

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

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

APPLICANTS:	Dr. Michael Gentry, 2568 Richmond Road, Lexington, KY 40509 and RML Construction, LLP, PO Box 12950, Lexington, KY 40583
OWNER:	John E. Mink, 346 Huffman Drive, Harrodsburg, KY 40330
ATTORNEYS:	Richard V. Murphy, Murphy & Clendenen, PLLC, 250 West Main Street, Suite 2510, Lexington, Kentucky 40507 (for Dr. Gentry) 859-233-9811 Buddy Goodwin, PO Box 12950, Lexington, KY 40583 (for RML) 859-514-3427

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

2833 Liberty Road

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

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
R-1D	Vacant	B-4	Veterinary clinic and kennel	2.43	2.74
R-1D	Vacant	R-4	Multi-family residential	1.74	1.80
			Total acreage	4.17	4.54

4. SURROUNDING PROPERTY, ZONING & USE

Property	Use	Zoning
North	Vacant and old railroad right-of-way	R-1D, A-U
East	Apartments	R-3, R-4
South	Residential	R-1D
West	Liberty Road and 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 checked="" type="checkbox"/> To be constructed by	<input checked="" 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 checked="" 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.
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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 <input type="checkbox"/> OWNER or <input checked="" type="checkbox"/> HOLDER of an agreement to purchase this property since 3/31/15.	
APPLICANT <u>Richard V. Murphy, attorney for Dr. Gentry</u>	DATE <u>9/28/15</u>
APPLICANT <u>RML CONSTRUCTION, LLP by <u>Buddy Goodwin</u>, board counsel</u>	DATE <u>9/28/15</u>
LFUCG EMPLOYEE/OFFICER, if applicable _____	DATE _____

346 Huffman Road
Harrodsburg, Kentucky 40330

Lexington-Fayette Urban County Planning Commission
200 East Main Street
Lexington, KY 40507

Re: 2833 Liberty Road
Lexington, KY 40509

Dear Ladies and Gentlemen:

I am the owner of the property located at 2833 Liberty Road, Lexington. I give permission to Dr. Michael Gentry, or a related entity, to apply for a zone change on this property to the B-3 or B-4 zone.

Sincerely,
John E. Mink

John E. Mink

Permission Letter 4-30-15.docx

7. Supplement to Justification for Requested Change

We are amending MARV-8 to add RML Construction, LLP, an affiliate of Ball Homes, as a co-applicant, along with Dr. Michael Gentry.

This document supplements the Statement of Justification filed with the original application. Also, on May 26, 2015 we provided additional information in response to a request from the staff. We have also proposed conditional zoning restrictions for the B-4 portion of the property.

In response to comments made during the Subdivision Committee and Zoning Committee meetings, Dr. Gentry opened discussions with neighboring property owners about cooperating on development matters. RML Construction, LLP, an affiliate of Ball Homes, has entered into an agreement with Dr. Gentry to purchase 1.74 net acres at the rear of the property, which adjoins its existing apartment home development. The addition of the apartment homes will allow the Brighton Trail to serve this residential use, and it will serve to strengthen the existing residential areas to the east. It will allow the unused portion of the Gentry property to be used in a manner which has already been found appropriate for the adjoining apartment home development. It will allow this property to be utilized as a veterinary clinic and kennel to serve the residents of this portion of the community, and to supply additional high quality, modern housing compatible with the existing housing next door.

In addition, we will be requesting a variance from 100 feet to 50 feet for buildings along the B-4 portion of the proposed property line through the northeast portion of this property. Both applicants are, of course, fully aware of this request and are agreeable to it. We are requesting this variance for the following reasons:

1. Granting this variance will not adversely affect the public health, safety or welfare and will not alter the character of the general vicinity, and will not cause a hazard or nuisance to the public because both applicants are aware of, and plan for the setback. The distance between the residential building and the animal hospital/kennel will still be over 100 feet. The area between the two buildings will be parking area or open space.

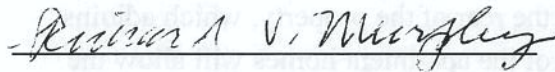
2. Granting this variance will not allow an unreasonable circumvention of the requirements of the Zoning Ordinance because the property is currently vacant and the applicants are coordinating their projects. This is an unusually shaped, eleven-sided tract of land. The proposed development plan results in a beneficial layout for both parties.

3. The special circumstances which apply to this property and which do not generally apply to land in the general vicinity or in the same zone are that granting the variance will allow the unused portion of the property to be utilized for modern, high quality, higher density residential housing, in keeping with the goals and objectives of the Comprehensive Plan of this community.

4. Strict application of the regulations of the Zoning Ordinance would deprive the applicant of a reasonable use of his land or create an unnecessary hardship because the variance is being utilized to allow the property to be utilized for both residential and the animal hospital/kennel uses.

5. The circumstances surrounding the requested variance are not the result of the actions of these applicants taken subsequent to the regulation from which relief is sought. This is an older tract of property which has retained its unusual shape for a number of years.

Thank you for your consideration of this amended zone change and additional variance request.



Richard V. Murphy, Attorney for Applicant, Dr. Michael Gentry

7. JUSTIFICATION FOR REQUESTED CHANGE

The Applicant, Dr. Michael Gentry, is requesting a zone change for 4.17 net acres of property at 2833 Liberty Road, in order to construct a veterinary clinic and kennel.

Dr. Gentry has a long history of serving Lexington's pets and pet owners at Sheabel Veterinary Hospital and Kennel on Richmond Road. However, the facility has become antiquated and is too small for current needs. For a number of years, Dr. Gentry has been looking for a location to which he could relocate. It is extremely difficult to find a site in Lexington. Dr. Gentry's facility will be a combined veterinary clinic and kennel, which allows the kennel to be supervised by the professional veterinary staff. The B-3 and B-4 zones are the zones which allow such a combination. The number of acres needed make it extremely difficult to find property in either of these commercial zones.

Shaebel's has operated in Lexington for over 60 years, since 1953. It supplies a needed service to local residents and their pets. It employs 35 to 40 people, and we anticipate additional employment because the new location will allow expansion.

The property at 2833 Liberty Road is vacant and underutilized. It has sufficient size (4.1 net acres) to provide all facilities, to set the building back from residential areas, and to retain the extensive screening along the property lines. Also, all vehicular access will use Liberty Road, which is a 4-lane highway with a continuous turn lane at this point. No vehicles will use any residential streets.

The property is oriented toward Liberty Road, and it borders the old railroad right-of-way in the rear, which is planned to become a walking trail. There is extensive screening along all property lines, and the majority of that screening will remain. It is in the same general area as the current location, it can serve the existing customer base.

Because modern veterinary and kennel facilities utilize primarily indoor space, there will be little impact on neighboring properties. Outdoor play areas will be oriented to the back of the property, toward the old railroad property and the commercial properties immediately adjacent.

We are requesting a variance of the required setback for the building from 100 feet to 50 feet along the northwest property line. The outdoor play areas will be oriented to the rear of the property. There is no parking area between the building and the northwest line, and there is an extensive vegetative screening. Thus, there will be no adverse impact on the neighboring property by the grant of the variance. We will meet the 100 foot setback along the southeast and eastern property lines, the sides where there is residential development.

This zone change is in agreement with the 2013 Comprehensive Plan. Theme B relates to "improving a desirable community." Goal B.2. is to "provide for accessible community facilities

and services to meet the health, safety and quality of life needs of Lexington-Fayette County's residents and visitors". This facility has provided for quality of life needs of Lexington residents for over 60 years and we wish to continue to provide service in a state of the art facility.

Theme C relates to creating jobs and prosperity. As mentioned above, 35-40 people are currently employed, and we hope to increase this at a larger, modern facility. Goal C.1. is to support and showcase local assets to further the creation of a variety of jobs. Goal C.1.d. is to "enable infill and redevelopment that creates jobs where people live." Goal C.2.c. relates to attracting and retaining high-paying jobs, and Goal C.2.d. relates to providing a quality of life that attracts young professionals in a workforce of all ages and talents to Lexington. Providing quality care and boarding facilities for pets is an essential quality of life feature for community residents.

The Comprehensive Plan emphasizes the need to allow business expansion, but within the current Urban Service Area boundary. Goal A.2. is to support infill and redevelopment throughout the Urban Service Area as a strategic component of growth. This plan maintains the buffer areas which is consistent with Goal A.3.d. Importantly, Goal E.1.b. encourages growth within the Urban Service Area, as guided by market demand, to accommodate future growth needs. As mentioned above, there has been a consistent demand for these services for the last 60 years, and the Applicant seeks to continue to meet the demand for quality pet care for Lexington's residents. Goal E.3. is to maintain the current boundaries of the Urban Service Area.

This zone change is also supported by the policy section of the Comprehensive Plan. "A desirable community must possess quality public and semipublic services." (Page 16). "The ideal structure of a neighborhood is composed of places to reside, work, shop, learn and play." The community strives to provide stable employment and adequate wages, and to expand opportunities for workers to promote their upward mobility in the workforce (Page 62). The Plan calls for flexibility in planning for land use which creates jobs, with new options for neighborhood commercial development. (Page 74). The Plan calls for continuing evaluation of the zoning map to enable job development opportunities and to provide opportunities that attract and retain a talented workforce. (Page 82). Infill should be provided throughout the Urban Service Area, not just downtown, and infill should stimulate investment in established communities. (Pages 97-98).

Thus, allowing this parcel to be utilized for modernization and expansion of a business which has supplied essential services to Lexington for 60 years is fully in agreement with the Comprehensive Plan of this community.

In addition, the proposed zoning which would allow a veterinary clinic and kennel is appropriate for the property, and the previous single-family detached residential zoning is inappropriate for the property. Although the property is currently located in the R-1D zone, this

area of Liberty Road contains a number of uses in addition to residential development. Among those uses are Linkbelt, a new elementary school, and the professional/commercial use behind the property in Hamburg. The only vehicular access available to the property is directly to Liberty Road, which is a 4-lane highway with a continuous middle turn lane. Any single family residential development on this property would be isolated due to lack of street connections to other residential areas. Liberty Road serves as a buffer to the property across the street. The area to the northwest is undeveloped. On the north is located the old railroad bed and the professional/commercial area of Hamburg; to the east is the residential area on Campbell Lane. We propose no access to Campbell Lane, and we propose to keep the extensive screening along property lines. Most all of the use will be indoors, eliminating noise as an issue. The outdoor play areas will be located on the rear side, facing the old railroad tracks and the Hamburg area. We will propose conditional zoning restrictions for the property.

In addition, we are requesting a variance from 100 feet to 50 feet along the northwest property line. The ordinance requires that structures or areas used for animal hospitals and kennels (not including parking areas) shall be at least 100 feet from any residential zone. As mentioned above, the area to the northwest is zoned residential, but is currently vacant. The outdoor play areas will not be located along this line. In addition, there will be a driveway, but no parking between the building and the property line. Finally, the extensive vegetative buffer along this property line shall be maintained, to buffer the subject property from the vacant property to the northwest.

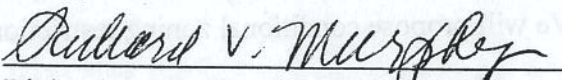
Thus, we are requesting this variance for the following reasons:

1. Granting this variance will not adversely affect the public health, safety or welfare and will not alter the character of the general vicinity, and will not cause a hazard or nuisance to the public because a setback of 50 feet will be retained along the northwest property line. The adjacent property is currently vacant, and the building will be constructed that so outdoor play areas are oriented to the rear, rather than to the northwest property line. There will be no parking between the building and the northwest property line, and the current vegetative screening shall be retained.
2. Granting these variances will not allow an unreasonable circumvention of the requirements of the zoning ordinance because this is an unusually shaped, 11-sided tract of land. The proposed building could not fit on the property without the grant of this variance.
3. The special circumstances which apply to this property and which do not generally apply to land in the general vicinity or in the same zone are, as mentioned above, that this property is unusually shaped with 11 sides. In order to fit the building in the middle of the property, a variance is necessary. The building has been situated so that a variance along only one property line is requested.

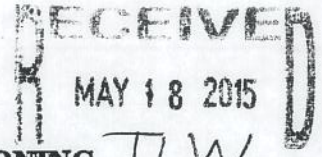
4. Strict application of the regulations of the zoning ordinance would deprive the Applicant of a reasonable use of its land or create an unnecessary hardship because the building is required to be 100 feet from both the southeast and the northwest property lines, and the property could not be utilized without the grant of one variance.

5. The circumstances surrounding the requested variance are not the result of the actions of this Applicant taken subsequent to the regulation from which relief is sought. This is an older tract of property which has retained its unusual shape for a number of years.

Thank you for your consideration of this zone change and variance request.


Richard V. Murphy, Attorney for Applicant

Statement of Justification 5-4-15.docx



USES PROPOSED TO BE PROHIBITED UNDER CONDITIONAL ZONING RESTRICTIONS

1. Shops of special trade and general contractors, such as plumbing; heating; carpentry; masonry; painting; plastering; metal works; printing; publishing; lithographing; engraving; electrical; major automobile and truck repairing; sign painting; upholstering; tile, mosaic and terrazzo work; electroplating; interior decorating.
2. Laundry, clothes cleaning or dyeing shop.
3. Ice plant.
4. Tire re-treading and recapping.
5. Machine shop.
6. Offices of purchases, processors and handlers of agricultural products.
7. Establishments and lots for the display, rental, sale and repair of farm equipment, contractor equipment, automobiles, trucks, mobile homes, recreational vehicles, such as mini-bikes, motorcycles, bicycles, boats or supplies for such items
8. Truck terminals and freight yards.
9. Automobile service stations.
10. Major or minor automobile and truck repair.
11. Establishments for the display and sale of precut, prefabricated or shell homes.
12. Circuses and carnivals.
13. Retail sale of building materials and lumber.
14. Pawnshops.

MURPHY & CLENDENEN, PLLC

ATTORNEYS AT LAW

LEXINGTON FINANCIAL CENTER

250 West Main Street, Suite 2510

Lexington, Kentucky 40507

TEL: (859) 233-9811

FAX: (859) 233-0184

E-MAIL

Richard@MurphyCledenene.com

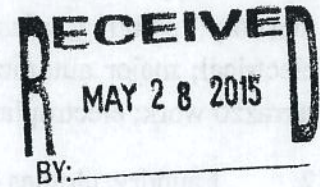
Chris@MurphyCledenene.com

RICHARD V. MURPHY

CHRISTOPHER M. CLENDENEN

May 26, 2015

Via Email



Ms. Traci Wade
Division of Planning
Lexington-Fayette Urban County Government
101 East Vine Street, 7th Floor
Lexington, KY 40507

Re: 2833 Liberty Road

Dear Traci,

You have asked for additional information concerning this property. I will try to provide that information in the order of your questions:

1. The proposed trail. We understand that a walking trail is proposed to be constructed by the government in the old railroad right-of-way immediately adjacent to this property. We welcome the trail, and we would propose to construct a paved or mulched trail entrance from the subject property to the trail.

2. Outdoor play area. We propose to have two play or exercise areas. The main area will be a "courtyard" type area which will be open to the sky but surrounded on all four sides by the building. It will thus be inside the perimeter of the building. We propose a secondary exercise area behind the building on the left side, which would be the side farthest away from any houses. As you know, cats or dogs are not sent in groups to the play area. They are sent individually or in small groups and are always supervised.

3. Modernization of the business. The applicant's current facility was built about 60 years ago. It is a long, narrow building in which kennels which are half indoors and half outdoors. Quarters are cramped. The new facility will contain all indoor rooms for pets, will have all "luxury" suites, and all units will be rooms with walls, not cages. All rooms will have beds, and some will have television sets. The facilities will be equipped with cameras so that pet owners can remotely check on their pet from the internet, if desired. A pet daycare facility will be provided for working families who wish to drop their pet off during the day.

Also, the veterinary clinic will be constructed to current standards. The applicant has recently entered into an affiliation agreement with Lincoln Memorial University Veterinary School, under which students will serve a rotation at this facility. It is anticipated that four to six students may be on rotation here at any one time. This will enhance service to pets and their owners, and it of course will require more space than the existing facility.

3A. Hours that employees will be on the site. The kennel portion of the facility will be attended 24 hours a day. The veterinary clinic may be attended 24 hours if needed, for instance if there is a sick animal that requires around the clock attendance.

4. Parking. We are revising the development plan to reduce the parking to a number which is close to the minimum required. Additional parking had been placed on the plan because of uncertainty about the number of required spaces.

5. Shared access to Liberty Road. The applicant is agreeable to providing shared access to the parcels to the northwest. We would anticipate providing an easement over the applicant's property. Any additional driveway to serve adjoining properties would be at the cost of the owners of the adjoining properties. Also, an agreement would have to be worked out regarding cost sharing for maintenance.

6. Other sites which have been considered.

a. Dr. Gentry's first consideration was demolition of his existing site and rebuilding. However, the existing site is a long and narrow site which would not facilitate the courtyard exercise area as described above, and which would make layout of the indoor rooms difficult. Also, it would require closing the applicant's business for an extended period during construction.

b. The applicant has previously had a contract on the Thoroughbred Chevrolet property on Richmond Road. However, this contract required the acquisition of an adjacent parcel under different ownership and bringing in other development partners, and could not be worked out.

c. The Land Rover dealership at Man-O-War Boulevard and Palumbo drive. This parcel was purchased by the library.

d. 1.4 acre site in Hamburg. However, the site was not large enough.

e. Another site on Liberty Road which the applicant was informed was not for sale.

f. The applicant has checked into a number of shopping center locations. As you know, some veterinary clinics are located in shopping centers, but the combination with the kennel facility requires much more space. Shopping center developers do not have the additional

space for the kennel. Also, there is a concern that kennel customers would not be generating walk-in business for other shopping center uses.

g. The applicant has been searching for a new space in the area between Winchester Road and Bates Creek Road for the last 2-3 years. He would be happy to talk to the staff about any additional sites that the staff is aware of.

7. The subject property. This is a triangular piece of property bounded by a 5-lane highway, the old railroad tracks and the property on Campbell Lane. Although it may theoretically be possible to construct a residential subdivision on this property, this subdivision will be isolated from other residential neighborhoods with access only to Liberty Road, because Campbell Lane is extremely substandard. This property had been designated residential for many years, but has never developed.

We want to provide a service for residents of the community, and it is important that we be as close and convenient to pet owners as possible. This parcel is extremely well screened and the use and buildings are located away from residential areas. With an entry to the trail, it will be possible for many pet owners to walk their pet to the clinic and kennel, if desired.

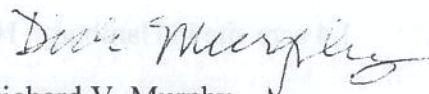
The architecture of the building will help us to minimize barking. In kennels, barking is often created by situations in which dogs have periods of eye to eye contact with each other. This facility will be designed with rooms, not cages, and dogs will not be able to look across the hallway and see another dog. Play areas will be used on an individual or small group basis. There are no mass exercise sessions. The new facility will allow the attendants to give a greater level of service to the pet.

As you know, we have proposed a number of conditional zoning restrictions for the property.

Please contact me if you need more information.

Thank you.

Sincerely,



Richard V. Murphy

RVM/prb

Cc: Dr. Michael Gentry, Jerry Herndon and Matt Carter

Letter to Traci Wade 5-22-15.doc

346 Huffman Road
Harrodsburg, Kentucky 40330

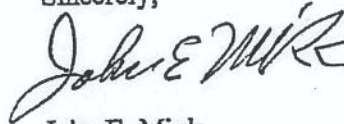
Lexington-Fayette Urban County Planning Commission
200 East Main Street
Lexington, KY 40507

Re: 2833 Liberty Road
Lexington, KY 40509

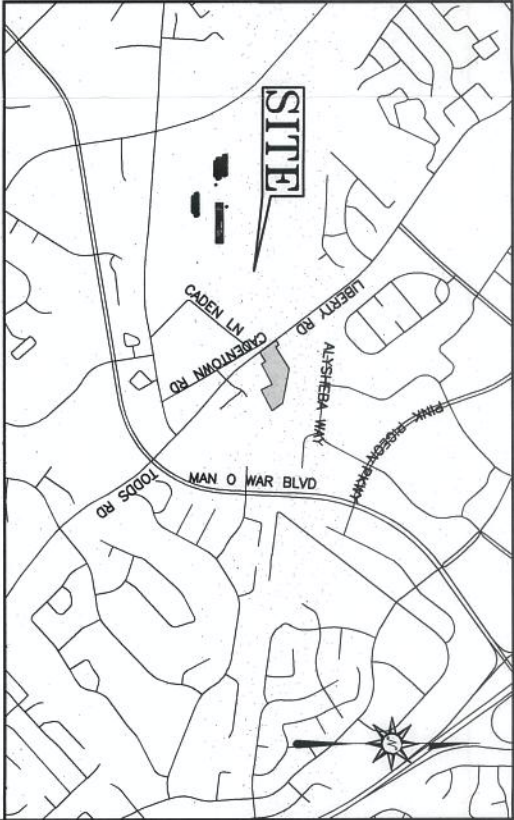
Dear Ladies and Gentlemen:

I am the owner of the property located at 2833 Liberty Road, Lexington. I give permission to Dr. Michael Gentry and RML Construction, LLP, to apply for zone changes on this property to the R-3, R-4 and/or B-4 zone.

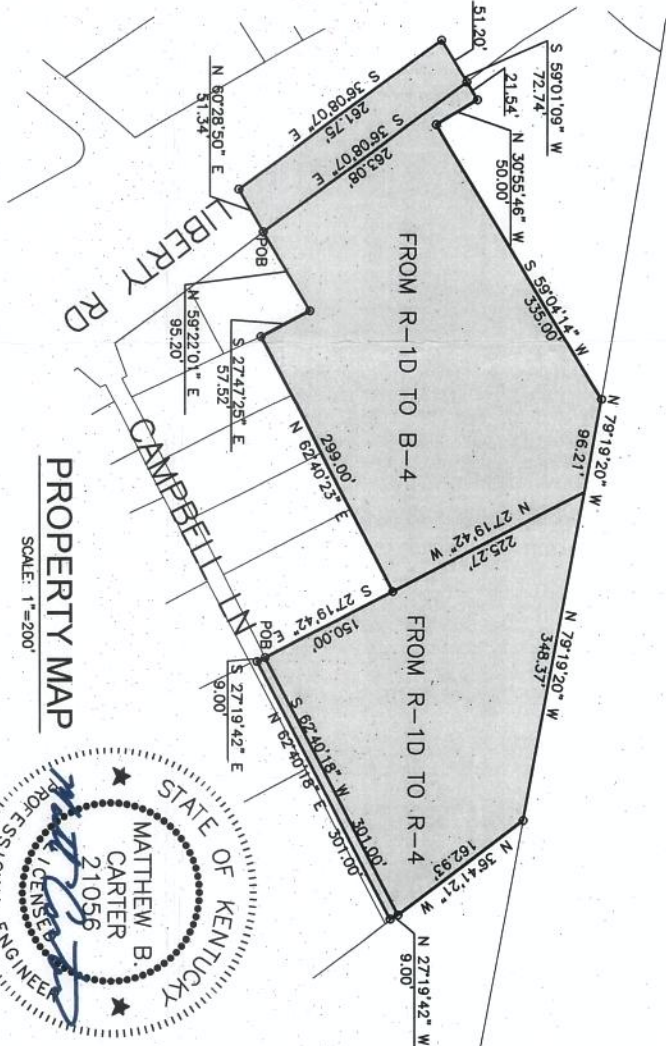
Sincerely,

A handwritten signature in dark ink, appearing to read "John E. Mink". The signature is fluid and cursive, with the first name "John" and last name "Mink" being clearly legible.

John E. Mink



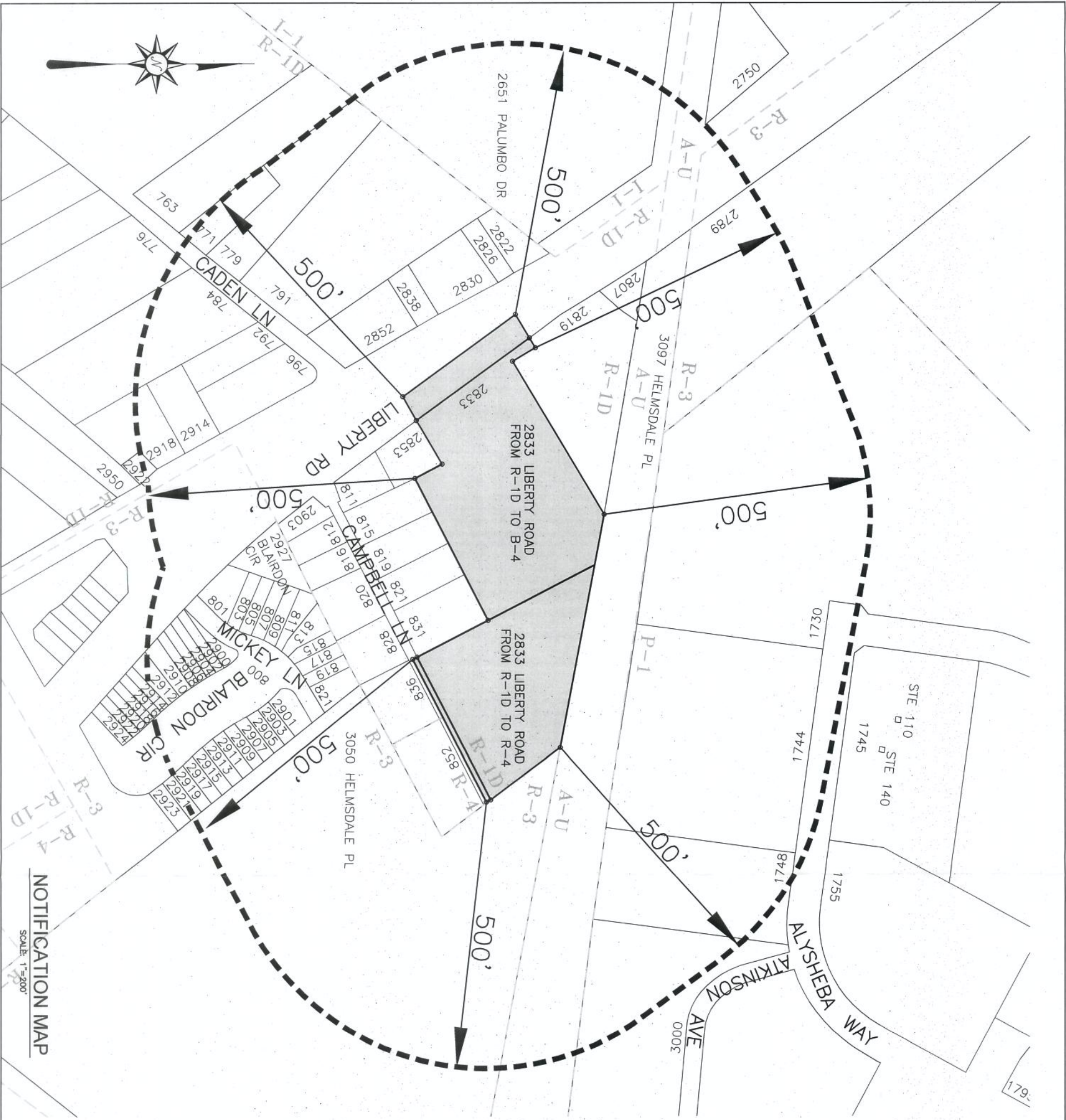
VICINITY MAP
NTS



PROPERTY MAP
SCALE: 1"=200'



ZOMAR:		TITLE: 2833 LIBERTY ROAD	
PROPERTY ADDRESS:		FROM	TO GROSS NET
2833 LIBERTY RD		R-1D	B-4 2.74 2.43
		R-1D	R-4 1.80 1.74
APPLICANT NAME / ADDRESS:			
DR. MICHAEL GENTRY			
2568 RICHMOND RD			
LEXINGTON, KY 40509			
RML CONSTRUCTION, LLP			
PO BOX 12950			
LEXINGTON, KY 40583			
OWNER: JOHN E MINK			
PREPARED BY: VISION ENGINEERING, LLC			
DATE FILED OR AMENDED: SEPTEMBER 28, 2015		TOTAL	4.54 4.17



NOTIFICATION MAP
SCALE: 1"=200'

