

MAR 2014-4Date Received 2/3/14Pre-Application Date 1/17/14Filing Fee \$ 490.00**GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION****1. ADDRESS INFORMATION (Name, Address, City/State/Zip & PHONE NO.)**

APPLICANT:	Kid's House, 1449-1451 Bryan Avenue, Lexington, KY 40505 859-381-8992
OWNER:	Jennifer Angel, 4253 Victoria Way, Lexington, KY 40515 859-381-8992
ATTORNEY:	Bill Bausch, 107 Church Street, Suite 200, Lexington, KY 40507 859-233-9811

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

1449-1451 Bryan Avenue

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

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
R-1C	Child Care Center	P-1	Child Care Center	1.083	1.219

4. SURROUNDING PROPERTY, ZONING & USE

Property	Use	Zoning
North	Utility/Retention	R-1C
East	Church	R-1C
South	Single family residential	R-1C
West	Single family residential	R-1C

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 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 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 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 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 _____ DATE _____

OWNER Jennifer Angel DATE 12-4-13

LFUCG EMPLOYEE/OFFICER, if applicable _____ DATE _____

William A. Bausch
Attorney at Law
P.O. Box 21888
Lexington, Kentucky 40522
859-227-6128
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February 3, 2014

Mr. L. Michael Owens, Chairman
Lexington-Fayette Urban County Government Planning Commission
101 E Vine Street, 7th Floor
Lexington, KY 40507

RE: Zone Map Amendment Request
Kid's House.
1449-1451 Bryan Avenue

Dear Chairman Owens:

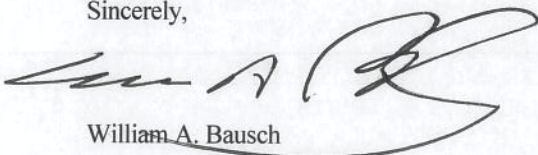
The proposed Zone Map Amendment Request for the referenced property located at 1449-1451 Bryan Avenue is submitted for the consideration of the Planning Commission. Justification for the requested zone change is that the requested Professional Office (P-1) Zone is more appropriate than the existing Single Family Residential (R-1C) Zone. The subject property is the location of the Kid's House Child Care Center. The property has been continuously used as a Child Care Center since 1977 when it was first approved for a Child Care Center in 1977 as a Conditional Use permit by the Board of Adjustment and amended to allow a maximum of 83 children in 2005. The proposed P-1 Zone will allow Kid's House to continue to operate as a principal permitted use. Kid's House provides two 10-hour shifts serving mainly lower income families with 80 to 90% receiving State aid. Enrollment for each of the two shifts will not exceed 60 children. The purpose for the higher maximum is to allow some overlap of children between shifts as some parents are unable to immediately pick up their child from time to time due to special circumstances out of their control such as having to work late. The change in zone will enable Kid's House to resolve a State agency concern that the center is operating out of compliance with local zoning regulations.

The property is adjoined by a single family residence to the west, a large retention area owned by the LFUCG to the north, and the Bethel Temple Assembly of God Church to the east. East of the church begins the Highway Commercial (B-3) Zone of the New Circle Road commercial corridor with a large Walgreens Pharmacy on the corner of New Circle Road and Bryan Avenue about 100' away. The child care center and church provide a compatible transition of uses from the residential neighborhood to the commercial corridor along New Circle Road.

The Kid's House Child Care Center serves a vital need to the immediate area as well as the whole Lexington community. The property has functioned as a child care center for over 35 years making the feasibility of the property returning to residential highly unlikely making the single family residential zone inappropriate for the property. The Professional Office zone is more appropriate as a transition between the residential property and the commercial corridor. Other potential future P-1 Zone uses could also continue to provide a beneficial role for the neighborhood.

Your consideration of this request is appreciated and I look forward to meeting with the Planning Commission to further discuss the proposal.

Sincerely,



William A. Bausch

LEGAL DESCRIPTION

Kid's House
Zone Change From R-1C to P-1
1449-1451 Bryan Avenue
Lexington, Fayette County, Kentucky

BEING A TRACT OF LAND SITUATED ON THE NORTH SIDE OF BRYAN AVENUE APPROXIMATELY 520 FEET WEST OF THE INTERSECTION OF BRYAN AVENUE WITH NEW CIRCLE ROAD IN LEXINGTON, FAYETTE COUNTY, KENTUCKY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a point in the centerline of Bryan Avenue approximately 520 feet west of the intersection of the centerline of Bryan Avenue with the centerline of New Circle Road; thence with the centerline of Bryan Avenue south 68 degrees 18 minutes 08 seconds west a distance of 175.83 feet to a point; thence leaving Bryan Avenue north 37 degrees 10 minutes 23 seconds west a distance of 261.05 feet to a point in the centerline of McCloy Alley; thence along the centerline of McCloy Alley north 51 degrees 27 minutes 37 seconds east a distance of 198.70 feet to a point; thence leaving McCloy Alley south 31 degrees 50 minutes 23 seconds east a distance of 314.06 feet to the point of beginning and containing 1.219 gross acres and 1.083 net acres.



Kid's House

Property Address:
1449-1451 Bryan Avenue)

Owner:
Jennifer Angel
4253 Victoria Way
Lexington, KY 40515

Applicant:
Kid's House
1449-1451 Bryan Avenue
Lexington, KY 40505

Prepared by:
Barrett Partners, Inc. and Wesley B Witt, Inc.

Date Filed: February 3, 2014

Zone Change Request
R-1C Zone to P-1 Zone

1.083 Acres Net & 1.219 Acres Gross

NOTIFICATION AREA
SCALE: 1" = 200'

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

Wesley B Witt



VICINITY MAP N.T.S.