

MAR 2016-12

Date Received 3/7/16

Pre-Application Date 12/22/15

Filing Fee \$ 500.00

GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

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

APPLICANT:	DR James Wilhite, 3500 Arbor Dr, Lexington KY 40517
OWNER:	National Academy INC, 3500 Arbor Dr, Lexington KY 40517
ATTORNEY:	Richard V. Murphy, 250 W Main St, Ste 2510, Lexington KY 40507

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

3500 Arbor Dr

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

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
R-1T	Day Care Facility	P-1	Office Space	5.08	6.16
R-3	Vacant / Un-developed	P-1	Detention Area	0.40	0.40
Total				5.48	6.56

4. SURROUNDING PROPERTY, ZONING & USE

Property	Use	Zoning
North	Residential	R-1T
East	Residential	R-3
South	Residential	R-3
West	Residential	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 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... <input type="checkbox"/> in agreement with the Comp. Plan <input checked="" type="checkbox"/> more appropriate than the existing zoning <input checked="" type="checkbox"/> 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 1988.

APPLICANT Richard V. Murphy DATE 3/6/16

OWNER attly for applicant and owner DATE _____

LFUCG EMPLOYEE/OFFICER, if applicable _____ DATE _____

7. Justification for requested change.

The applicant, Dr. James Wilhite, is requesting a zone change from the townhouse residential (R-1T) zone and the Planned Neighborhood Residential (R-3) zone to the professional office (P-1) zone for about 5.5 net acres of property located at 3500 Arbor Drive.

The subject property is the current location of the National Academy, which is a facility which offers gymnastics, cheerleading and childcare facilities. It was approved in 1986, and in 2000, an amendment was approved to allow the total number of the children using the facility to be increased to 476.

The National Academy is operated within a modern concrete and steel building containing over 30,000 square feet. It is fully sprinkled. Dr. Wilhite is a pediatrician and he started National Academy because of the need he saw for quality athletic and motor skill training for children and the need for childcare and after school programs. In the last 30 years, however, the method of providing services to children has changed. Now, public schools provide publicly funded athletic, after-school and childcare programs. As a result, the enrollment at National Academy has continually decreased over the last few years to about 125 students, a level which cannot be sustained in a 30,000 square foot building. The building is located in the R-1T zone, which allows limited uses for the existing building.

We are requesting a professional office zone for this property because it would be the most appropriate zone for adaptive reuse of the building. The P-1 zone would allow uses such as professional offices, private or church-related schools for academic instruction, churches, libraries, museums, business colleges, athletic clubs, elder day centers and similar uses.

P-1 zoning would be a good neighbor to the existing residential and institutional uses in the area. The uses to the north and west, a church and residential, are separated from the property by steep topography and have no vehicular access to the subject property. To the east is Man-O-War Boulevard, with multi-family residential on the other side. To the south are existing townhouses. This property is served by Arbor Drive, and the traffic generated by a professional office use would be less than that generated by a 476 child day care, gymnastics and cheerleading facility. There are also churches, a funeral home and a nursing home in the vicinity of the property. Professional office use would be a quiet, lower intensity use of the property and would be a good adaptive reuse of the property which is a well-built, steel and concrete structure which is fully sprinkled.

Thus, the existing R-1T and R-3 zoning is no longer appropriate for the property and P-1 zoning is appropriate for the following reasons:


1. The property and building have been designed and operated as a childcare facility, after school programs, and as a cheerleading and gymnastics club for the last 30 years. However, changes in the provision of such services have moved many such programs to

publicly-funded programs at public schools, rendering the existing use no longer viable at this property.

2. The existing building, an approximately 30,000 square foot concrete and steel building, which is fully sprinkled, is not well-suited for residential uses, but would be suitable for many uses allowed in the Professional office zone such as offices, private or church-related schools for academic instruction, churches, libraries, museums, business colleges, private clubs, athletic clubs, elder day centers and other such uses.

3. Professional office use would generate less traffic than an existing 476-child daycare, afterschool and gymnastics and cheerleading club. It would remain a quiet use and would be compatible with surrounding uses. The church and residential uses on the north and west have no vehicular access into the property and are separated by topography. The building and property are already constructed with appropriate utilities, drainage and sewer service for this professional office building.

Thank you for your consideration of this zone change request.


Richard V. Murphy, Attorney for Applicant

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-1T to P-1
For
3500 Arbor Drive
Wilhite Park Subdivision
Lexington, Ky. 40503**

Beginning at the southwest corner of the Cornerstone Subdivision recorded in Plat Cabinet I, Slide 86 of the Fayette County Court Clerk's records, and being in the existing Zone R-1C Delineation Line; thence with said Delineation Line for one (1) call:

1. South 27° 36' 59" West 376.98 feet to a corner of the existing R-3 Zone Delineation Line; thence with said Delineation Line for nine (9) call:
2. South 00° 56' 10" West 360.39 feet;
3. North 28° 48' 24" East 279.11 feet;
4. South 61° 11' 36" East 75.00 feet;
5. South 28° 48' 24" West 20.00 feet;
6. South 61° 11' 36" East 75.00 feet;
7. South 28° 48' 24" West 167.08 feet;
8. Along a curve to the right having a Radius of 50.00 feet, a Delta Angle of 55° 37' 33" and a Long Chord of South 26° 44' 19" East 46.66 feet;
9. South 89° 03' 50" East 16.83 feet to a point in the western Right-of-Way of Man-O'-War Boulevard and the existing R-3 Zone Delineation Line; thence severing said Man-O'-War Right-of-Way and said R-3 Zone for three (3) calls:
10. South 61° 59' 47" East 59.65 feet to a point on the centerline of said Man-O'-War;
11. North 28° 00' 13" East 191.43 feet with said centerline;
12. Along a curve to the right having a Radius of 2864.79 feet, a Delta Angle of 12° 01' 31" and a Long Chord of North 35° 01' 28" East 600.16 feet to a point in the existing R-2 Zone Delineation Line; thence with said Zone Delineation Line for two (2) calls:
13. North 79° 35' 47" West 69.48 feet;
14. North 79° 35' 47" West 102.71 feet to the southeast corner of said Cornerstone Subdivision; thence with said Cornerstone Subdivision for one (1) call:
15. North 79° 35' 47" West 356.46 feet to the Point of Beginning containing 6.16 Acres Gross and 5.08 Acres Net.

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-3 to P-1
For
3500 Arbor Drive
Wilhite Park Subdivision
Lexington, Ky. 40503**

Beginning at a point in the existing R-1D Zone Delineation Line and the eastern line of the River Park Subdivision Unit 3-A as recorded in Plat Cabinet A, Slide 703 of the Fayette County Court Clerk's records, said point being South 27° 36' 59" West 376.98 feet from the southwest corner of the Cornerstone Subdivision recorded in Plat Cabinet I, Slide 86, and being in the existing Zone R-1C Delineation Line; thence with said Delineation Line for one (1) call:

1. South 27° 33' 13" West 235.56 feet; thence severing the R-3 Zone for three (3) calls:
2. South 62° 26' 47" East 66.12 feet;
3. South 00° 56' 10" West 75.75 feet;
4. South 63° 02' 47" East 51.66 feet to a point in the existing R-1T Zone Delineation Line; thence with said Delineation Line for one (1) call:
5. North 00° 56' 10" East 338.63 feet to the Point of Beginning containing 0.40 Acre Gross and Net.