

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

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

APPLICANT:	KROGER LIMITED PARTNERSHIP 1, 1600 Ormsby Station Ct., Louisville, KY 40223
OWNER:	KROGER LIMITED PARTNERSHIP 1, Phone: 502-423-4929
ATTORNEY:	BRUCE SIMPSON, 300 West Vine, Ste. 2100, Lexington, KY 40507, 859-231-3000

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

704 Euclid Avenue, 408, 412, 416 & 420 Marquis Avenue

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

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
B-1	Kroger Grocery	B-6P	Shopping Center	2.6371	3.0623
P-1	Vacant	B-6P	Shopping Center	0.2256	0.2685
R-1E	Vacant	B-6P	Shopping Center	0.2079	0.2381
R-4	Vacant	B-6P	Shopping Center	0.0756	0.0899

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

Property	Use	Zoning
North	Apartments, Homes and Offices	R-5, P-1 & B-1
East	Commercial and Offices	B-1 & P-1
South	Commercial, Homes and Offices	B-1 & R-1E
West	Homes and Apartments	R-1E & R-4

**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 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 \_\_\_\_\_.

APPLICANT T. Bruce Simpson For Kroger Limited Partnership 1 DATE March 4, 13

OWNER T. Bruce Simpson For Kroger Limited Partnership 1 DATE March 4, 13

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





**STOLL**  
**KEENON**  
**OGDEN**

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**T. BRUCE SIMPSON, JR.**  
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March 6, 2013

**Hand Delivery**

L. Michael Owens, Chairperson  
LFUCG Division of Planning  
Phoenix Building  
101 E. Vine St., 7<sup>th</sup> Floor  
Lexington, KY 40507

Re: Zone Map Amendment Request for Property Located  
At 704 Euclid Avenue; 408, 412, 416 and 420 Marquis Avenue (Vacant Parcels .51 Acre)  
(the Kroger store on Euclid)  
(From B-1, P-1, R-4 and R-1E to B-6P)

Dear Chairperson Owens,

I am pleased to file this zone map amendment request on behalf of Kroger Limited Partnership I for the above-referenced property. We are requesting a B-6P zone change. As you probably know, the Kroger Company, for the past several years, has been refurbishing and revitalizing its stores in Central Kentucky. The existing Kroger store on Euclid Avenue has served as an important grocery store for the Chevy Chase area since 1980. However, because of its size constraints, the store has been unable to meet the demands of its customers, who often have to travel to other grocery stores to purchase food products which are not available at the Euclid location.

The proposed new Kroger store will be innovative in its function and will be architecturally designed so as to be compatible with the surrounding neighborhood. Over the past several years, Kroger Company representatives have met with leaders of the surrounding neighborhood associations concerning the proposed new grocery. The last such meeting was held February 5, 2013, which was a full neighborhood meeting. During this meeting, Kroger representatives presented their proposal and responded to questions and comments. After listening to neighborhood feedback, Kroger decided to make changes to its design. These design changes will be shared with the neighborhoods and Planning staff prior to the scheduled April 25, 2013 hearing of this zone map amendment request.

The new Euclid Kroger store will be constructed so that a portion of its parking will be roof-top parking. There will also be street-level parking. Elevators will be installed so that shoppers who opt to use roof-top parking can easily take their grocery shopping carts from the store to their cars.

The proposed zone map amendment request is in substantial compliance with the 2007 Comprehensive Plan, which recommends commercial development for the subject property. Additionally, the existing zoning for the four small vacant parcels on Marquis Avenue (408, 412, 416 and 420,) which are adjacent to the Kroger store, is inappropriate, and the proposed B-6P zoning is more appropriate.

The vacant and contiguous lots on Marquis Avenue are quite small, oddly configured, and contiguous to one another, but each lot is zoned differently, making it highly unlikely that any of the lots will be developed pursuant to its current zoning designation (see **Exhibit 1** attached hereto). For instance, the vacant lot at 408 Marquis consists of only .08 of an acre and is zoned R-4 (High Density Apartments). Next to it is the vacant lot at 412-418 Marquis, which contains .23 of an acre and is zoned P-1 (Professional Office). The vacant lot at 420 Marquis consists of .21 acres and is zoned R-1E (Single Family). Moreover, there is a segment of the R-1E zoned parcel which is located behind the existing B-1 Kroger store (see **Exhibit 1**). Incorporating these differently zoned lots into a single B-6P zone for all of the subject property is more appropriate, since 84% of the subject property is already zoned commercial and the property will continue to be used as a grocery store.

The 2007 Comprehensive Plan clearly encourages infill and redevelopment. Similarly, the recently adopted Goals and Objectives of the 2012 Comprehensive Plan also encourage infill and redevelopment. This zone map amendment request is in compliance with all of these stated Goals and Objectives. Specifically, the following Goals and Objectives of the 2007 Comprehensive Plan support this zone map amendment request:

1. Goal No. 8, p.20 – **Create strategies that enable and encourage appropriate infill and redevelopment of established developments and neighborhoods**. The Objectives which underpin this Goal also support the within application. In particular, the purpose of Objective G is to revitalize and enhance existing neighborhood centers and businesses. Likewise, the purpose of Objective H is to ensure that infill and redevelopment projects are compatible with and complementary to existing development.

2. Goal No. 15, p. 27 – **Preserve, protect and enhance the character and quality of existing neighborhoods**. The proposed Euclid Kroger store will be developed and designed to be in compliance with this Goal. One of the key objectives of Goal No. 15 is Objective E, which is to plan for and promote infill and redevelopment that is appropriate in character, density and design and serves to reinforce the fabric of the neighborhood. The new Kroger store will fulfill this Objective.



The 2007 Comprehensive Plan at p. 74 states that:

Infill/redevelopment is important to Lexington-Fayette County's growth because it encourages balanced urban growth with the redevelopment of existing developed areas using existing infrastructure and services and reducing demand for new development in outlying areas. Infill and redevelopment encourages traditional development patterns for more compact, walkable and mixed-use development which is especially important in an increasingly more expensive energy environment and with an increasing aging population. (p.74. 2007 Comprehensive Plan)

The Kroger store at Euclid has traditionally been the grocery store of choice for many nearby residents and students at the University of Kentucky. It is one of the few grocery stores in Lexington to which nearby residents have walked and/or ridden their bicycles. This will not change with the new store. There will be an ample supply of bike racks. Residents will still be able to walk to this grocery store, but they will have more food choices.

In addition to the zone map amendment request, there are a few variances in the Zoning Ordinance which we will need in order to accommodate the newly designed Kroger store. These variances requests are set out below:

- A. Article 12-7(b): ALLOW 3 WALL LENGTHS TO BE LONGER THAN 100' WITHOUT CHANGE IN SETBACK.
- B. Article 12-7(b): REDUCE 50' SETBACK TO 25' ALONG MARQUIS.
- C. Article 12-7(d): INCREASE GROUND AREA BUILDING COVERAGE FROM 35% TO 50%.
- D. Article 12-7(b)' VARIANCE TO REDUCE THE SETBACK ALONG EUCLID FROM 50 FEET TO 40 FEET TO ALLOW ENCROACHMENT (10' X 70') INTO EUCLID SETBACK. SETBACK AVERAGES 50'.
- E. Article 12-7(b): VARIANCE TO REDUCE THE REAR B-6P SETBACK FROM 50' TO 40' TO ALLOW 55 SQUARE FEET OF BUILDING TO ENCROACH OVER THE REAR B-6P SETBACK LINE.

The granting of these variances will not adversely affect the public health, safety or welfare, and will not alter the essential character of the general vicinity. In fact, these variances are necessary so that the new Kroger store can be designed in a manner that is appropriate and compatible with the surrounding neighborhood.

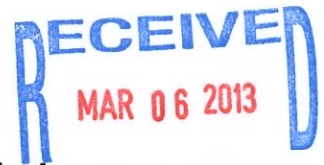
We very much believe that the new Kroger store will ensure that the current and future residents of the neighborhood will be provided with a grocery store that is competitive with other grocery stores in Lexington and which provides a much wider array of food products than currently exists. This store, once completed, will also provide an important benchmark for any

future redevelopment that might take place in the Chevy Chase area. I look forward to making a full presentation of this application to the Planning Commission on April 25, 2013.

Very truly yours,

  
T. Bruce Simpson, Jr.

TBS/emr



Kroger L-784 704 Euclid, 408, 412, 416-418 & 420 Marquis Avenue

### Variations being requested:

1. Article 12-8: Allow 3 wall lengths to exceed 100 feet without a change in the setback.

One wall (rear) is shown as 120 feet long. The ramp to the rooftop parking breaks this wall into complying lengths. Two sections of wall along Marquis are 111 feet and 127 feet. The walls are broken horizontally with material and textural changes. The spacing of these sections was established by emergency exit travel distances.

2. Article 12-7(b): Reduce the 50 feet B-6P setback along Marquis Avenue to 25 feet.

The intent of the design was to create a Downtown like atmosphere with the building at the property line. The shape of the property narrows from west moving east and the building and parking will not fit the property if moved to the east.

3. Article 12-7(d): Increase the Ground Area Building Coverage from 35% in the B-6P zone to 50%.

This project is unique with the roof top parking to supplement the ground parking. If the roof top parking was considered "Ground" the coverage would be 32%. The ground coverage is to allow room to accommodate the required green areas and parking areas required in the B-6P zone. We are meeting part of this need by adding parking on the roof.

4. Article 12-7(b): Variance to reduce the setback along Euclid from 50 feet to 40 feet to allow a 10 feet by 70 feet long section of building to encroach over the Euclid Avenue setback.

A bumped out area will encroach 10 feet into the setback along Euclid. The Zoning Ordinance allows a 3 feet encroachment with the setback averaging the required building setback. Kentucky Utilities has overhead transmission lines along Euclid Avenue, which have minimum setbacks from the nearest conductor. The main building setback is at the KU minimum and a one story bump out is located about midway in this wall. The average setback will exceed 50 feet.

5. Article 12-7(b): Variance to reduce the rear B-6P setback from 50 feet to 40 feet to allow 55 square feet of building to encroach over the rear B-6P setback line.

A 55 square feet piece of the receiving area encroaches over the 50 foot B-6P setback line on the side of the building furthest away from Euclid Avenue. There is 3 to 4 feet of elevation change along Marquis Avenue from Euclid, going southwest. To accommodate the ramps down to grade the receiving area had to be notched out, creating the finger area that encroaches 10 feet into the setback.



**Legal Description**  
**Kroger L-784 Property**  
Zone Change from B-1 to B-6P  
704 Euclid Avenue  
Lexington, Fayette County, Kentucky

Beginning at the point of intersection of the Centerline of Euclid Avenue and Marquis Avenue, then with the centerline of Euclid Avenue South  $41^{\circ}28'08''$  East a distance of 360.49 feet; thence South  $48^{\circ}35'16''$  West a distance of 33.00 feet to a point on the right-of-way line of Euclid Avenue, said point being the Northwest corner of Bank of Commerce; thence with the line of the Bank of Commerce South  $48^{\circ}35'16''$  West a distance of 149.18 feet; continuing with the line of the Bank of Commerce South  $41^{\circ}28'08''$  East a distance of 68.87 feet to the Northwest corner of John & Cathy Clay; thence with the line of Clay South  $47^{\circ}23'18''$  West a distance of 164.95 feet to a point on the line of Jenny Talbott; thence with the lines of Talbott, Moss, Grimes, Helmoth & Clay North  $55^{\circ}19'31''$  West a distance of 231.19 feet to a point on the line of Clay; thence leaving the line of Clay North  $49^{\circ}04'11''$  East a distance of 83.22 feet; thence North  $42^{\circ}33'36''$  West a distance of 50.53 feet; thence North  $49^{\circ}02'39''$  East a distance of 24.93 feet; thence North  $42^{\circ}34'30''$  West a distance of 157.35 feet to a point on the centerline of Marquis Avenue; thence with the centerline of Marquis Avenue North  $48^{\circ}17'57''$  East a distance of 298.31 feet to the Point of Beginning and containing a gross area of 3.0623 acres and a net area of 2.6371 acres.

**Legal Description**  
**Kroger L-784 Property**  
Zone Change from P-1 to B-6P  
412-416 Marquis Avenue  
Lexington, Fayette County, Kentucky

Beginning at a point on the Centerline of Marquis Avenue, said point being approximately 398 feet Southwest of the centerline of Euclid Avenue, thence with the centerline of Marquis Avenue North  $48^{\circ}17'57''$  East a distance of 74.65 feet, thence leaving the centerline of Marquis Avenue South  $42^{\circ}33'36''$  East a distance of 25.0 feet to a point on the South right-of-way of Marquis Avenue, said point being the Northeast corner of 412 Marquis Avenue, thence with the line of 412 Marquis South  $42^{\circ}33'36''$  East a distance of 132.02 feet to the Southeast corner of 412 Marquis, thence South  $49^{\circ}02'39''$  West a distance of 74.79 feet to the Southwest corner of 416-418 Marquis, thence North  $42^{\circ}30'51''$  West a distance of 156.05 feet to the centerline of Marquis Avenue and the Point of Beginning and containing a gross area of 0.2685 acre and a net area of 0.2256 acre.



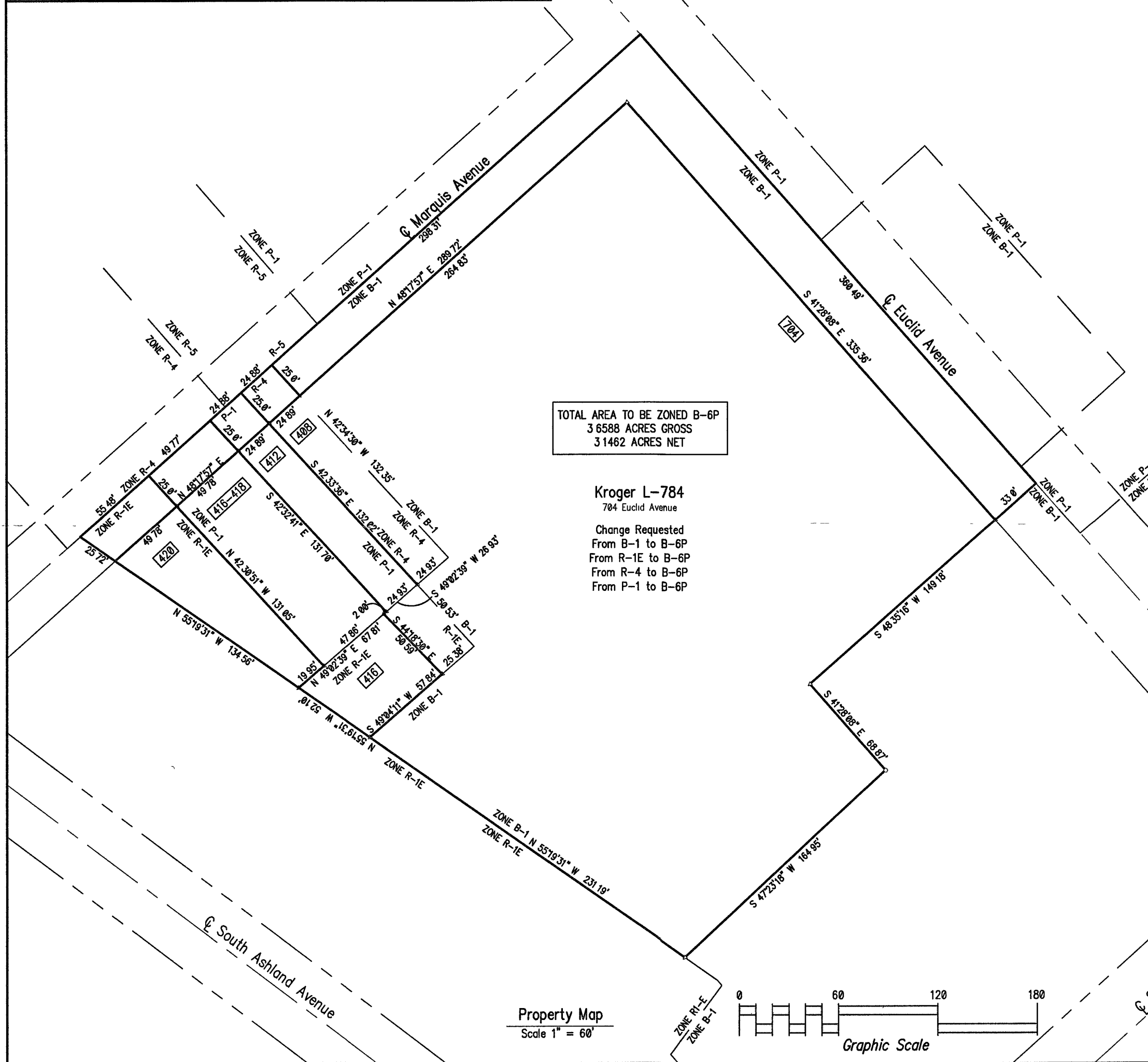
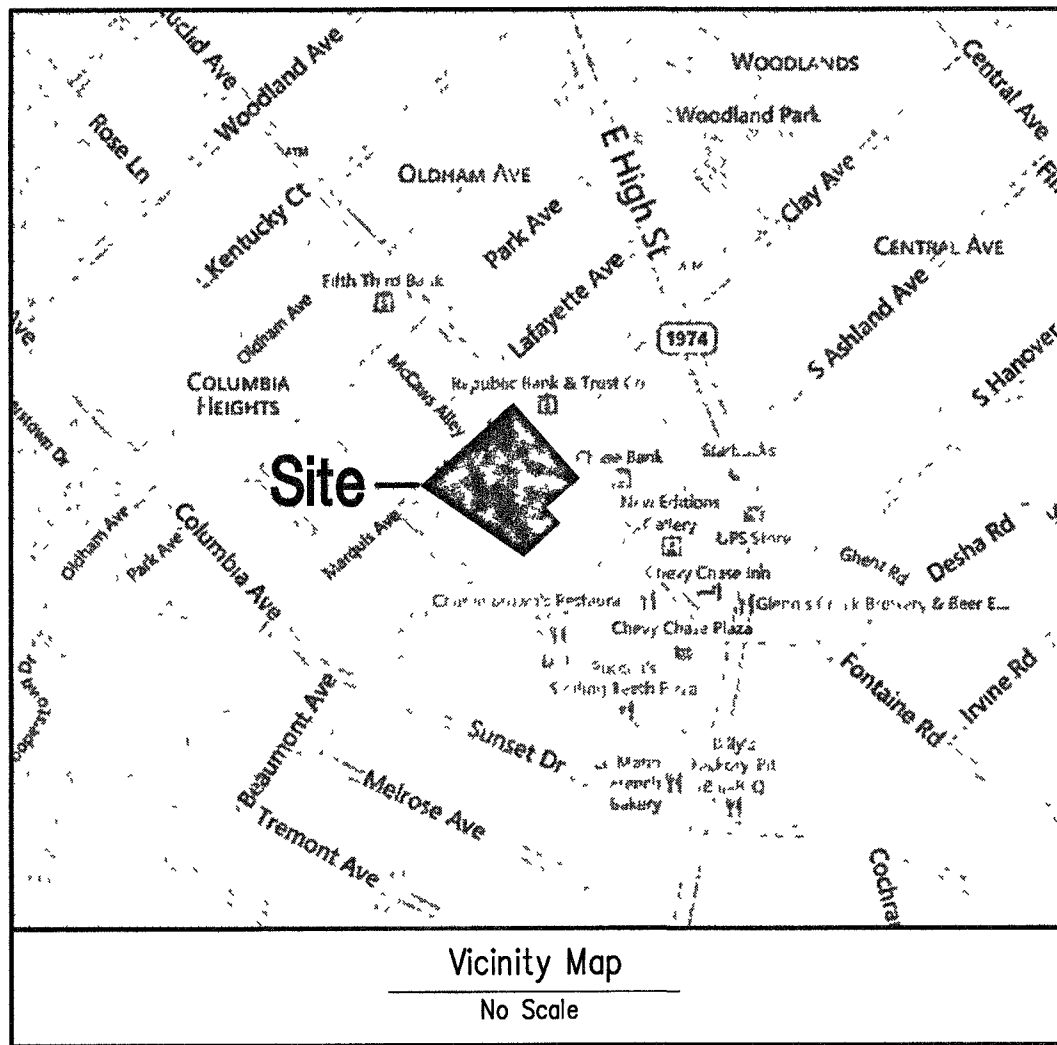
**Legal Description**  
**Kroger L-784 Property**  
Zone Change from R-1E to B-6P  
416-420 Marquis Avenue  
Lexington, Fayette County, Kentucky

Beginning at a point on the centerline of Marquis Avenue, said point being approximately 453 feet Southwest of the centerline of Euclid Avenue, thence with the centerline of Marquis Avenue North  $48^{\circ}17'57''$  East a distance of 55.48 feet to a point on the centerline, thence South  $42^{\circ}30'51''$  East a distance of 25 feet to a point on the South Right-of-way line to Marquis Avenue, said point being the Northeast corner of 420 Marquis, thence along the line of 420 Marquis South  $42^{\circ}30'51''$  East a distance of 131.05 feet to a point, thence North  $49^{\circ}02'39''$  East a distance of 74.79 feet to a point, thence South  $42^{\circ}33'36''$  East a distance of 50.53 feet to a point, thence South  $49^{\circ}04'11''$  West a distance of 83.22 feet to a point on the line of Clay; thence with the line of Clay, Black and Thompson North  $55^{\circ}19'31''$  West a distance of 186.66 feet to the Northeast corner of Linda Thompson and a point on the South right-of-way line to Marquis; thence North  $55^{\circ}19'31''$  West a distance of 25.72 feet to the Point of Beginning and containing a gross area of 0.2381 acres and a net area of 0.2079 acre.

**Legal Description**  
**Kroger L-784 Property**  
Zone Change from R-4 to B-6P  
408 Marquis Avenue  
Lexington, Fayette County, Kentucky

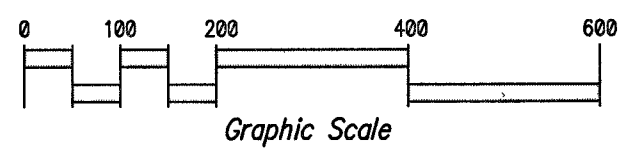
Beginning at a point on the Centerline of Marquis Avenue, said point being approximately 323 feet Southwest of the centerline of Euclid Avenue, thence with the centerline of Marquis Avenue North  $48^{\circ}17'57''$  East a distance of 24.88 feet to a point on the centerline, thence leaving the centerline of Marquis Avenue South  $42^{\circ}34'30''$  East a distance of 25.0 feet to a point on the South right-of-way of Marquis Avenue, thence South  $42^{\circ}34'30''$  East a distance of 132.35 feet to a point, thence South  $49^{\circ}02'39''$  West a distance of 24.93 feet to the Southeast corner of 412 Marquis, thence North  $42^{\circ}33'36''$  West a distance of 157.02 feet to the centerline of Marquis Avenue and the Point of Beginning and containing a gross area of 0.0899 acre and a net area of 0.0756 acre.





TOTAL AREA TO BE ZONED B-6P  
3 6588 ACRES GROSS  
3 1462 ACRES NET

**Kroger L-784**  
704 Euclid Avenue  
Change Requested  
From B-1 to B-6P  
From R-1E to B-6P  
From R-4 to B-6P  
From P-1 to B-6P



STATE OF KENTUCKY  
ROBERT W  
CORNETT  
2166  
LICENSED  
PROFESSIONAL  
LAND SURVEYOR

THIS MAP WAS PREPARED BY ROBERT W CORNETT, PLS #2166  
AND DOES NOT CONSTITUTE A LAND BOUNDARY SURVEY

TITLE	KROGER CENTER L-784	From	To	Net	Gross
Property Address	704 Euclid Avenue	B-1	B-6P	2 6371 Ac	3 0623 Ac
	408 Marquis Avenue	R-4	B-6P	0 0756 Ac	0 0899 Ac
	412, 416 & 418 Marquis Avenue	P-1	B-6P	0 2256 Ac	0 2685 Ac
	416 & 420 Marquis & 704 Euclid Ave	R-1E	B-6P	0 2079 Ac.	0 2381 Ac
Applicant Name: Kroger Limited Partnership 1 Address 1600 Ormsby Station Ct, Louisville, KY 40223 Owner Kroger Limited Partnership 1 Prepared by The Roberts Group, PSC					
Date Filed	March 4, 2013			TOTAL	3 1462 Ac 3 6588 Ac