

MAR 2013-15

Date Received 8/5/13

Pre-Application Date 7/23/13

Filing Fee \$490.00

GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

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

APPLICANT: C&R Asphalt Land Acquisition Co., LLC c/o Billy Blair, 102 Furlong Trail,
Nicholasville, KY 40356

OWNER: Same as above

ATTORNEY: T. Bruce Simpson, Jr./STOLL KEENON OGDEN, PLLC, 300 W. Vine St., #2100, Lexington KY 40507

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

2601 & 2617 Regency Rd.

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

Zoning	Existing		Requested		Acreage	
	Zoning	Use	Zoning	Use	Net	Gross
2601: I-1	I-1	Auto parts sales	B-3	Commercial	0.8104	1.0444
2617: I-1	I-1	Furniture sales	B-3	Commercial	0.6807	.8847

4. SURROUNDING PROPERTY, ZONING & USE

Property	Use	Zoning
North	Commercial & light industrial	I-1
East	Paint store	B-4
South	Commercial	B-3
West	Railroad	I-2

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 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 July 2013.

APPLICANT T. Bruce Simpson, PUA for C&R Asphalt DATE 8/5/13

OWNER Land Acquisition Co. LLC / owner + applicant DATE 8/5/13

LFUCG EMPLOYEE/OFFICER, if applicable _____ DATE _____



STOLL
KEENON
OGDEN

PLLC

300 WEST VINE STREET
SUITE 2100
LEXINGTON, KY 40507-1801
MAIN: (859) 231-3000
FAX: (859) 253-1093

T. BRUCE SIMPSON, JR.
DIRECT DIAL: (859) 231-3621
DIRECT FAX: (859) 259-3521
bruce.simpson@skofirm.com

August 5, 2013

Hand Delivery

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

Re: C&R Asphalt Land Acquisition Co. Application
For Zone Map Amendment for Property Located
At 2601 & 2617 Regency Road

Dear Chairperson Owens,

I am pleased to represent the C&R Asphalt Land Acquisition Company, LLC in connection with its application for a zone map amendment request for property it owns at 2601 and 2617 Regency Road from Light Industrial (I-1) to Commercial (B-3, with restrictions.)

As you and the other members of the Planning Commission are probably aware, this area of Moore Drive and Regency Road has, over the past two decades, been changing from a light industrial and warehouse orientation to commercial retail. For example, in 1995, the property located at 180 Moore Drive obtained a zone change from B-4 to B-3 on the basis that the existing Warehouse and Wholesale Business zoning was no longer appropriate and that the proposed Highway Service Business (B-3) zoning was more appropriate. This property is located in close proximity to the subject property. Additionally, in 2004, the property immediately adjacent and to the south of the subject property, to wit: 2625 Regency Road, was rezoned from Light Industrial to Highway Service Business (B-3). Your planning staff recommended approval of both the above-referenced zone changes, subject to certain conditions. Finally, the actual uses in this area of Moore Drive and Regency Road reflect more of a retail orientation than an industrial one. That is to say, over the past several years, a coffee shop, a retail furniture store, a Spanish furniture and memorabilia store, along with other similar retail uses, have been operating on Regency Road.

Thus, while the land use element may reflect a different recommendation, the evidence is clear that allowing B-3 commercial uses is compatible with the evolving nature of this neighborhood and is a more appropriate zoning classification than the existing industrial zone recommendation.

Additionally, the proposed zone change is also consistent with a substantial number of the Goals and Objectives of the 2007 Comprehensive Plan, and the Goals and Objectives of the 2012 Comprehensive Plan. In particular, the following Goals and Objectives of the 2007 Comprehensive Plan support this application:

1. Goal #3: Promote land uses that are sensitive to the natural and built environment.
2. Goal #8: Create strategies that enable and encourage appropriate infill and redevelopment of established developments and neighborhoods.
3. Goal #11: Provide diverse business and employment opportunities for Lexington-Fayette County.
4. Goal #15: Preserve, protect and enhance the character and quality of existing neighborhoods.
5. Goal #20: Provide and maintain a range of community facilities and services.

Several of the Goals and Objectives of the 2012 Comprehensive Plan also support this application for rezoning. These Goals and Objectives are as follows:

A. Growing successful neighborhoods.

(2) Support infill and redevelopment throughout the Urban Services Area as a strategic component of growth.

(a) Identify areas of opportunity for infill redevelopment and adaptive reuse that respect areas' context and design features whenever possible.

C. Creating Jobs and Prosperity.

The above-referenced Goals and Objectives, along with the evolution away from industrial uses to commercial uses over the past two decades, makes the existing zoning inappropriate and the proposed zoning appropriate. Likewise, the proposal is supported by the Goals and Objectives of the 2007 and 2012 Comprehensive Plan.

I look forward to presenting this application. If anyone has any questions about this zone change application, I encourage them to contact me at the above number or on my cell phone (859) 229-3436. Thank you.

Very truly yours,

A handwritten signature in blue ink, appearing to read "T. Bruce Simpson, Jr.", written over a horizontal dashed line.

T. Bruce Simpson, Jr.

TBS/emr

LEGAL DESCRIPTION

C & R Asphalt Land Acquisition Company, LLC

Zone Change from I-1 to B-3

2601 and 2617 Regency Road

Lexington, Fayette County, Kentucky

Being a parcel of land in the city of Lexington, Fayette County, Kentucky lying on the west side of Regency Road at the intersection of Moore Drive and more particularly described as:

BEGINNING at a point in the centerline of the Regency Road right-of-way, said point

being 186.00 feet south of the intersection of Moore Drive and said point having Kentucky State Plane Coordinates of E(X)=1,561,131.71', N(Y)=182,291.24' (NAD 83, KY North Zone, US Survey Feet); thence leaving the centerline of Regency Road and through the right-of-way of the same,

North 73°38'20" West a distance of 30.00 feet to a MAG Nail with stainless steel ID washer (set, PLS 3350), said point being the southeast corner C&R Asphalt Land Acquisition Company, LLC (Deed Book 3163, Page 546) and said point being the southeast corner of Lot 5A of Miller-Bird Commercial Park Unit 1-B (Plat Cabinet F, Slide 609); thence with the same line and the south line of said C&R Asphalt Land Acquisition Company, LLC,

North 73°38'20" West a distance of 286.65 feet to a 24"-long, 5/8" diameter rebar with plastic surveyor's cap (set, PLS 3350), said point being the south west corner of the same Company and said point being in the east right-of-way of the Norfolk & Southern Railroad; thence continuing on the same line through said Railroad,

North 73°38'20" West a distance of 59.37 feet to a point in the centerline of the eastern track; thence with the centerline of said railroad track,

North 03°31'57" East a distance of 215.38 feet to a point in the center of said railroad track; thence leaving said centerline and through the Railroad right-of-way,

✓
South 73°38'20" East a distance of 59.34 feet to a 24"-long, 5/8" diameter rebar with plastic surveyor's cap (set, PLS 3350) in the east right-of-way of said Railroad and said point being the northwest corner of C&R Asphalt Land Acquisition Company, LLC and said point being the northwest corner of Lot 5B of the aforementioned Miller-Bird Commercial Park Unit 1-B (Plat Cabinet F, Slide 609); thence continuing along the same line and along the north line of said Lot 5A,

✓
South 73°38'20" East a distance of 331.50 feet to a 24"-long, 5/8" diameter rebar with plastic surveyor's cap (set, PLS 3350), said point being in the west right-of-way of Regency Road, and being the northeast corner of said Lot 5A; thence leaving the line of Lot 5A and through the Regency Road right-of-way,

✓
South 73°38'20" East a distance of 35.00 feet to a point in the centerline of the Regency Road right-of-way; thence with the centerline of the same for three calls:

✓
South 16°21'40" West a distance of 24.01 feet to a point; thence

✓
North 73°38'20" West a distance of 2.00 feet to a point; thence

✓
South 16°21'40" West a distance of 185.99 feet to a point;

which is the Point of Beginning, having a Gross area of 1.9292 acres, and a Net area of 1.4911 acres.

The bearings used in the description above are based on Kentucky State Plane Grid North, North American Datum of 1983 (NAD'83). Particularly, the bearings are based on a GPS survey utilizing the KYTC CORS (Continuously Operating Reference Station) known as "KYTG".

The description above being based on an actual ground survey of the property conducted under the direct supervision of Kevin Phillips (PLS 3350), of Endris Engineering, 771 Enterprise Drive, Lexington, Kentucky concluding on July 26, 2013.



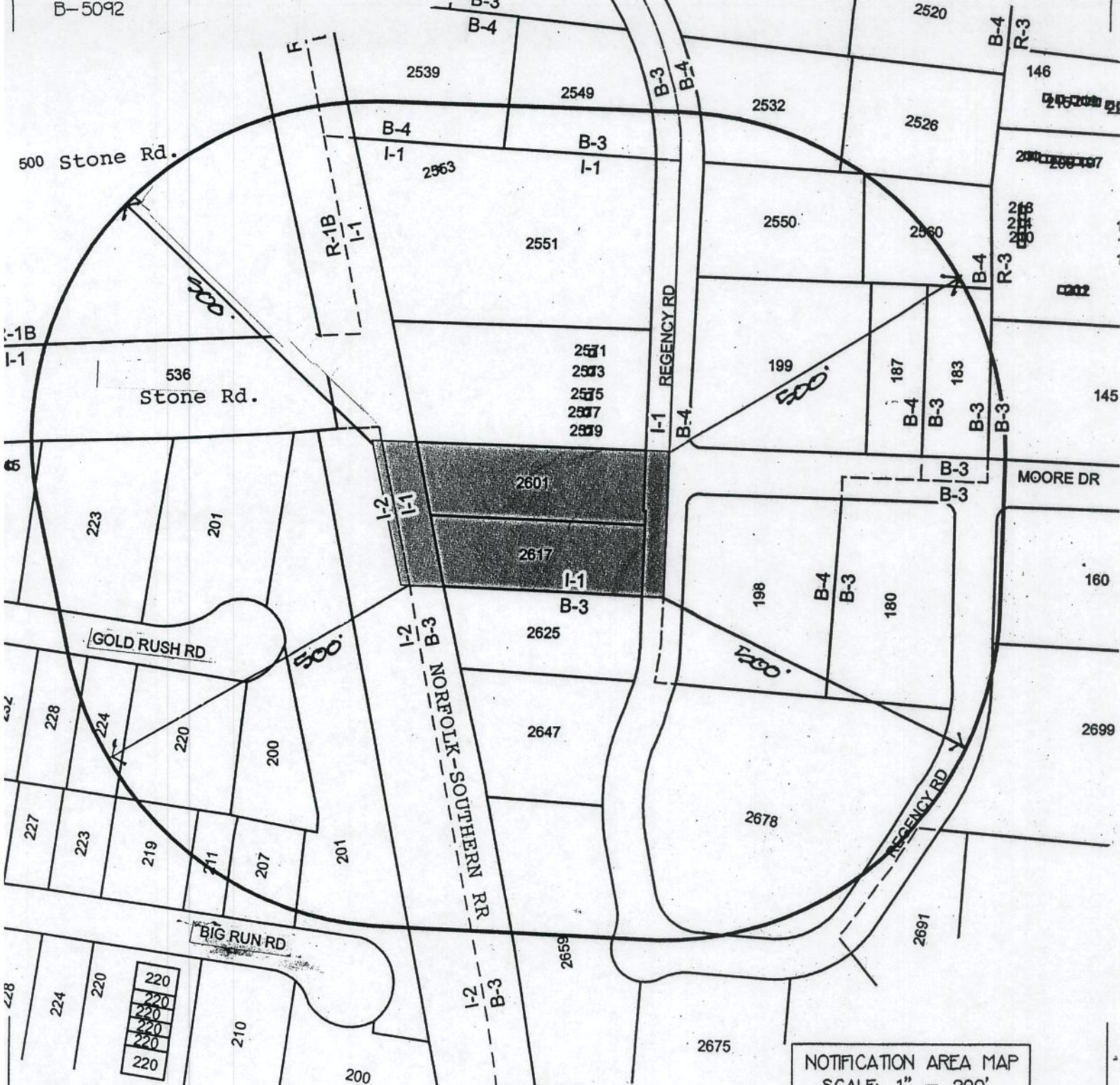
Kevin M. Phillips

Kevin M. Phillips (PLS 3350)
Endris Engineering, PSC
771 Enterprise Drive
Lexington, KY 40510

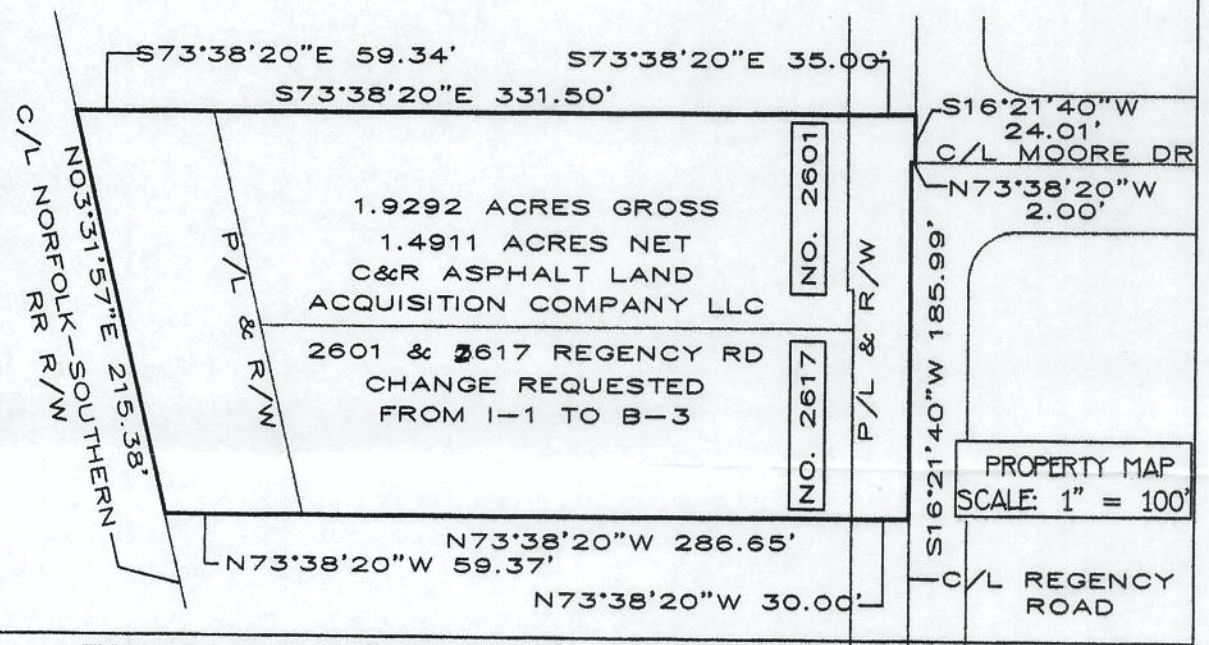
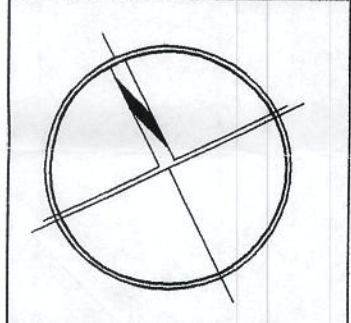
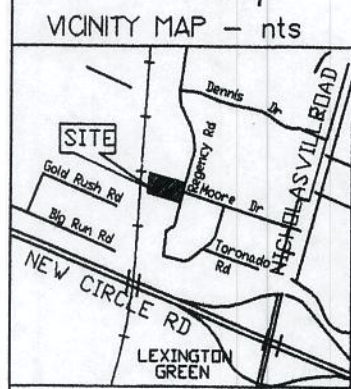
08-02-2013

Date

Z:\3176 2601-2617 Regency Road\Zone Description\3176 Zone Boundary.wpd
August 2, 2013



NOTIFICATION AREA MAP
SCALE: 1" = 200'



PROPERTY MAP
SCALE: 1" = 100'

ZOMAR: C&R ASPHALT LAND ACQUISITION COMPANY LLC

APPLICANT: C&R ASPHALT LAND ACQUISITION COMPANY LLC	FROM	TO	GROSS	NET
PROPERTY ADDRESS: 2601 & 2617 REGENCY RD, LEXINGTON, KY.	I-1	B-3	1.9292	1.4911
OWNER: C&R ASPHALT LAND ACQUISITION COMPANY LLC				
ADDRESS: 102 FURLONG TRAIL, NICHOLASVILLE, KY 40356				
PREPARED BY: WHEAT & LADENBURGER				
212 NORTH UPPER STREET, LEXINGTON, KY.				
DATE FILED: AUGUST 5, 2013				

TOTAL 1.9292 1.4911

STATE OF KENTUCKY
Roger Ladenburger
315
LICENSED
LAND SURVEYOR