

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

**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>	EA Partners, PLC 3111 Wall Street, Lexington, KY 40513	859-296-9889

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

2985 Liberty Road

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

Zoning	Existing Use	Zoning	Requested Use	Acreage	
				Net	Gross
R-1D	Residence	R-4	Apartment	0.92	0.92
		B-1	Mix-Use	1.01	1.22

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

Property	Use	Zoning
North	Apartments & Townhomes	R-3
East	Apartments	R-3
South	Commercial – Gas Station	B-1
West	Commercial & Vacant	B-1 & 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 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 <u>40%</u> 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 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 <u>3/31/14</u>
OWNER	DATE <u>3/31/14</u>
LFUCG EMPLOYEE/OFFICER, if applicable _____	DATE _____



## 7. Statement of Justification

RML Construction, LLP (“RML”) is requesting approval of a zone change for approximately 2 acres located at 2985 Liberty Road. The property is currently zoned single-family residential (R-1D) and the request is to rezone about half of the site to high density apartment (R-4) and half to neighborhood business (B-1) in order to accommodate a mix of retail and residential uses. The proposal calls for one three-story apartment building containing 24 units and a mixed use building with about 13,000 square feet of retail on the first floor and 16 apartments on the second and third floors. The property adjoins and will be incorporated into the Brighton 3050 apartment complex which is owned and managed by the applicant.

The application is in agreement with the Comprehensive Plan. In addition, the existing R-1D zoning is inappropriate and the proposed R-4/B-1 zoning is appropriate.

The location and uses surrounding the property demonstrate that the R-1D zoning is no longer appropriate. The property was one of several small parcels that fronted on Bryant Road and were used for single family residential purposes. Most of Bryant Road was closed several years ago and, with the construction of Man O War, both Liberty Road and Todds Road were realigned. Most of the surrounding properties have developed over the past several years and the existing house has been vacant for some time. The property is adjoined to the east by the Brighton Place Shoppes, to the north by Brighton 3050, to the west by townhomes and to the south by Liberty Road which has been widened to 4 lanes. There are no single family homes in the immediate vicinity. The property is also situated so as to be integrated into the Brighton 3050 development. Given these factors, the existing zoning is inappropriate and the proposed R-4/B-1 zones are appropriate.

The proposal is also consistent with the Comprehensive Plan’s emphasis upon efficient use of land within the Urban Services Area, compatible infill development and mixed uses.

Goal 1, of Theme A, Growing Successful Neighborhoods, Objective b. states:

b. Plan for housing that addresses the market needs for all of Lexington-Fayette County’s residents, including, but not limited to, mixed-use and housing near Employment and commercial areas.

Goal 2 of that same Theme is to “Support infill and redevelopment throughout the Urban Service Area as a strategic component of growth.”

Goal 1, of Theme E, Maintaining a balance between Planning for Urban Uses and safeguarding rural land, Objective b. states:

b. Encourage compact, contiguous, and/or mixed-use sustainable development within the Urban Service Area, as guided by market demand, to accommodate



future growth.

In addition, The Plan notes, at p. 97, that “Developing vacant and underperforming land in the Urban Service Area to accommodate Lexington’s growth is a key component of safeguarding rural land.” Moreover, the Plan calls for infill to be employed throughout the Urban Services Area, not just in the downtown area, and for it to be sensitive to the character of existing neighborhoods. Plan at p. 97. The proposal to develop this parcel as a mix of multi-family and retail uses as part of the existing Brighton apartment community is consistent with these infill principles.

As part of this application, we are also seeking two variances: (1) a reduction of the perimeter screening required by Section 18-3 (a) (1) of the Zoning Ordinance from a 15-foot buffer to zero and the elimination of the screening material and (2) reducing the vehicular use area screening internal to the site from a five-foot buffer to zero and the elimination of the screening material. Strict enforcement of the perimeter, or zone-to-zone screening would require either a 15’ buffer with plantings or a 5’ buffer with a fence that would separate the mixed use building from the multi-family building and the balance of the Brighton complex. As the development plan demonstrates, there is to be reciprocal parking between the B-1 and R-4 areas. The intent of the proposal is to develop a mix of retail and residential uses that will be integral to the Brighton 3050 development. However, the required buffers would separate the uses and thwart the mixed use concept. The mixed use nature of this request is a special circumstance that justifies the variance. Moreover, there is limited land and imposing this requirement would mean a less efficient use of the available property.

The justification for the variance of the vehicular use area landscaping is similar in that requiring a buffer between the B-1 and R-4 properties would be contrary to the intent for those uses to function as part of a unified development. The property line between the R-4 and B-1 uses is being created strictly for financing purposes even though the parcels will both be owned by RML. Likewise, the multi-family zoned property to the north is owned by RML and there is to be reciprocal access and parking between the existing development and the two new buildings. As stated above, the intent to develop this small parcel as a mixed use development is a special circumstance that warrants approval of the variance. Landscaping will be provided throughout the property that will accomplish the purpose of the buffering provisions of Article 18 without impairing the mixed use character of the proposal. Given that ample landscaping will be provided and the fact that the intent is to accomplish a mix of uses, it is clear that the approval of the variances will have no adverse impact on the character of the vicinity. Furthermore, this is not an unreasonable circumvention of the landscape requirements but instead an effort to accomplish an efficient design and place the landscaping in more appropriate locations on the property.

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

A TRACT OF LAND SITUATED EAST OF LIBERTY ROAD IN LEXINGTON,  
FAYETTE COUNTY, KENTUCKY AND BEING MORE FULLY DESCRIBED AND  
BOUNDED AS FOLLOWS:

**BEGINNING AT A POINT** in the southeastern most corner of Caden Landing (a.k.a. Kennedy Landing) Section One as recorded in Plat Cabinet "L", Slide 682 in the Fayette County Clerk's Office; thence South 37 degrees 40 minutes 26 seconds East, 74.07 feet to a point; thence South 38 degrees 52 minutes 12 seconds East, 149.93 feet to a point; thence South 51 degrees 07 minutes 48 seconds West, 186.57 feet to a point; thence North 30 degrees 31 minutes 03 seconds West, 252.53 feet to a point in the southern line of Caden Landing (a.k.a. Kennedy Landing) Section One; thence North 60 degrees 49 minutes 16 seconds East, 153.63 feet to **THE POINT OF BEGINNING** and containing 0.92 acres (gross and net).



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

A TRACT OF LAND SITUATED EAST OF LIBERTY ROAD IN LEXINGTON, FAYETTE COUNTY, KENTUCKY AND BEING MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

**COMMENCING AT A POINT** in the southeastern most corner of Caden Landing (a.k.a. Kennedy Landing) Section One as recorded in Plat Cabinet "L", Slide 682 in the Fayette County Clerk's Office; thence South 37 degrees 40 minutes 26 seconds East, 74.07 feet to a point; thence South 38 degrees 52 minutes 12 seconds East, 149.93 feet to a point to the **TRUE POINT OF BEGINNING**; thence South 38 degrees 52 minutes 12 seconds East, 216.00 feet to a point; thence South 40 degrees 01 minutes 57 seconds West, 230.38 feet to a point in the centerline of Liberty Road; thence with said centerline for the following two (2) calls: North 44 degrees 19 minutes 09 seconds West, 112.50 feet to a point; thence North 45 degrees 41 minutes 58 seconds West, 69.58 feet to a point; thence leaving said centerline North 44 degrees 18 minutes 02 seconds East, 48.00 feet to a point; thence North 30 degrees 31 minutes 03 seconds West, 74.34 feet to a point; thence North 51 degrees 07 minutes 48 seconds East, 186.57 feet to **THE POINT OF BEGINNING** and containing 1.22 acres (gross) and 1.01 acres (net).





**ZOMAR**  
**BRIGHTON 3050**

ADDRESS: 2985 LIBERTY ROAD

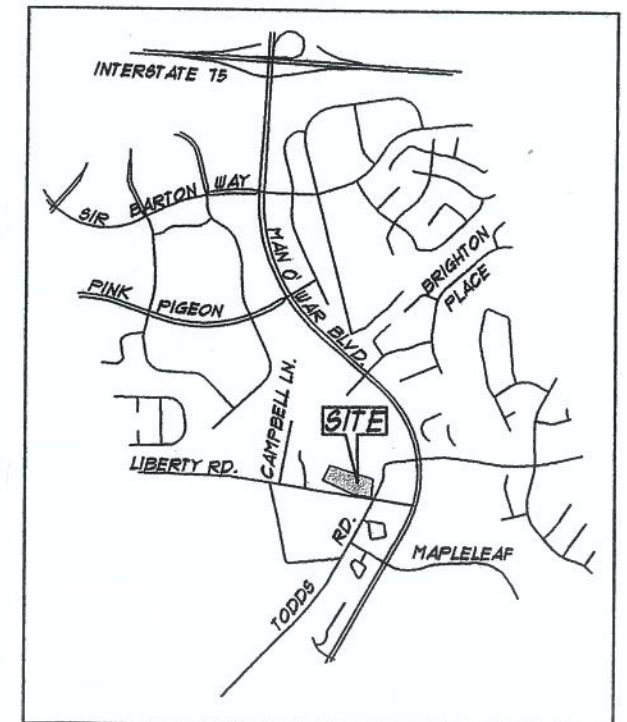
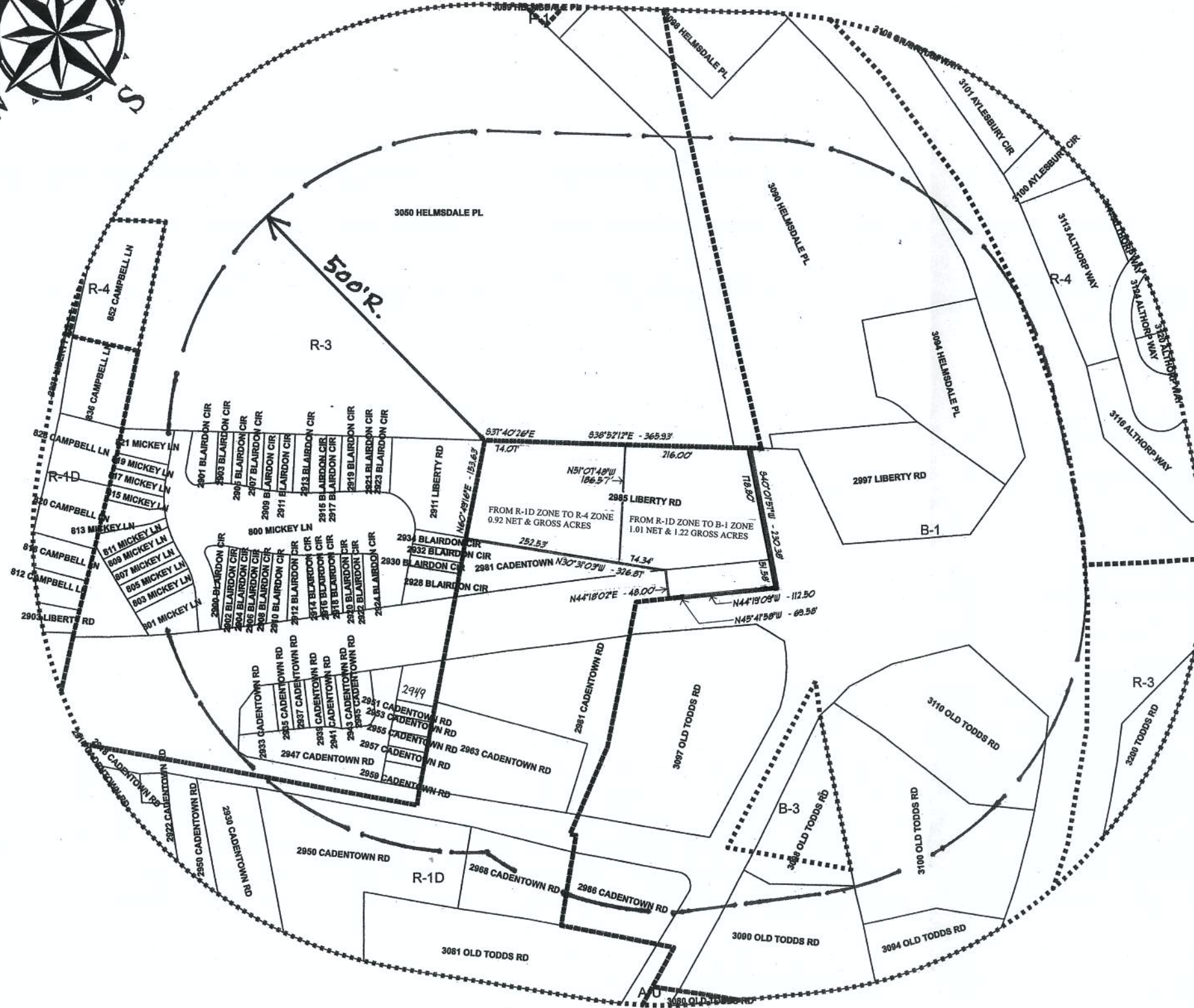
APPLICANT/OWNER:  
 RML CONSTRUCTION, LLP  
 3609 WALDEN DRIVE  
 LEXINGTON, KY 40517

PREPARED BY: EA PARTNERS, PLC

DATE FILED: MARCH 31, 2014

AMENDED ZONE CHANGE REQUEST:  
 FROM: R-1D SINGLE FAMILY RESIDENTIAL  
 TO: R-4 HIGH DENSITY APARTMENT  
 0.92 ACRES NET & 0.92 ACRES GROSS  
 and  
 FROM: R-1D SINGLE FAMILY RESIDENTIAL  
 TO: B-1 NEIGHBORHOOD BUSINESS  
 1.01 ACRES NET & 1.22 ACRES GROSS

REQUEST A VARIANCE OF ARTICLE 18-3(a)(1) and (2).  
 PROPERTY PERIMETER BUFFERYARD FROM 15' TO 0' AND  
 THE ELIMINATION OF SCREENING MATERIAL.  
 VEHICULAR USE PERIMETER BUFFERYARD, INTERNAL TO  
 THE PROPOSED SITE, FROM 5' TO 0' AND THE ELIMINATION  
 OF THE SCREENING MATERIAL.



**NOTIFICATION MAP**

SCALE 1" = 200'

STATE OF KENTUCKY  
 ALBERT WILLIAM GROSS  
 LS-2115  
 LICENSED  
 PROFESSIONAL  
 LAND SURVEYOR

VICINITY MAP  
 (NOT TO SCALE)