

MAR 2012-13

Date Received 8/6/12

Pre-Application Date 7/27/2012

Filing Fee \$510.00

# GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

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

APPLICANT: Greer Nick Rd., LLC and Greer Nick Rd. II, LLC
OWNER: Same
ATTORNEY: T. Bruce Simpson, Jr. / STOLL KEENON OGDEN, PLLC 300 W. Vine St., Suite 2100, Lexington, KY 40507

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

1949 Nicholasville Rd. & 145 Collins Lane
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## 3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY (Use attachment, if needed--same format.)

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
B-1	Restaurant/vacant office	B-3 (conditional)	Hotel (Restaurant to remain for the time being.)	2.589	3.030

## 4. SURROUNDING PROPERTY, ZONING & USE

Property	Use	Zoning
North	Restaurant, residential	R-1, R-3, R-1C
East	Offices	P-1
South	Gas station, restaurant, other retail	B-1
West	Bowling alley, proposed auto supply store	B-3, B-1

## 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 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

## 7. DESCRIBE YOUR JUSTIFICATION FOR REQUESTED CHANGE (Please provide attachment.)

This is in... <input checked="" type="checkbox"/> in agreement with the Comp. Plan <input checked="" type="checkbox"/> more appropriate than the existing zoning <input type="checkbox"/> due to unanticipated changes.
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## 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 \_\_\_\_\_.

APPLICANT	T. Bruce Simpson, Jr. POA for Greer Nick Rd, LLC & Greer Nick Rd II, LLC	DATE	AUG 6, 12
OWNER		DATE	
LFUCG EMPLOYEE/OFFICER, if applicable		DATE	



**STOLL  
KEENON  
OGDEN**

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 8, 2012

Mr. Michael Owens, Chairman  
Lexington-Fayette Urban County Planning Commission  
Phoenix Bldg.  
101 E. Vine St., 7<sup>th</sup> Floor  
Lexington, KY 40507

Re: Zone Map Amendment Request for 1949 Nicholasville Road & 145 Collins Lane  
From B-1 to B-3, With Conditional Zoning

Dear Chairman Owens,

I am pleased to represent Greer Nick Road, LLC and Greer Nick Road II, LLC for property located at 1949 Nicholasville Road and 145 Collins Lane in Lexington, Kentucky. The property is currently zoned B-1, but the only existing use is Denny's Restaurant. This restaurant will remain for the foreseeable future. However, the remainder of the property is proposed for a Hampton Inn hotel. Thus, it is necessary to change the existing zone from a B-1 zone to a B-3 zone, with conditions restricting many of the permitted uses in the B-3 zone. Based upon the conditional zoning restrictions set out herein, the subject property will have all B-1 type uses except for a hotel.

This zone change request will be conditioned upon the specific prohibition of the following permitted uses in the B-3 zone:

Article 8.20 B-3 Zone

1. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
2. Automobile service stations, subject to the conditions of Article 16.

4. Car washing establishments, provided that surface water from such use shall not drain onto adjacent property or over a public sidewalk, and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.  
.....
6. Indoor amusements, such as billiard or pool halls; dancing halls; skating rinks; theaters, or bowling alleys.
7. Self-service laundry, or laundry pick-up station, or clothes cleaning establishments of not more than forty (40) pounds capacity and using a closed-system process.
8. Garden centers.
9. Kennels, animal hospitals or clinics, including offices of veterinarians, provided that such structures or uses, not including accessory parking areas, shall be at least one hundred (100) feet from any residential zone.  
.....
12. Minor automobile and truck repair.  
.....
15. Carnivals on a temporary basis, and upon issuance of a permit by the Division of Building Inspection, which may restrict the permit in terms of time, parking access or in other ways to protect public health, safety or welfare; or deny such if public health, safety or welfare are adversely affected. A carnival may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.  
.....
17. Taxidermy establishments.  
.....
22. Pawnshops which: (1) were in operation prior to August 31, 1990 and in compliance with the provisions of KRS 226.010 et seq. and Code of Ordinances, Sections 13-52 and 13-53; or (2) had on file with the Lexington-Fayette Urban County Government, prior to August 31, 1990, an application for a business license or certificate of occupancy.

- .....
25. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers, provided that none shall be located within a 50-foot radius of any agricultural or residential zone, any elementary or secondary school, any park attended by persons under 18 years of age, or within a 1,000-foot radius of any other similarly regulated adult business.

Historically, the existing office building adjoining Denny's was specifically constructed by Jerrico, Inc. (Jerry's and Long John Silver's restaurants) for use as its central office. For many years, a Jerry's restaurant was located right next door at the current location of the Denny's restaurant. After Jerrico moved to its larger corporate offices, the subject property, except for Denny's, was only used intermittently for offices. This is because over the next 30 years, many professional office buildings were constructed in professional office complexes throughout Lexington, which made the office use at this location less desirable. As a result, the existing office building has remained vacant for several years and has deteriorated significantly.

Because of the restricted conditions attached hereto, the proposed application will be in substantial conformity with the 2007 Comprehensive Plan, which recommends commercial development. As Lexington limits any future expansion of the Urban Services Area Boundary, more creativity and flexibility will be needed to accommodate new development within the existing Urban Services Area Boundary. This is particularly true for property along Southland Drive, which is one of Lexington's first suburban shopping centers which has seen little redevelopment initiatives.

Maintaining successful commercial development along Southland Drive and increasing its visual appeal has been the subject of significant interest in recent years. The proposed high-end Hampton Inn with its significant landscape features will provide an important gateway and benchmark for the Southland Drive corridor. The subject property will also have a significant buffer between it and the residential uses to the north. Lighting on the subject property will be appropriately hooded so as not to have an adverse impact on adjacent properties.

Additionally, the hotel use will actually decrease the amount of traffic which was previously generated from the subject property when professional offices were being used. Likewise, the proposed new development will have on-site detention. When this property and the other commercial properties in the area were initially developed more than 50 years ago, there was no requirement for on-site detention. With this new development, the subject property, consisting of approximately 2.5 acres of impervious surface, will now have stormwater detention.

I look forward to appearing before the Planning Commission and making a full presentation on this application. Prior to a meeting of the Planning Commission, we will be hosting a neighborhood meeting where we will share our proposal with the nearby neighborhood

Michael Owens, Chairperson  
August 8, 2012  
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and other property owners. In the meantime, should anyone have any questions about this application, please do not hesitate to have them call me at the above number.

Thank you.

Very truly yours,

*T. Bruce Simpson, Jr. (Eme)*

T. Bruce Simpson, Jr.

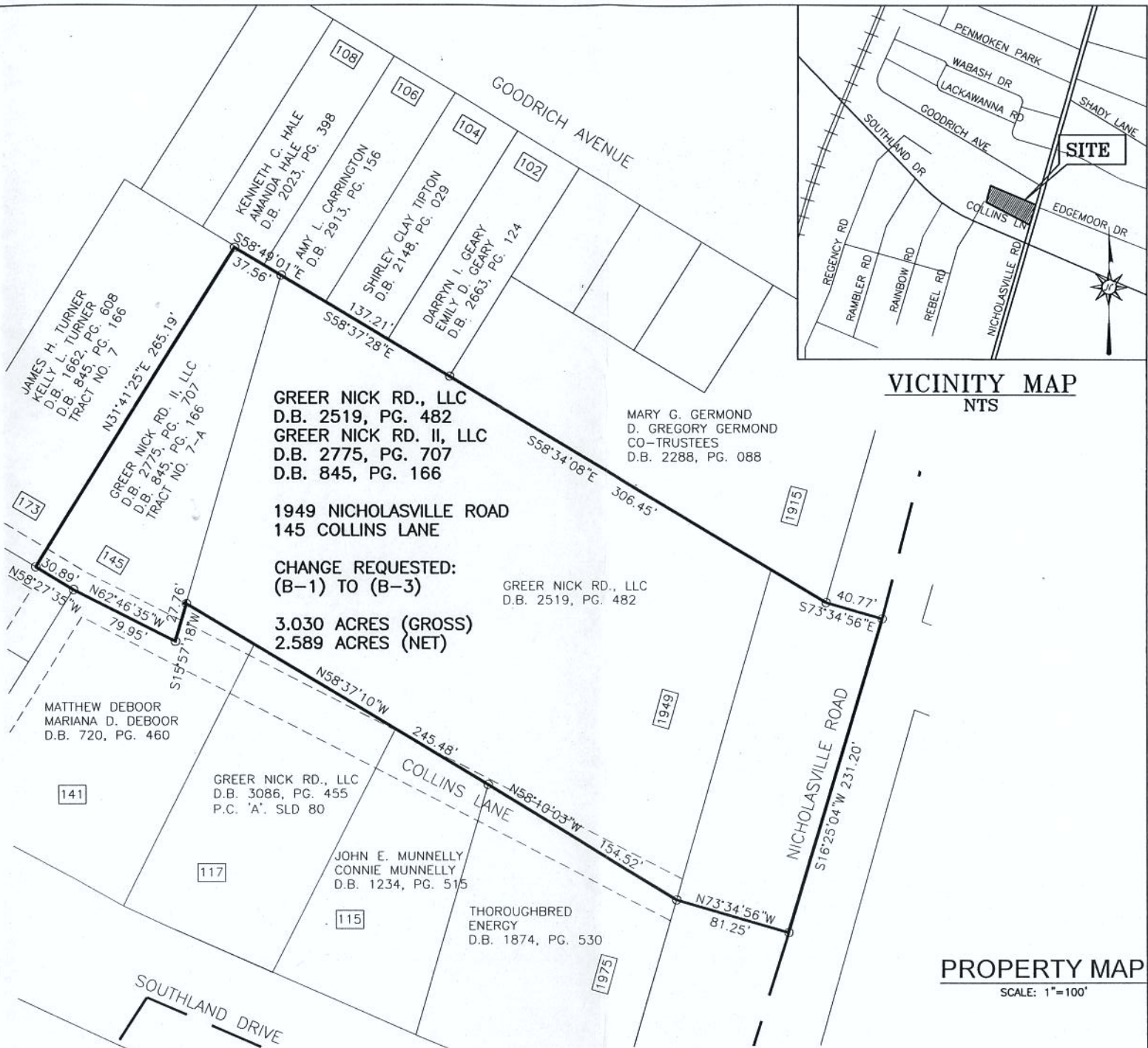
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**PROPERTY NOTIFICATION AREA**

SCALE: 1"=200'



**VICINITY MAP**  
NTS

**PROPERTY MAP**

SCALE: 1"=100'

STATE of KENTUCKY  
**MICHAEL H. HOFFMAN**  
 2586  
 LICENSED PROFESSIONAL LAND SURVEYOR

ZOMAR:	TITLE: 1949 NICHOLASVILLE ROAD & 145 COLLINS DRIVE			
PROPERTY ADDRESS:	FROM	TO	GROSS	NET
1949 NICHOLASVILLE ROAD & 145 COLLINS LANE	B-1	B-3	3.030	2.589
APPLICANT NAME / ADDRESS:				
GREER NICK RD., LLC & GREER NICK RD. II, LLC				
P.O. BOX 54465, LEXINGTON KY 40555				
OWNER: GREER NICK RD., LLC & GREER NICK RD. II, LLC				
PREPARED BY: VISION ENGINEERING, LLC				
DATE FILED OR AMENDED: AUGUST 06, 2012	TOTAL		3.030	2.589