

MAR 2016-5

Date Received 2/1/16

Pre-Application Date 1/12/16

Filing Fee \$ 500.00

GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

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

APPLICANT:	Mary G. Germond & D. Gregory Germond, Co-Trustees of the Mary G. Germond Irrevocable Trust c/o Sperry Van Ness, 300 E. Main Street, Lexington, KY 40507 859.264.0888
OWNER:	Nicholas A. Gillis 35 Bel Air Drive, Pinehurst, NC 28374 859.229.6100
ATTORNEY:	Richard M. Hopgood - Wyatt Tarrant & Combs 250 West Main Street, Suite 1600, Lexington, KY 40507 859.288.7439

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

3080 Old Todd's Road, Lexington, KY 40509

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

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
A/U	Vacant	B-1	Accessory parking	.43	.46

4. SURROUNDING PROPERTY, ZONING & USE

Property	Use	Zoning
North	Neighborhood Business	B-1
East	Neighborhood Business	B-1
South	Multi-Family Residential	R-3
West	Single family 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 <u>N/A</u> Units

6. URBAN SERVICES STATUS (Indicate whether existing, or how to be provided.)

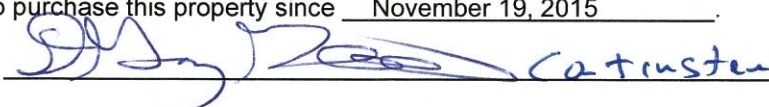
Roads	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Storm Sewers	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<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 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.

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 November 19, 2015.

APPLICANT  DATE 1/29/16

OWNER _____ DATE _____

LFUCG EMPLOYEE/OFFICER, if applicable _____ DATE _____

Traci Wade
Planner Senior

January 28, 2016

101 East Vine St. Suite 700

Lex 40507

NICHOLAS A. GILLIS

35 Bel Air Drive

Pinehurst, North Carolina 28374

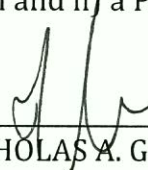
Lexington-Fayette Urban County Planning Commission
Division of Planning - Planning Services Section
200 E. Main Street
Lexington, Kentucky 40507

To Whom It May Concern:

I am the owner of the property located at 3080 Old Todds Road Lexington, Kentucky 40509 (.48+/-acres - Tax Parcel 26621500).

I have a contract to sell that property to Mary G. Germond and D. Gregory Germond, as Co-Trustees of the Mary G. Germond Irrevocable Trust Under Agreements dated December 22, 1988, and January 12, 2015 ("Buyer").

I hereby give my permission to the Buyer to file for and pursue on my behalf i) a zone map amendment for my property from the current Agricultural-Urban (A-U) zone classification to an Neighborhood Business (B-1) zone classification and ii) a Preliminary and Final Development Plan for my property.



NICHOLAS A. GILLIS

Date: 1/29/16

JUSTIFICATION FOR REQUESTED ZONE MAP AMENDMENT
3080 OLD TODDS ROAD LEXINGTON, KENTUCKY 40509

The applicant (the "Germond Family") owns Todds Center located at 3100, 3094 and 3090 Old Todds Road. Todds Center is zoned B-1 (Neighborhood Business). Todds Center is a neighborhood business center in which are located various restaurants, retail and service offices, a dry cleaner, a karate studio and a fitness studio, as well as other neighborhood shops. Todds Center needs more parking space to operate efficiently. There is no unused space in Todds Center to add additional parking spaces.

To remedy this situation, the Germond Family has obtained a contract with Nicholas Gillis to purchase the adjoining property located at 3080 Old Todds Road ("Gillis Tract"). The Gillis Tract is vacant with no improvements on it and contains .46 acres. The Germond Family proposes to construct fifty-one (51) additional parking spaces that will be added to Todds Center by consolidating those two tracts after the zone map amendment is approved and the Germond Family closes on the purchase of the Gillis Tract. The Gillis Tract is zoned Agricultural-Urban (A-U). In order to use the Gillis Tract for parking, a zone map amendment from A-U to B-1 would need to be approved. A zone classification of B-1 would permit the Gillis Tract to be used for parking to support Todds Center as an accessory use.

As set forth below, a zone map amendment from A-U to B-1 is justified as being consistent with the 2013 Comprehensive Plan. Also, the zone map amendment is justified on the basis that the current zoning is inappropriate and the proposed zoning is appropriate.

1. PROPOSED ZONING IS CONSISTENT WITH THE GOALS AND OBJECTIVES OF THE 2013 COMPREHENSIVE PLAN.

The mission statement of the 2013 Comprehensive Plan ("Plan") is to:

"[P]rovide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique landscape that has made Lexington-Fayette County the Horse Capital of the World."

A. Chapter 1 -Theme A - Goal 2 - Objective a. (Growing Successful Neighborhoods) provides that one of the ways to achieve the overall mission of the Plan is to support infill development and identify areas of opportunity for infill development whenever possible. Development of the Gillis Tract from vacant land to parking to support an existing neighborhood center fulfills this goal and objective. Chapter 1 - Theme A. Goal 3 b. seeks positive and safe social interaction in neighborhoods, including neighborhoods that are connected for pedestrians. This proposed use will further that connection with necessary neighborhood shopping with the added connection to adjoining residential property over what is now a vacant grassy field. Likewise, the goal stated in Theme B in Chapter 1 (Protecting the Environment) will be furthered in that there will be no demand on existing

infrastructure in connection with this zone map amendment request. All infrastructure that is needed is existing.

B. One of the goals and objectives of the mission in Chapter 1 -Theme C – Goal 2 d. – (Creating Jobs and Prosperity) is to create a variety of jobs by providing entertainment and other quality of life opportunities that attract young professionals. Todds Center is an established and popular venue for entertainment, restaurants and fitness that serves to meet this objective. By providing additional parking for Todds Center the existing mix of tenants would remain stable and additional tenant uses promoting this goal would be more easily obtained.

C. Chapter 2 (Accessibility – page 15) also sets forth the goal of more accessibility between neighborhoods and shopping. The parking area proposed will provide a sidewalk between the parking area and Todds Center and provide improved pedestrian access for the Maple Leaf Square Townhomes to Todds Center. This can all be accomplished without any new access to Old Todds Road, as the proposed parking will be accessed through existing entrance/exit points on Old Todds Road from Todds Center.

D. Chapter 3 (Growing Successful Neighborhoods) recommends that there be quality access and connections from housing to neighborhood centers. As noted 1 C. above, this goal would be furthered by this parking improvement.

E. Chapter 5 (Balance Between Urban Uses and Safeguarding Rural Land) places a heavy emphasis on infill development. The requested zone map amendment would allow for a vacant and essentially undevelopable tract due to its size and configuration to be used to improve parking and traffic movement in this area.

In summary, as set forth above, the proposed zone map amendment from A-U to B-1 is consistent with the the themes, goals and objectives of the Plan.

2. CURRENT ZONING IS INAPPROPRIATE AND PROPOSED ZONING IS APPROPRIATE.

This application also meets the standard for a zone map amendment based on the current zoning being inappropriate and the proposed zoning appropriate. The current zoning for the Gillis Tract is A-U. This use is a result of a carry-over from when this area was largely agricultural. That character no longer exists. There are no improvements on the Gillis Tract. The access to Old Todds Road from the Gillis Tract is very limited and would be located very close to existing access points already in use on Old Todds Road. The uses in an A-U Zone are the same as an Agricultural –Rural (A-R) zone. The only principally permitted uses in an A-U Zone are agricultural and single family residence. An agricultural use would not be feasible at this location with the surrounding uses (commercial and residential) and the configuration of the Gillis Tract (50/60' x 369/413'). Likewise, a single family residence would not be suitable on this site because it would adjoin the rear of a commercial shopping center and would result in much of the rear of the property being unused if a residence faced Old Todds Road.

The properties located between the Gillis Tract and Liberty Road are all zoned and developed as either B-1 or Highway Service Business(B-3). The properties located to the south of the Gillis Tract are zoned Planned Neighborhood Residential (R-3). Given the commercial development at Old Todds Road and Liberty Road, the proposed zone classification of B-1 is more appropriate for this area than A-U. This fact is further enhanced by the fact that the Germond Family will be able to develop the Gillis Tract without any new access to Old Todds Road. As noted above, access to these additional parking places would be through Todds Center using existing curb-cuts on Old Todds Road and there will be no need to use any new access point on Old Todds Road. Also, the Gillis Tract can be developed for accessory parking use without any new infrastructure as all required infrastructure is currently in place. A 6' high fence and new tree plantings will be placed along the boundary of the R-3 property to buffer it from this added parking in accordance with the LFUCG Zoning Ordinance.

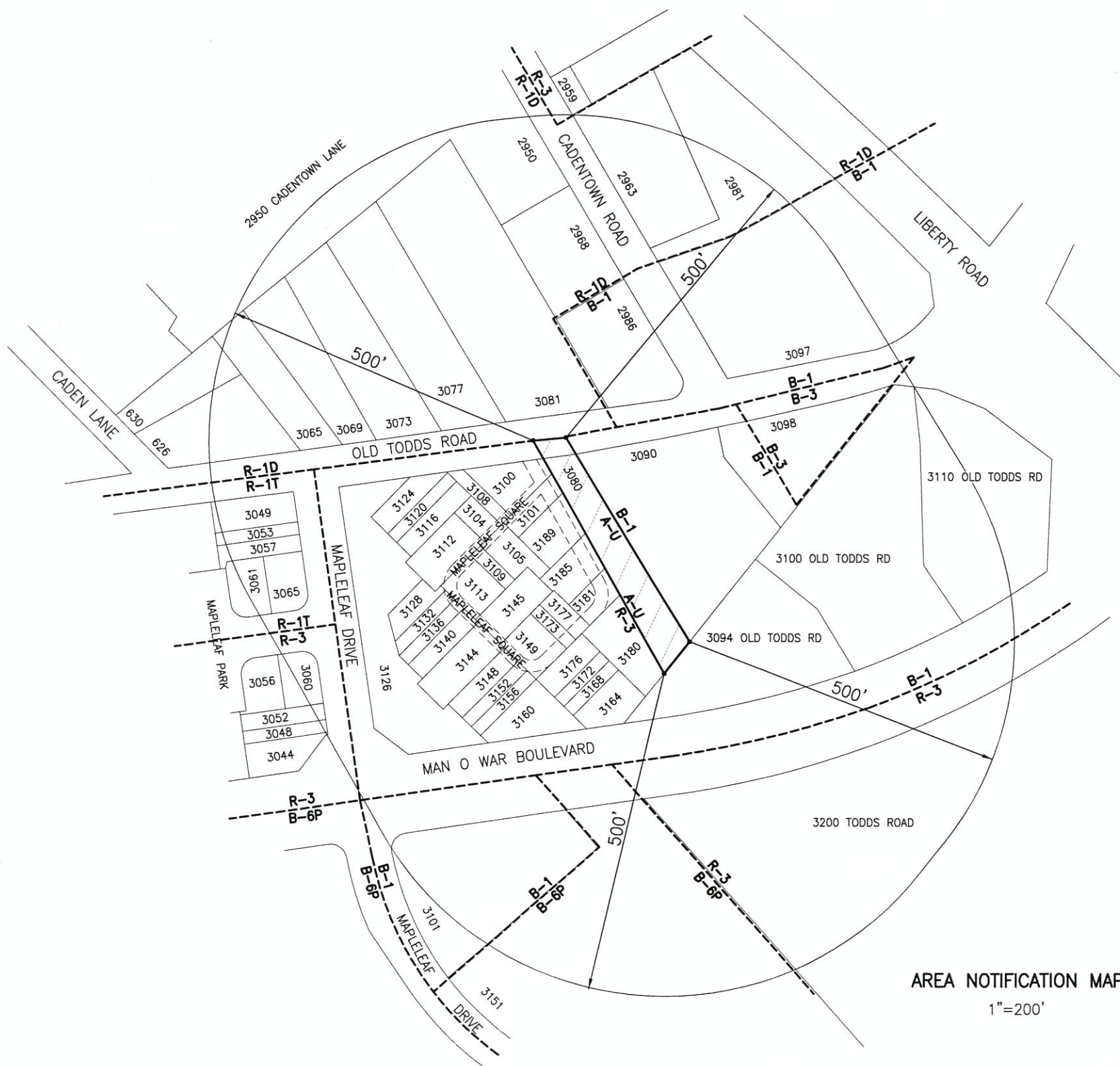
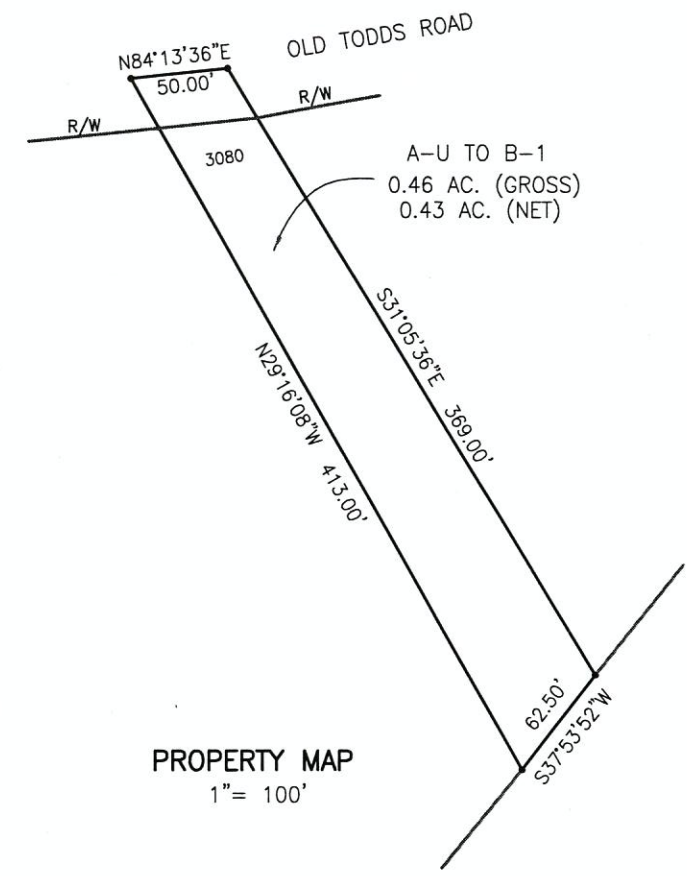
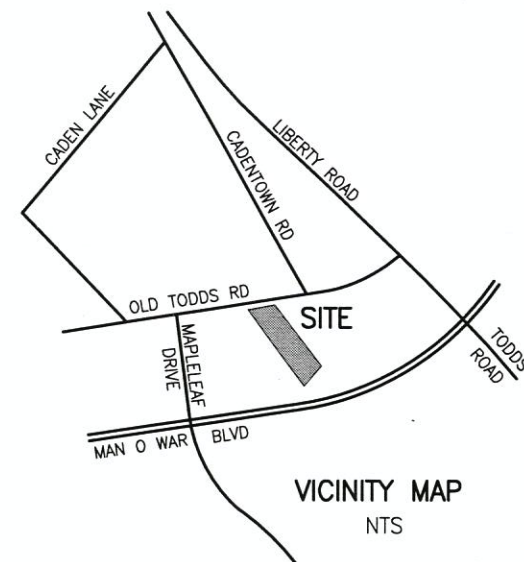
In summary, as set forth above, the proposed zone classification of A-U is inappropriate for the Gillis Tract and the proposed zone classification of B-1 is appropriate.

61452472.1

Legal Description of the
Nicholas A. Gillis Property
Zone Change From A-U to B-1
3080 Old Todds Road
Lexington, Fayette County, Kentucky

ALL THAT TRACT OR PARCEL OF LAND SITUATED ON THE SOUTH SIDE OF OLD TODDS ROAD APPROXIMATELY 350 FEET EAST OF THE INTERSECTION OF MAPLELEAF DRIVE IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a point in the centerline of Old Todds Road approximately 350 feet east of Mapleleaf Drive; thence along the centerline of Old Todds Road north 84 degrees 13 minutes 36 seconds east 50.00 feet to a point; thence leaving Old Todds Road south 31 degrees 05 minutes 36 seconds east 369.00 feet to a point; thence south 37 degrees 53 minutes 52 seconds west 62.50 feet to a point; thence north 29 degrees 16 minutes 08 seconds west 413.00 feet to the point of beginning and containing 0.46 gross acres and 0.43 net acres.



STATE OF KENTUCKY
 WESLEY B. WITT
 2187
 LICENSED PROFESSIONAL LAND SURVEYOR
Wesley B Witt

ZOMAR: A-U TO B-1				
PROPERTY ADDRESS:	FROM	TO	GROSS	NET
3080 OLD TODDS ROAD	A-U	B-1	0.46 AC	0.43 AC
APPLICANT: MARY G. GERMOND & D. GREGORY GERMOND, CO-TRUSTEES OF THE MARY G. GERMOND IRREVOCABLE TRUST				
OWNER: NICHOLAS A. GILLIS				
PREPARED BY: MIDWEST ENGINEERING, INC.				
DATE PREPARED: FEBRUARY 1, 2016	TOTAL		0.46 AC	0.43 AC