

**GENERAL INFORMATION**

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

<b>APPLICANT:</b>	RML Construction, LLP 3609 Walden Drive, Lexington, Kentucky 40517	859-268-1191
<b>OWNER:</b>	Same	
<b>REPRESENTATIVE:</b>	Rena Wiseman, Ball Homes, LLC 3609 Walden Drive, Lexington, Kentucky 40517	859-268-1191

**2. ADDRESS OF APPLICANT'S PROPERTY (ATTACH LEGAL DESCRIPTION-SEE ATTACHED SAMPLE.)**

2985 Liberty Road (a portion of)

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

Existing Use		Requested Use		Net Acreage	Gross
R-1D	Vacant	R-4	Apartment	0.33	0.50
		B-1	Mix-Use	0.02	0.23

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

Property	Use	Zoning
North	Townhomes	R-3
East	Vacant	B-1 & R-4
South	Commercial- Gas Station	B-1
West	Vacant	R-1D

**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 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 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 type="checkbox"/> Existing	<input checked="" type="checkbox"/> To be constructed by	<input checked="" 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

**6. 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

**7. 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  DATE 10/6/14

OWNER  DATE 10/6/14

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

## 7. Statement of Justification and Proposed Findings of Fact

RML Construction, LLP (“RML”) is requesting approval of a zone change for a small parcel which adjoins other property owned by RML located at 2985 Liberty Road. The Liberty Road parcel was rezoned to R-4 and B-1 earlier this year in order to develop a multi-family building on the R-4 portion and a mixed use building on the B-1 portion (MARV 24-10: RML Construction, LLP). The subject property is a triangle-shaped parcel that was part of 2981 Cadentown Road but was cut off from the balance of that tract by the reconstruction of Liberty Road. RML recently purchased the small parcel which contains 0.35 acres and is zoned R-1D. The parcel has also been consolidated into 2985 Liberty Road by virtue of a consolidation plat recorded in September. (Plat Book R, Slide 212). The purpose of this request is to rezone the 0.35-acre parcel to R-4 and B-1 in order to incorporate it into the development of 2985 Liberty Road.

The specific request is to rezone 0.33 acres from R-1D to R-4 and 0.02 acres from R-1D to B-1. In effect, this application will “square off” the current R-4 and B-1 areas.

We have also submitted an amended preliminary development plan which incorporates the small parcel into the development that was approved a few months ago. There is no significant change to the B-1 portion of the development other than the incorporation of the additional 0.02 acres. The R-4 area is revised to add a second multi-family building containing 12 one-bedroom units in addition to the 24-unit building that was shown on the approved preliminary development plan.

The basis for this zone change is that the existing R-1D zoning is inappropriate and the proposed R-4 and B-1 zoning is appropriate. The property fronts on Liberty Road and adjoins properties which are developed as and/or used for townhomes, apartments, and commercial uses, including the Brighton Place Shoppes. There are no single-family homes in the immediate vicinity. Furthermore, insofar as direct access to Liberty Road is problematic, it is likely that any single-family development would have to use the adjoining apartment and commercial parking lots for access. The more appropriate and efficient use of the property is to incorporate it into the adjacent mixed-use development at 2985 Liberty Road.

As part of this application, we are also requesting two variances. The first request is to eliminate the zone-to-zone screening required by Section 18-3(a)(1) of the Zoning Ordinance between the new R-4 and B-1 areas. The same variance was approved for the prior application largely because such buffering would be contrary to the mixed-use development proposed for the property.

The second variance is to reduce the Liberty Road front yard setback from 20 feet to 5 feet in the R-4 area in order to install a row of parking spaces closer to Liberty Road. (See Sections 8-13(h); 16-4(c)). As illustrated by the development plan, the variance will allow the R-4 parking spaces and parking aisle to align with the parking spaces and the parking aisle on the adjacent B-1 parcel. The required 5-foot Vehicle Use

Area buffer will be provided and will be integrated with the 5-foot V.U.A. buffer on the adjacent B-1 area. The reduced set back is only for the parking area; the multi-family buildings will meet the 20-foot front yard setback. Under these circumstances, the variance is not an unreasonable circumvention of the Zoning Ordinance.

### **Proposed Findings of Fact**

- 1) The requested High Density Apartment (R-4) and Neighborhood Business (B-1) zones are appropriate and proper and the existing Single Family Residential (R-1D) zoning is inappropriate and improper for the following reasons:
  - a) The parcel adjoins properties which are zoned and/or used for townhomes, apartments and commercial uses. There are no single family homes in the immediate vicinity of the property.
  - b) The property fronts on Liberty Road which was recently widened to four lanes. It is unlikely that it would be permitted to have direct access to Liberty Road and that, instead, access would be through the adjoining multi-family and commercial parking lots.
  - c) The property is a small remnant created by the widening of Liberty Road which severed the property from the larger parcel located at 2981 Cadentown Road. The resulting small size, triangular shape and location will make it difficult to develop the property as a free-standing parcel. Therefore, the most appropriate and efficient use of the property is to incorporate it into the proposed mixed use development at 2985 Liberty Road.
  - d) The proposed B-1 zone is only for 0.02 acres and is not a significant expansion of the B-1 area or B-1 uses and instead "squares off" the R-4 and B-1 zone lines.
- 2) The requested variances should be approved for the following reasons:
  - a) Granting the variances will not adversely affect the public safety, health or welfare, will not alter the character of the area nor cause any hazard or nuisance. The zone-to-zone screening variance is requested because, as was true in MARV 24-10, the addition of such a buffer would be inconsistent with the planned mixed use development. Likewise, the reduction of the front yard to allow the R-4 parking to be closer to Liberty Road is necessary in order to align it with the parking and circulation on the B-1 part of the development.
  - b) Granting the landscape variance will not be an unreasonable circumvention of the Zoning Ordinance because it is consistent with the variance that was approved for the prior application. The reduction of the front yard to accommodate parking is also not an unreasonable circumvention since it will result in more logical and efficient circulation for the mixed use development. The proposed buildings will

meet the 20-foot front yard setback. In addition, the required Vehicle Use Area landscaping will be provided adjacent to the parking.

- c) The special circumstance for this request is that the variances are needed in order to incorporate the small parcel into the mixed used development previously approved for 2985 Liberty Road.
- d) Strict application of the landscape and setback requirements would preclude a reasonable use of the small parcel which is its integration into the adjacent mixed use development.
- e) The subject property is a small remnant that was created when it was severed from 2981 Cadentown Road by the widening of Liberty Road, a circumstance that was not created by the applicant. As a result, the parcel's size, shape and location will make it difficult to be developed as a free-standing property. Accordingly, the most appropriate use of the property is to incorporate it into the development of 2985 Liberty Road. The requested variances will facilitate such development.

RML CONSTRUCTION, LLP  
2985 Liberty Road, (a portion of)  
Lexington, Fayette County, Kentucky  
Zone Change from R-1D to R-4

Being a tract of land situated east of Liberty Road approximately 320 feet northwest of the intersection of Todds Road and Liberty Road, and being more fully described and bounded as follows:

**BEGINNING AT A POINT** in the centerline of Liberty Road, said point also lying in the extended southern line of Caden Landing (a.k.a. Kennedy Landing) Section One, as shown on Plat Cabinet L, Slide 682 of record in the Fayette County Clerk's Office; thence with said southern line North 60 degrees 05 minutes 05 seconds East, 147.12 feet to a point; thence leaving said southern line South 30 degrees 31 minutes 03 seconds East, 252.53 feet to point; thence South 51 degrees 07 minutes 48 seconds West, 19.51 feet to a point in the northeastern right of way of Liberty Road; thence leaving said right of way South 44 degrees 01 minutes 32 seconds West, 48.00 feet to a point in the centerline of Liberty Road; thence with said centerline for the following two calls: 196.20 feet along a curve to the left having a radius of 6000.00 feet and a chord which bears North 46 degrees 54 minutes 40 seconds West, 196.19 feet to a point; thence North 48 degrees 19 minutes 28 seconds West, 85.59 feet to the **POINT OF BEGINNING** and containing 0.50 acres (Gross) and 0.33 acres (Net).

RML CONSTRUCTION, LLP  
2985 Liberty Road, (a portion of)  
Lexington, Fayette County, Kentucky  
Zone Change from R-1D to B-1

Being a tract of land situated east of Liberty Road approximately 320 feet northwest of the intersection of Todds Road and Liberty Road, and being more fully described and bounded as follows:

**COMMENCING AT A POINT** in the centerline of Liberty Road, said point also lying in the extended southern line of Caden Landing (a.k.a. Kennedy Landing) Section One, as shown on Plat Cabinet L, Slide 682 of record in the Fayette County Clerk's Office; thence with said centerline for the following two (2) calls: South 48 degrees 19 minutes 28 seconds East, 85.59 feet to a point in the; thence 196.20 feet along a curve to the right having a radius of 6000.00 feet and a chord which bears South 46 degrees 54 minutes 40 seconds East, 196.19 feet to the **TRUE POINT OF BEGINNING**; thence leaving said centerline North 44 degrees 01 minutes 32 seconds East, 48.00 feet to a point in the northeasterly right of way of Liberty Road; thence leaving said right of way North 51 degrees 07 minutes 48 seconds East, 19.51 feet to a point; thence South 30 degrees 31 minutes 03 seconds East, 74.34 feet to a point in the aforementioned right of way; thence leaving said right of way South 44 degrees 34 minutes 41 seconds West, 48.00 feet to a point in the centerline of Liberty Road; thence with said centerline 73.61 feet along a curve to the left having a radius of 6000.00 feet and a chord which bears North 45 degrees 37 minutes 23 seconds West, 73.60 feet to the **POINT OF BEGINNING** and containing 0.23 acres (Gross) and 0.02 acres (Net).

Notification Map

**BRIGHTON 3050**

ADDRESS: 2985 LIBERTY ROAD, LEXINGTON, KY

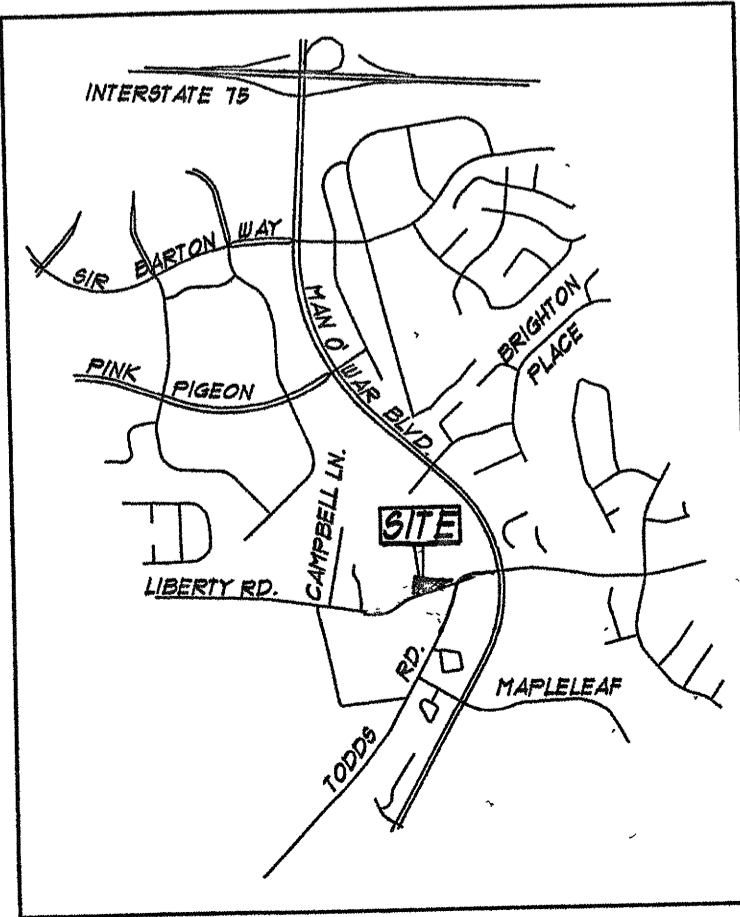
OWNER/APPLICANT:  
 RML CONSTRUCTION, LLP  
 3609 WALDEN ROAD  
 LEXINGTON, KY 40517

PREPARED BY: EA PARTNERS, PLC

DATE FILED: OCTOBER 6, 2014



ZONE CHANGE REQUEST:  
 FROM: SINGLE FAMILY (R-1D) ZONE  
 TO: HIGH DENSITY APARTMENT (R-4) ZONE  
 AREA: 0.33 NET & 0.50 GROSS ACRES  
 FROM: SINGLE FAMILY (R-1D) ZONE  
 TO: NEIGHBORHOOD BUSINESS (B-1) ZONE  
 AREA: 0.02 NET & 0.23 GROSS ACRES



VICINITY MAP (NOT TO SCALE)

