

ORDINANCE NO. 96 -2016

AN ORDINANCE CHANGING THE ZONE FROM A SINGLE FAMILY RESIDENTIAL (R-1A) ZONE TO A NEIGHBORHOOD BUSINESS (B-1) ZONE, FOR 0.92 NET (1.15 GROSS) ACRES, FOR PROPERTY LOCATED AT 2400 VERSAILLES ROAD (FLYING DUTCHMAN PROPERTIES, LLC; COUNCIL DISTRICT 11).

WHEREAS, at a Public Hearing held on April 28, 2016 a petition for a zoning ordinance map amendment for property located at 2400 Versailles Road from a Single Family Residential (R-1A) zone to a Neighborhood Business (B-1) zone for 0.92 net (1.15 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 8-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for property located at 2400 Versailles Road from a Single Family Residential (R-1A) zone to a Neighborhood Business (B-1) zone for 0.92 net (1.15 gross) acres, being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - That the granting of this zone change is made subject to the following use restrictions as conditions of granting the zone change:

Under the provisions of Article 6-7 of the Zoning Ordinance, the following use and buffering restrictions are proposed for the subject property via conditional zoning:

Prohibited Uses

- a. Drive-through facilities.
- b. The sale or provision of wine, beer or alcoholic beverages, other than by the drink.
- c. Live entertainment and /or dancing.
- d. Cocktail lounges, brew-pubs and nightclubs.
- e. Automobile service stations.
- f. Arcades, including pinball and electronic games.
- g. Sale of firearms other than by federally licensed manufacturers, importers or dealers.
- h. Car washing establishments.
- i. Pool tables, within an establishment, even as an

accessory use.

- j. Automobile and vehicle refueling stations.

Other Use Restrictions

- a. A landscape buffer of at least twenty-five (25) feet in width shall be provided along the southern property boundary, with plantings as specified by Article 18-3(a)(1)2 if the zoning ordinance including the retention of any tree that is at least 4" in diameter at breast height (DBH) in size and the evergreen hedgerow (taxus). Any tree 4" DBH or larger and the evergreen hedgerow may only be removed if diseased or dying, and only with the written permission of the Urban Forester.
- b. Outdoor lighting shall be shielded and directed away from any adjacent residential zone. Lighting attached to a pole or any structure shall be a maximum of twenty (20) feet in height.
- c. Any free-standing sign erected shall be a maximum of ten (10) feet in height.

Section 3 - That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

Section 4 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: June 16, 2016

MAYOR



ATTEST:



CLERK OF URBAN COUNTY COUNCIL

Published: June 23, 2016-1t

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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-1A to B-1
For
2400 Versailles Road
Lexington, KY**

Beginning at a point on the centerline of Versailles Road, said point being South 84° 25' 25" West 241.20 feet from the centerline intersection of said Versailles Road and Parkers Mill Road, and being a corner on the R-1C and B-3 Zone Delineation; thence with said B-3 Zone Line for one (1) call:

1. South 05° 00' 58" East 252.91 feet to a corner of the B-3 and R-1A Zone Delineation; thence with said R-1A Zone Line for one (1) call:
2. South 85° 09' 15" West 199.15 feet; thence leaving said Zone Line and with a new severance line for one (1) call:
3. North 05° 14' 48" West 250.36 feet to a point on the centerline of Versailles; thence with the centerline of said for one (1) call:
4. North 84° 25' 25" East 200.20 feet to the Point of Beginning containing 1.15 Acres Gross and 0.92 Acre Net.

MAR 2016-13

Date Received 3/7/16

Pre-Application Date 2/16/16

Filing Fee \$ 500.00

GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

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

APPLICANT:	Flying Dutchman Properties LLC, PO Box 910626, Lexington KY 40591-0626
OWNER:	Flying Dutchman Properties LLC, PO Box 910626, Lexington KY 40591-0626
ATTORNEY:	n/a

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

2400 Versailles Rd

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

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
R-1A	Single Family Residential	B-1	Neighborhood Business	0.92	1.15

4. SURROUNDING PROPERTY, ZONING & USE

Property	Use	Zoning
North	Residential	R-1C
East	Business	B-3
South	Residential	R-1A
West	Residential	R-1A

5. EXISTING CONDITIONS

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
b. Have any such dwelling units been present on the subject property in the past 12 months?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
c. Are these units currently occupied by households earning under 40 % of the median income? If yes, how many units? _____ unit is currently vacant with boarded windows 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 type="checkbox"/> Existing	<input checked="" type="checkbox"/> To be constructed by	<input checked="" type="checkbox"/> Developer	<input type="checkbox"/> Other
Sanitary Sewers	<input 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 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 18 February 2016.

APPLICANT _____ DATE _____

OWNER Carrie Davis (Member) DATE 03/07/16

LFUCG EMPLOYEE/OFFICER, if applicable _____ DATE _____

Section 7: (Justification For Requested Zone Change)

The Applicant, Flying Dutchman Properties LLC, is requesting a zone change from Single Family Residential (R-1A) zone to Neighborhood Business (B-1) zone for 1.15 acres (Gross), 0.92 acres (Net). The applicant wishes to construct a small multi-tenant retail development of approximately 6,000 SF of floor area.

The property is located at 2400 Versailles Road. To the North the property fronts along Versailles Road for approximately 200 LF. Across Versailles Road, Holliday Hills Neighborhood zoned Single Family Residential (R-1C) backs up to the Versailles Road right of way. To the East, the property is zoned Highway Commercial (B-3) Zone. This property is home to Starbucks Coffee Shop. Approximately 200 LF to the East Parkers Mill Road intersects with Versailles road. To the South is a Gardenside Subdivision and Residential Property zoned Single Family Residential (R-1A) and it fronts and is accessed along Parkers Mill Road. To the West is an extremely large residential property located in the Colony Subdivision and also zoned Single Family Residential (R-1A). Also to the West is a large floodplain that encroaches onto the West and South property lines.

Neighborhood Business (B-1) Zone is more appropriate than the existing Single Family Residential (R-1A) Zone for the following reasons. Currently this property is non conforming to the Single Family Residential (R-1A) Zone in which it resides. In the Single Family Residential (R-1A) Zone, the minimum required lot area is 1.0 acres. The applicants property is 0.92 Acres, falling 0.08 acres short of the minimum requirement. If this property were developed as Neighborhood Commercial (B-1) it would be able to meet the minimum lot size requirement.

Additionally the lots only access to public right of way is off of Versailles Road. This is undesirable for a single family residence due to the high volume of traffic along Versailles Road which receives in excess of 30,000 vehicle trips per day.

Another issue with a Single Family Residential (R-1A) Zone for this property is its proximity to the floodplain. The property is encroached by the FEMA floodplain along the South and West property boundaries. This places an enormous burden on the property owner to obtain flood insurance. A commercial property that generates capital can better afford to regrade maintain the building out of the floodplain while maximizing the potential of the property.

It is also important to consider how this property relates to the adjoining properties. Neighborhood Business (B-1) is a transitional zone to soften the transition between residential zones and commercial zones. The permitted uses are less intensive than could be developed on the Highway Commercial (B-3) Zoned property adjoining to the East. As you move East along Versailles Road toward Alexandria Drive the amount and intensity of commercial development increases. To the West the floodplain located on the large lot at 2484 Versailles Road acts as a buffer to the proposed development and would prohibit any more commercial development to the west. The proposed

Neighborhood ((B-1) Zone would align with the Highway Commercial (B-3) Zone to the East and would not intrude along the property to the south.

In addition to the above reasons, the 2013 Comprehensive Plan strives to allow flexibility and opportunity for Lexington to grow within its existing Urban Services Boundary and to not be limited to the colors on a land use map.

Under Goals and Objectives in the 2013 Comprehensive Plan, Theme A "Growing Successful Neighborhoods", Goal 2A states that we are to identify areas of opportunity for infill, redevelopment and adaptive reuse that respect the areas context and design features whenever possible. This proposed zone change is taking land isolated by floodplain from the rest of the neighborhood and only accessible from Versailles Road and making it cohesive with the commercial property to the East.

Under Theme B "Protecting the Environment", Goal 1 States We should continue to implement the Consent Decree, including the capacity assurance program, as directed by the Environmental Protection Agency. This development will utilize public sanitary sewers already located within property boundaries and we will apply for sanitary sewer capacity reservation.

Under Theme C "Creating Jobs and Prosperity", Goal 1: states we should support and showcase local assets to further the creation of a variety of jobs. This is exactly what this development will provide. The proposed building could be one large 6,000 user a be split into 2 to 4 separate tenants. Each of these provides jobs and commerce to the immediate area. They put money back into an area that desparately needs it. Types of businesses could include Professional Offices, Doctors Offices, Dentists, Attorney Offices, Retail, Super markets, Hair Stylist, Art Studios, restaurants, to name a few. All of these create jobs for all income levels. All within walking distances to neighborhoods and public transportation.

Under Theme E "Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land", Goal 3 states that we should maintain the current boundaries of the Urban Service Area and Rural Activity Centers, and create no new Rural Activities Centers. This Development is within the Urban Service Boundary and makes use of previously underutilized land.

Thank you for your consideration of this zone change.

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