1.052 AC COMMERCIAL LAND, HAMBURG AREA
1.052 +/- Acres
Fayette County, KY
$398,900

National Land Realty
244 White Oak Trace
Lexington, KY 40511
www.NationalLand.com

Lisa Saunders, ARA, CGRPA-KY
Office: 855.384.5263
Cell: 859.338.4690
Fax: 859.577.1814
Lsaunders@nationalland.com

The information herein is from sources deemed reliable, however the accuracy is not guaranteed. National Land Realty assumes no liability for error, omissions or investment results.
OVERVIEW:
1.052 +/- acres of ideal level commercial land with 153.21 feet of road frontage. More frontage can possibly be purchased. Agent will assist with information and process if interested. The parcel is 2 miles east of the I-75 Man-O-War interchange, Exit 108. The daily traffic count at this area by Liberty Road and Man-O-War is 47,174, to 43,876 near the interstate interchange at Man-O-War Boulevard. 2016 YR - traffic count is 18,570 on Liberty Road. This tract is at the west side of the former Madden Farm known as Hamburg Place, a 2,000 acre farm, being developed into residential, shopping areas with many services known as Hamburg Pavilion and several other named development centers, greenspace and walking trail to immediate north, and a modern elementary school to the north, residences to the west and south, with one being a very large apartment complex, "Brighton 3050". The listed parcel is served and accessible by a 5-lane two-way traffic pattern which has a center turn lane. The land to the east of the I-75 / Man-O-War interchange is currently being developed with an upscale apartment complex. Costco and more recently Cabela's has been built at this east-I-75 location, Hamburg East.

PARCEL #/ID: 22978425
TAXES: $1,114/year (2017)
PROPERTY HIGHLIGHTS:
- Possibilities are pet supply store, fast food with drive through, storage units, duplexes and many more. The soils are favorable to easy excavation.
- The parcel is zoned R-1D - Single Family Residential. The neighboring property to the south has recently been changed to B-4 zoning for the purposes of a veterinary and kennel facility. Zone changes to B-4 are worth discussing with the LFUCG planning office. (Zone map amendment procedures on file).
- Acreage on PVA’s (Property Valuation Administrator) tax office is incorrect.

VIEW FULL LISTING:
All boundary lines noted in pictures, aerials or maps should be considered estimates and not relied on as legal documents or descriptions.
1.052 ac Commercial Land, Hamburg Area
Fayette County, KY
1.052 +/- Acres

All boundary lines noted in pictures, aerials or maps should be considered estimates and not relied on as legal documents or descriptions.
The soil surveys that comprise your AOI were mapped at
1:15,800. The orthophoto, or other base map, on which the soil lines were
plotted, may not be valid at this scale.

12 2017
Detailed aerial images were photographed: May 3 2014—Mar
1:50,000 or larger

1:2 2017

The soil surveys that comprise your AOI were mapped at
1:15,800. The orthophoto, or other base map, on which the soil lines were
plotted, may not be valid at this scale.

The soil surveys that comprise your AOI were mapped at
1:15,800. The orthophoto, or other base map, on which the soil lines were
plotted, may not be valid at this scale.
# Map Unit Legend

<table>
<thead>
<tr>
<th>Map Unit Symbol</th>
<th>Map Unit Name</th>
<th>Acres in AOI</th>
<th>Percent of AOI</th>
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<tr>
<td>MuB</td>
<td>Mercer silt loam, 2 to 6 percent slopes</td>
<td>0.7</td>
<td>47.4%</td>
</tr>
<tr>
<td>RuB</td>
<td>Nicholson silt loam, 2 to 6 percent slopes</td>
<td>0.7</td>
<td>52.6%</td>
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<tr>
<td>Totals for Area of Interest</td>
<td></td>
<td>1.4</td>
<td>100.0%</td>
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THIS DEED, made and effective as of the 1st day of April, 2008, by and between KATIE HISEL, a widow, whose mailing address is P.O. Box 357, Concord, NH 03302, "Grantor", and ROSE H. BRIGDEN, a married person, whose mailing address is 38 Monroe Street, Concord, NH 03301, and DOROTHY MCCLURE, a married person, whose mailing address is 3200 108th Ave. S.E., Bellevue, WA 98004, collectively or individually, "Grantee".

WITNESSETH:

THAT for and in consideration of the total sum of $110,000.00, the receipt of all of which is hereby acknowledged, Grantor hereby conveys to each Grantee, her respective heirs and assigns forever, an undivided fifty percent (50%) interest (for an aggregate 100% interest), as tenants-in-common, with Covenant of GENERAL WARRANTY, in the following described property, located in Fayette County, Kentucky, and being more particularly described in Exhibit A attached hereto and made a part hereof.

PROVIDED, HOWEVER, there is excepted from the foregoing warranty and covenants of title and this conveyance is made subject to any easements and restrictions of record affecting said property, and taxes and assessments for the current year, which taxes and assessments and those of succeeding years, Grantee assumes and agrees to pay.

CONSIDERATION CERTIFICATE:

The parties hereto state that the consideration reflected in the deed is the full consideration paid for the property. Grantee joins in this deed for the sole purpose of certifying the consideration pursuant to KRS 382.135.

IN TESTIMONY WHEREOF, witnesseth the signatures of the parties as of the dates set forth below but effective as of the date first above written.

[SIGNATURE PAGES FOLLOW]
EXHIBIT A

All of the following property located in Fayette County, Kentucky, on the eastside of Liberty Pike (now Road) and more particularly described as follows:

Beginning at a point in the center of the Liberty Pike, corner to a triangular tract of land belonging to T.B. Adams, running thence along the center of the said Liberty Pike towards the Todds Road a distance of 125 feet to the corner of Levi Doty Morris’ lot; thence back along said line of Levi Doty Morris 150 feet; thence turning at a right angle and running along the rear of Levi Doty Morris’ lot a distance of 50 feet to the line of Lot No. 2; thence in an easterly direction 335 feet, more or less, to the right-of-way line of the C&O Railroad; thence down along said right-of-way 370 feet to the line of Adams’ property; thence along the line of said Adams’ property 146 feet to the point of beginning.

THERE IS EXCEPTED THEREFROM that certain parcel of property that Katie Hisel, a widow, conveyed to the Commonwealth of Kentucky for the use and benefit of the Transportation Cabinet, Department of Highways, by deed March 27, 2007, of record in Deed Book 2722, page 376, in the Fayette County Clerk’s office.

Being a portion of the same property conveyed to Glendon Hisel and Katie Hisel, husband and wife, by deed dated May 20, 1969, of record in Deed Book 962, page 351, in the Fayette County Clerk’s office; said Glendon Hisel is deceased (date of death is May 6, 1980) and fee simple title in the property is fully vested in Katie Hisel.
Brigden Property

Parcel: 22978425  Acres: 0.7664  Book: 358  Page: 120

Name: BRIGDEN ROSE H

Fair Cash Value $ 110,000

Site: 2819 LIBERTY RD

Ag Land Value 0

Sale: 0 on 2017-07-17  Reason=U  Qual=09

Ag Total Value 0

Mail: 5 DWINELL DR

CONCORD, NH 03301

Taxable Value $ 110,000

The Fayette County Property Valuation Administrator's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY; NEITHER FAYETTE COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS --- THIS IS NOT A SURVEY ---

Date printed: 04/26/18: 11:56:20
ZONE CHANGE (MAP AMENDMENT REQUEST) FILING MATERIALS

SAMPLE PROPERTY INFORMATION MAP

Although not to exact scale, the map below indicates the type of information that must be provided in a clear and accurate manner. (SUBMIT 35 COPIES.)

a. A page size of 8.5" x 11" shall be used for the map unless a larger size is required. When larger maps are required, they must be folded to a page size of 8.5" x 11" for inserting into 3-ring binder notebooks.

b. A vicinity sketch showing enough of the total community to permit quick recognition of the property's location. Street names must also be legible.

c. A notification area drawing shall show all property lines, streets, address numbers, and zoning district lines within 500 feet of the property. (500' radius must begin at the centerline of right-of-way, where applicable.)

d. A drawing of the applicant's property shall have bearings and dimensions, acreage, and street frontage, which shall be prepared by a registered civil engineer or registers land surveyor.

e. A title box must contain the information as shown below.

f. North must be oriented to the top of the map, and a north arrow shall be provided.

<table>
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<tr>
<th>Engineer's Seal</th>
<th>Title: JAMES NAISMITH PROPERTY</th>
<th>From</th>
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<tr>
<td>Or Land Surveyor's Stamp</td>
<td>Property Address: 2100 Roundball Lane</td>
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<td>Applicant Name/Address: James Naismith</td>
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<td>2100 Roundball Lane, Lexington, KY</td>
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LIST OF SURROUNDING PROPERTY OWNERS

The applicant must submit a TYPED list of all of the properties within the required notification area, including the names of the property owners for those properties and the current mailing address for those property owners. Properties within the required notification area are shown on the notification area map (page 2 of the Zone Map Amendment Application). Property owner information is easily obtained by visiting the Property Valuation Administrator's website at www.fayettepa.com. Be aware that the mailing address for a particular property owner is often different than the physical address for the property, and such records shall be secured no earlier than 30 days prior to filing of the application in order to ensure accuracy. An alternate computer-generated list can be used in place of this form, provided that all of the necessary information is included. The applicant should retain a copy of this listing to ensure notification letters cover all persons.

<table>
<thead>
<tr>
<th>Addresses of Property Located Within 500' Radius (Street Address only)</th>
<th>Names of Property Owners Located Within 500' Radius</th>
<th>Owners' Mailing Address, if different from Property Address</th>
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SUPPLEMENTAL NOTIFICATION LIST IN AGRICULTURAL AREAS

Where the subject property adjoins property zoned in an A-R, A-B, A-N or A-U classification, additional notice shall be required. An additional notification map is also required for these properties. An alternate computer-generated list can be used in place of this form, provided that all of the necessary information is included. The applicant should retain a copy of this listing to ensure notification letters cover all persons.

1. In the direction of the agricultural zoning, the applicant shall provide notification to the owners of the next 2 properties beyond those normally included in the standard 500’ notification area, or to owners of any property located up to 2,400’ from the subject property. In no case shall this additional notification be required for the owners of more than 2 parcels in any given direction.

2. The applicant shall be required to submit only ONE (1) copy of a map (of any size and scale that clearly indicates the property boundaries), which shall show the locations of the additional properties to be included in the notification area. Delineate both the required 500’ notification area radius and 2,400 radius on the supplemental agricultural map.

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<tr>
<th>Addresses of Property Located (Street Address only)</th>
<th>Names of Property Owners</th>
<th>Owners’ Mailing Address, if different from Property Address</th>
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SAMPLE OF NOTIFICATION LETTER

The applicant is required to prepare a letter (as shown below) with all blanks filled in, and an addressed envelope for each of the properties and owners within a 500-foot radius of the subject property, as shown on the notification area map and list of surrounding property owners. In addition, this letter shall be sent to properties and owners as shown on the supplemental map for agricultural areas and the supplemental notification list in agricultural areas. If an associated variance or conditional use is being requested at the same time as the zone map amendment, an alternate sample letter shall be obtained from the Division of Planning.

ONE LETTER must be submitted as part of the application.
DO NOT SEAL THE ENVELOPES; rather, leave them open for the Division of Planning staff to check.
1ST CLASS POSTAGE MUST BE ON ALL ENVELOPES — Note: Stamps are required. Metered mail will not be accepted.
USE PLAIN ENVELOPES with the Urban County Planning Commission’s return address stamped/labeled in the upper left-hand corner.
NOTE: The following is merely a SAMPLE FORM to use as a guide and is not to be photo-copied and sent to property owners. INSTRUCTIONS INFORMATION IN PARENTHESES ( ) SHOULD NOT BE INCLUDED IN THE LETTER.

Urban County Planning Commission
Division of Planning – Planning Services Section
200 E. Main Street
Lexington, Kentucky 40507
(FILL IN FILING DATE)

Re: Requested Land Use Zone Change in Your Neighborhood

Dear Property Owner:

The Urban County Planning Commission would like to inform you of a request for a zone change involving property in your neighborhood area. A public hearing will be held to allow concerned persons to express their views on this matter.

Unless this request is postponed before the hearing date, this letter shall be the only notice you will receive by mail. If it is postponed prior to the hearing date shown below, you should be notified by mail of the rescheduled hearing date.

The name/address of the applicant, zone change location, the date and time of the public hearing, and other pertinent information are as follows:

1. NAME & ADDRESS OF ZONE CHANGE APPLICANT: (FILL IN INFORMATION)
2. ZONE CHANGE LOCATION: (FILL IN ADDRESS OF SUBJECT PROPERTY)
3. DATE OF PUBLIC HEARING: (FILL IN HEARING DATE)
4. ZONE CHANGE REQUESTED: (FILL IN FULL ZONE DESCRIPTION)
   (EXAMPLE: FROM: SINGLE FAMILY RESIDENTIAL (R-1C) ZONE TO: PROFESSIONAL OFFICE (P-1) ZONE)
5. ACREAGE OF PROPERTY: (FILL IN NET & GROSS ACREAGE)
6. NAME & ADDRESS OF PROPERTY OWNER: (FILL IN INFORMATION, OR SPECIFY “SAME”)
7. NAME, ADDRESS & PHONE NO. OF APPLICANT’S ATTORNEY: (FILL IN INFORMATION. IF APPLICANT HAS NO ATTORNEY, SPECIFY “NONE”)
8. TIME & LOCATION OF HEARING:
   1:30 PM, Council Chambers, 2nd Floor, Urban County Government Building
   200 E. Main Street, Lexington, Kentucky

For further information regarding this zone change request and for persons with a disability who need assistance to participate in the above meeting, please contact the Planning Commission’s staff at 101 East Vine Street, Suite 700; or call 288-3160.

Sincerely,

Urban County Planning Commission
LFUCG Division of Planning
Planning Services Section
LEGAL DESCRIPTION

1. The applicant is required to prepare a legal description indicating the bearings and dimensions of the property, from the centerline of any abutting right-of-way, to be provided on a separate sheet of plain white paper attached to the general information sheet.

2. Five (5) copies of the legal description shall be submitted and shall be incorporated by reference into any ordinance ultimately acted upon by the Urban County Council. Therefore, it is imperative that the description be accurate and in proper form.

3. The heading of the description shall include the information shown in the sample; specifically, name, zone change request, street address by which the property is designated in the PVA records; and city/county/state.

4. The legal description must be prepared by the registered engineer or licensed land surveyor who has prepared the property information map.

5. Double-space the description as shown below, or double-space between each call.

SAMPLE

LEGAL DESCRIPTION

JAMES NAISMITH PROPERTY
Zone Change from A-U to R-3
2100 Roundball Lane
Lexington, Fayette County, Kentucky

A TRACT OF LAND SITUATED SOUTHWEST OF ROUNDBALL LANE IN LEXINGTON, FAYETTE COUNTY, KENTUCKY AND MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

BEGINNING at a point in the centerline of Roundball Lane, said point being in line with the southeast property line of 2120 Roundball Lane; thence S 69° 10' E for 279.5', to a point; thence S 20° 50' W for 473.2', to a point; thence N 69° 10' W for 240.9', to a point; thence N 22° 05' E for 469', to the point of beginning, containing a gross area of 2.60 acres, and a net area of 2.48 acres.
Urban County Planning Commission  
Division of Planning – Planning Services Section  
200 E. Main Street  
Lexington, Kentucky 40507  

March 2, 2007

Re: Requested Land Use Zone Change in Your Neighborhood

Dear Property Owner:

The Urban County Planning Commission would like to inform you of a request for a zone change involving property in your neighborhood area. A public hearing will be held to allow concerned persons to express their views on this matter.

Unless this request is postponed before the hearing date, this letter shall be the only notice you will receive by mail. If it is postponed prior to the hearing date shown below, you should be notified by mail of the rescheduled hearing date.

The name/address of the applicant, zone change location, the date and time of the public hearing, and other pertinent information are as follows:

1. NAME & ADDRESS OF ZONE CHANGE APPLICANT:  
   John Doe  
   747 E. Main Street  
   Lexington, KY 40507  
   Phone: (859) 259-0000

2. ZONE CHANGE LOCATION:  
   900 Maple Avenue (a portion of), Lexington, KY

3. DATE OF PUBLIC HEARING:  
   April 23, 2007

4. ZONE CHANGE REQUESTED:  
   From: Single Family Residential (R-1C) Zone  
   To: Professional Office (P-1 Zone)

5. ACREAGE OF PROPERTY:  
   0.69 Net; 0.80 Gross Acre

6. NAME & ADDRESS OF PROPERTY OWNER:  
   John & Mary C. Doe, 747 E. Main Street, Lexington, KY 40507

7. NAME, ADDRESS & PHONE NO. OF APPLICANT’S ATTORNEY:  
   John Smith  
   Smith, Smith & Smith, PLLC  
   307 W. Main Street, Lexington, KY 40507  
   Phone: 258-0000

8. TIME & LOCATION OF HEARING:  
   1:30 PM, Council Chambers, 2nd Floor, Urban County Government Building  
   200 E. Main Street, Lexington, Kentucky

For further information regarding this zone change request and for persons with a disability who need assistance to participate in the above meeting, please contact the Planning Commission’s staff at 101 East Vine Street, Suite 700; or call 258-3160.

Sincerely,

Urban County Planning Commission  
LFUCG Division of Planning  
Planning Services Section
STEPS INVOLVED IN ZONE MAP AMENDMENTS (ZONE CHANGES)

1. **A PRE-APPLICATION CONFERENCE** is required by Article 6 of the Zoning Ordinance to be held at least five (5) working days and not more than three (3) months prior to the filing of an application. Where a development plan is required to be submitted with an application, it should be discussed at the same meeting. No application will be accepted unless a pre-application conference has been held with the Planning Services staff.

2. **APPLICATION MATERIALS and FILING & FEE SCHEDULES** will be provided at the pre-application conference by the Division of Planning staff. Stated filing deadlines are applicable for both electronic submittals to the Accela Citizen Portal and paper submittals to the Division of Planning offices.

3. **BEGIN COMPLETING YOUR APPLICATION ONLINE:**

   a. **CREATE AN ACCOUNT** for LFUCG’s Accela Citizen Portal at www.LexingtonKY.gov/plans. This can be done from your home or in the Division of Planning office. A user ID and password will have to be established, which should be recorded for future reference and accessed throughout the process. There is no charge to establish this account.

   b. **FILL OUT THE BASIC APPLICATION INFORMATION** online completely, as prompted. A record identification number will automatically be assigned to your case (beginning with “PLN-MAR” for a zone change and “PLN-MJDP” for a development plan associated with a zone change). Your record identification number should be recorded for your future reference so that you can easily locate your application online in the event that you need to complete, amend, or supplement it, or if you want to monitor its progress throughout the process.

   There are several parts of a zone change application that comprise a filing in addition to the basic application information entered through the Accela Citizen Portal. These include the following: legal description(s), property information and notification map, notification list of surrounding property owners, notification letters, deed(s), justification statement, and a filing fee. In some cases, a traffic impact study and/or a supplemental notification map and list may be required.

4. **PREPARE ALL REMAINING APPLICATION MATERIALS** using the detailed instruction sample provided by staff at the pre-application conference as a guide. These materials are utilized by the Urban County Planning Commission, the Urban County Council and staff in making a recommendation and final decision about the proposal, so they must be consistent and accurate. For instance, the name of the applicant, whether an individual or a corporation, must be clearly indicated on the property and notification map, and that name must match the name provided in the online application as well as the applicant name indicated in the notice letter that is mailed to surrounding property owners.

   All of the following shall be attached to the record in the Accela Citizen Portal and provided to the Division of Planning in the appropriate quantities listed below at the time of filing:

   a. **Legal Description(s)** indicating the bearings and dimensions of the property, from the centerline of any abutting right-of-way, must be provided within a separate document, and each portion of the zone change application shall have its own legal description. The legal description is incorporated by reference into any ordinance ultimately acted upon by the Urban County Council. Therefore, it is imperative that the description be accurate. The heading of the description shall include the street address by which the property is designated in the PVA records (see sample). The legal description must be prepared by the registered engineer or licensed land surveyor who has prepared the property information map. The net and gross acreage must be indicated.
      - Submit one (1) copy of the legal description(s) at the time of filing.
      - Once reviewed by the staff, submit five (5) additional copies.

   b. **Property Information and Notification Map**, which identifies all properties (by street address) that must be notified by letter of the proposed activity, must be provided. The required notification area is all properties within 500’ of the subject property. The map must be prepared by a registered engineer or licensed land surveyor and submitted in conformance with the sample provided by the Division of Planning during the pre-application conference. Bearings and dimensions must correspond with those in the legal description(s).
      - Submit one (1) copy of the map at the time of filing.
      - Once reviewed by the staff, submit thirty-five (35) copies folded to 8 1/2” x 11”.

Planning Services/Zoning Items/Applications/MAR Steps 2016.doc
If a property proposed for a zone change adjoins any agricultural zone, a separate supplemental notification map shall also be provided. This map shall show the next two properties beyond the 500’ line (up to 2,400 feet from the subject property) in the direction of the adjoining agricultural zone.

- Submit one (1) copy of the map at the time of filing.

**c. Notification List of Surrounding Property Owners**, showing the names and mailing addresses of all property owners within the required 500’ notification area. This list is generated by utilizing the notification map prepared by the registered engineer or licensed land surveyor, obtaining property owner information for all properties within the notification area from the Fayette County Property Valuation Administrator (PVA), and then recording that information on the form provided by the Division of Planning. The quickest way to obtain property owner information is to access the PVA website at [www.fayetepva.com](http://www.fayetepva.com). Alternatively, the information can be obtained by going to the PVA office on the 6th floor of the Phoenix Building, also at 101 East Vine Street in Lexington. Please be aware that the physical address of a property and the owner’s mailing address are often different; in such cases, letters must be sent to the property owner at his/her correct mailing address.

- Submit one (1) copy of the notification list(s) at the time of filing.

**d. Notification Letter**, indicating the name of the applicant, date of the Planning Commission hearing, and an accounting of the requested zone change. This letter must be submitted in conformance with the sample letter provided by the Division of Planning at the pre-application conference. The notification should also include information about any variances or conditional uses requested in conjunction with the zone change.

- Submit one (1) copy of the notification letter at the time of filing.

**e. Stamped and Addressed Envelopes**, one for each property owner identified on the notification list of surrounding property owners, and on the supplemental notification list, if required by the Zoning Ordinance. A copy of the notice letter must be placed in each envelope, a postage stamp shall be adhered to the envelope (not metered), and the following return address for the Planning Commission should be used:

LFUCG Urban County Planning Commission  
Division of Planning – Planning Services Section  
200 E. Main Street  
Lexington, KY 40507

Duplicate envelopes are not required for a property owner that owns multiple properties in the notification area and has the same mailing address for each property. The envelopes should be standard business size (4.25 x 9.5), they should not be sealed, and envelopes must be stacked in the same order as shown on the notification list of property owners.

- Submit all necessary letters and addressed envelopes at the time of filing.

**f. Copy of the Deed** to the subject property.

- Submit one (1) copy of the deed(s) at the time of filing.

**g. Justification Statement** for the requested zone change, which should be in conformance with Article 6-4(d) of the Zoning Ordinance and KRS 100. If a variance or conditional use permit is requested in conjunction with the request zone change, a justification for the request shall also be included, in conformance with Article 7-6 of the Zoning Ordinance. For variances, clearly describe the requested adjustment, and state reasons why you feel an adjustment is justified, including reasons that the subject property is unique. For conditional uses, operational details such as days and hours of operation, descriptions of anticipated activities, and proposed efforts to minimize impacts to surrounding properties (e.g., landscape buffers) are important to mention.

- Submit one (1) copy of the justification at the time of filing.

**h. Letter of Permission** from the property owner, if the applicant is not the owner of the property. An executed contract to purchase the property with a zoning contingency clause can be substituted for the letter of permission.

- Submit one (1) copy of the justification at the time of filing.

**i. Application Fee**, which is nonrefundable, must be submitted at the time an application is filed (technically within 48 hours) according to the “Official Filing Fee Schedule.” This fee should be in the form of a check or money order made payable to “Lexington-Fayette Urban County Government” or “LFUCG.”

**j. Traffic Study** may be required in some instances for significant zone changes (as defined in Article 6 of the Zoning Ordinance). The Division of Planning will indicate during the pre-application conference whether a traffic impact study will be necessary.

- Submit three (3) copies of the study at the time of filing.
5. **COMPLETE THE APPLICATION ONLINE** and **BRING THE APPLICATION MATERIALS TO THE DIVISION OF PLANNING** before the filing deadline.

   **Note:** An application will not be considered as officially “filed” unless the online application is completely filled out, the entire notification package and supplemental items are delivered to the Division of Planning, and the fee is paid by no later than 4:00 p.m. on the date shown on the filing schedule.

6. **SUBMIT COROLLARY DEVELOPMENT PLAN**

   **Note:** No application will be considered as filed if any of the required materials are inaccurate or incomplete. 
   No applications will be accepted after 4:00 p.m. on the scheduled filing date.
   If a petitioner desires to amend the application, a completely new application may be required. Instructions are available from the Division of Planning for amended applications.
   Names, Address(es), Acreages and other information must be consistent throughout the entire application.
   Separate filing fees are necessary for the zone change and development plan applications. These are two separate applications (one approved by the Planning Commission, one by the Council); the filing fees cannot be combined in one payment to LFUCG.

   **PROCESS AFTER THE APPLICATION IS ACCEPTED:**

   - **REVIEW OF THE APPLICATION BY THE DIVISION OF PLANNING** takes place over a four week period after the filing deadline. If the staff discovers errors or inconsistent information in your application, you can expect a phone call and/or an email from a staff member. If the errors are serious, or if you fail to provide corrected information in a timely fashion, it could result in postponement of your request by the Planning Commission at their scheduled hearing. At the conclusion of this review period, the staff will prepare a written a staff report summarizing the application and their recommendation to the Planning Commission.

   - **ZONING COMMITTEE** of the Planning Commission meets on the first Thursday of each month in the Division of Planning conference room in order to briefly consider all upcoming applications. The Committee makes a recommendation to the full Planning Commission. Following the meeting, the Committee recommendation is mailed to the applicant and/or attorney.

   - **APPLICANT RESPONDS BY LETTER** to the Zoning Committee and staff recommendation (by midday Tuesday following the Zoning Committee meeting) only if they desire to postpone or withdraw the petition. Otherwise, the petition will be docketed for the scheduled public hearing. If the applicant wishes to postpone, new notification letters must be submitted for postponed applications by the end of the day on the Thursday following the Zoning Committee meeting. (Sample letters may be obtained from the staff.)

   - **SIGN POSTING ON THE SUBJECT PROPERTY** is done by the staff at least 14 days prior to the public hearing for all zone changes, and for any conditional uses included with such applications. Once posted, it is the applicant’s responsibility to ensure that the sign remains up until the public hearing. If it is removed, please notify the Division of Planning immediately.

   - **ADVERTISING** for the public hearing will appear in the Lexington Herald-Leader at least 7 days before the public hearing. After publication, only Commission action can permit postponement or withdrawal of the request. An agenda for the public hearing may be obtained from the Planning Division Office and is also posted to the lexingtonky.gov/planning website prior to the meeting.

   - **A PUBLIC HEARING** will be held by the Planning Commission generally on the fourth Thursday of each month at 200 E. Main Street. At the beginning of the meeting, the Commission will consider requests for postponement or withdrawal. When items are postponed by the Planning Commission, notice of the new hearing date must be mailed to surrounding owners. (A sample letter for these items may be obtained from the staff.)

After a public hearing, the Commission will vote to recommend approval, approval with binding conditions or restrictions (typically referred to as conditional zoning restrictions), or disapproval to the Urban County Council. The development plan or other plan(s) submitted in conjunction with the request will also be acted on at that time. Any tie votes on the zone change shall be reconsidered by the Commission at a future meeting within 30 days.
• **COMPLIANCE WITH COMMISSION REQUIREMENTS** – Within 14 days of the Commission’s final action on the zone change, the development plan and/or other plan(s) submitted in conjunction with the request must fully comply with all conditions set forth by the Commission and be certified by the Commission’s Secretary. If not, final action by the Commission on the zone change shall be null and void, and a new application submittal would be required.

• **A FINAL REPORT** of the Commission’s recommendation is sent to the Urban County Council. This report includes copies of the application, staff report, findings of fact, and the recommendation of the Planning Commission. Minutes of the Planning Commission hearing are included, either in draft or final form. The Council’s schedule dictates when a final report can be sent to the Council based upon their scheduled Work Sessions. Once the final report has been sent to the Council, the timeline for the following steps may be obtained from the staff.

• **THE URBAN COUNTY COUNCIL**, after receiving the final report, will review the records and determine if a public hearing will be held during a public Work Session. Based on the Council’s action, one of the following procedures will apply:

  A. **Council Public Hearing**

     (1) At the Work Session at which the petition is docketed, a public hearing may be requested before the Urban County Council. Scheduling matters, prehearing matters, general procedures and requirements, and more detailed information pertaining to Council public hearings is available from the Planning Staff. **Applicants should obtain this information prior to the scheduling of a Council hearing for a zone change application.**

     (2) In addition, the applicant is required to:

        (a) prepare letters to send to property owners and submit them to the Planning Staff at least 24 days prior to the hearing;
        (b) post a “Zoning Change” sign on the property two weeks prior to the hearing, and
        (c) submit a notarized affidavit to that effect at the Council hearing.

     (3) The Council Clerk will advertise the public hearing in the local newspaper.

  B. **No Public Hearing** - The Council will have two (2) readings and take action. The Council’s action becomes effective the date of the second reading.

... **If approved**, the Council Clerk will issue an Ordinance reflecting the Council’s decision. Upon receipt, the Division of Planning Staff will notify the Geographic Information Systems (GIS) Office to update the official zoning map for Fayette County and file a Certificate of Land Use Restriction with the Fayette County Clerk’s office.

... **If disapproved**, the subject property cannot be considered again for one year if recommended for disapproval by the Planning Commission, unless there are new grounds (such as a change of facts or conditions) that were not considered at the first hearing. Should things change, you can request permission to file a new appeal before the one year expiration – known as an “Early Rehearing Request.” If the Planning Commission decides to rehear the zone change, you may reapply before the one year is up and will be placed on the agenda according to the approved Meeting and Filing schedule.

... **If appealed**, all applicants should be aware that any aggrieved party can appeal a zone change decision of the Council to Fayette County Circuit Court within 30 days of final action.

If you need assistance, the following people may be contacted at the Division of Planning by calling (859) 258-3160:

  **Senior Planner:** Traci Wade, AICP (twade@lexingtonky.gov) or (859) 258-3183 (direct)

  **Additional Staff Members:** Debbie Woods, Administrative Specialist; Bill Sallee, Planning Services Manager

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**Note:** In conformance with Article 16 of the Code of Ethics, any employee or officer of the LFUCG must disclose any financial interest, either direct or indirect, in any matter pending before any department of the Government. Therefore, if either the applicant or any property owner is an LFUCG employee/official, his/her name must be included on the application form and his/her status must be indicated (i.e., LFUCG Employee/LFUCG Officer). A separate signature form can be provided by the staff of the Division of Planning in compliance with Article 16 of the Code of Ethics.