaec.com>

PROPERTY INFORMATION MAP

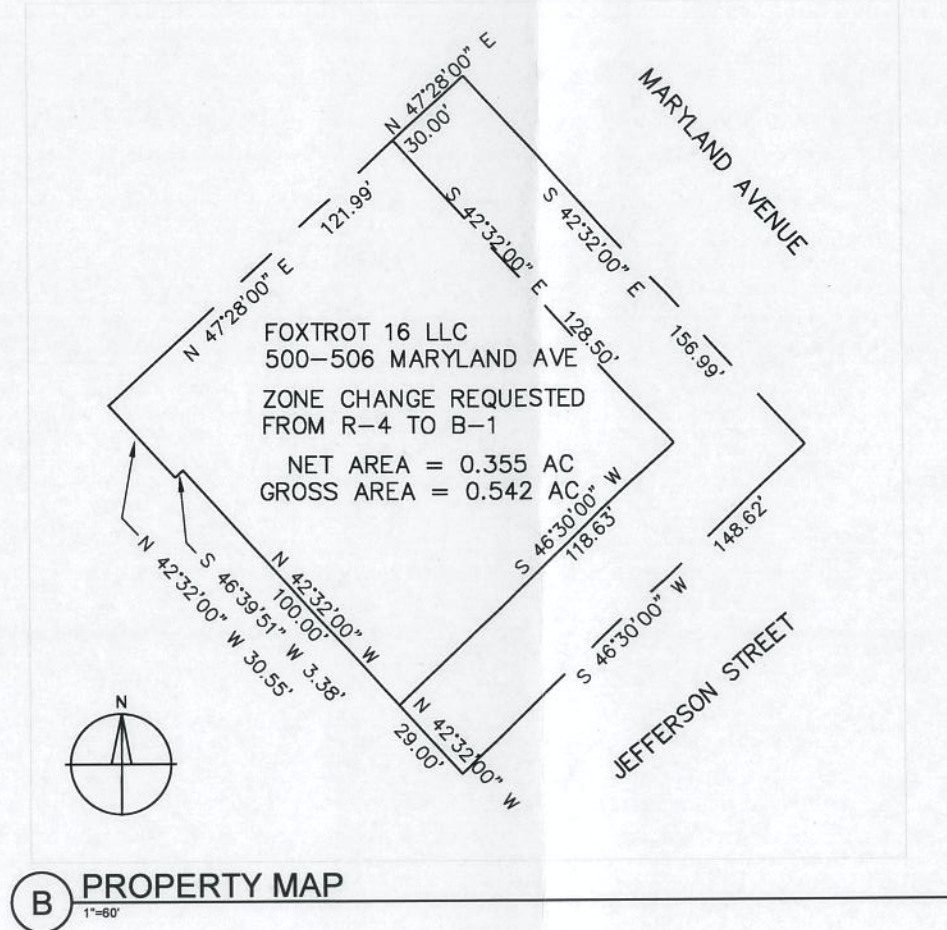
The Townhomes at Jefferson Street  
500-506 Maryland Avenue  
Lexington, KY

Issue Date: 11/13/2015  
Drawn By: ABS  
Checked By: BH  
Revisions:  
Mark Date  
Dwg:  
Project Number  
15030.01  
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C-800

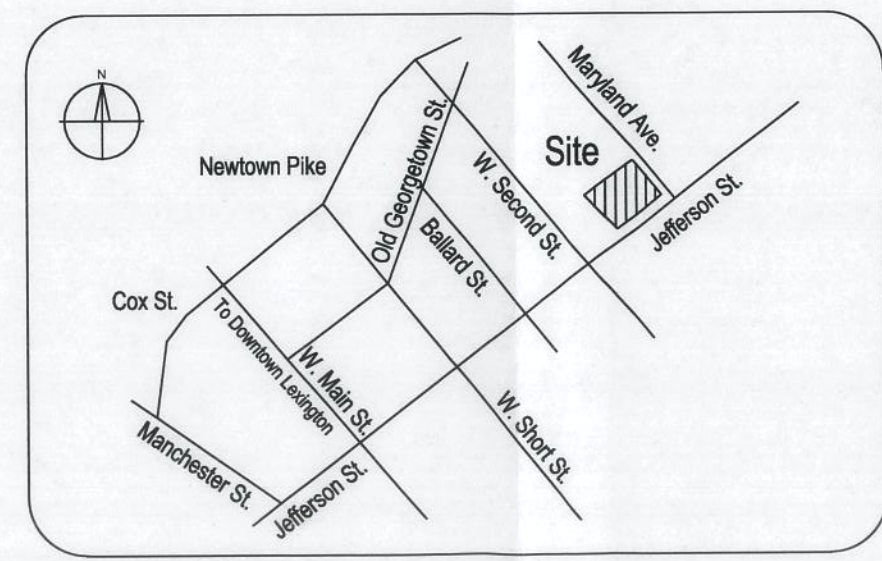


**A NOTIFICATION AREA MAP**  
1"=200'

	TITLE: THE TOWNHOMES AT JEFFERSON STREET	FROM	TO	NET	GROSS
	PROPERTY ADDRESS: 500-506 MARYLAND AVENUE	R-4	B-1	0.355 Ac	0.542 Ac
	APPLICANT NAME/ADDRESS: JEFFREY STUART MORGAN PO BOX 966 LEXINGTON, KY 40588				
	OWNER NAME/ADDRESS: FOXTROT 16 LLC 105 WIND HAVEN DRIVE NICHOLASVILLE, KY 40356				
	PREPARED BY: CMW INC. 400 E. VINE ST. LEX KY 40507				
	DATE FILED OR AMENDED: 11/13/15	TOTAL			0.355 Ac



**B PROPERTY MAP**  
1"=60'



**C VICINITY MAP**  
NTS