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May 5, 2025

Mr. Larry Forester, Chairman
and Members of the Lexington-Fayette
County Urban County Planning Commission
200 East Main Street
Lexington, KY 40507

Re: Proposed zone change for 1104 Fern Avenue, 122 Simpson Avenue
and 119 Burley Avenue

Dear Chairman Forester and Members of the Planning Commission:

This letter is written on behalf of Anderson Communities, which is filing a zone change application for the property at 1104 Fern Avenue, 122 Simpson Avenue and 119 Burley Avenue. These three lots together consist of approximately 0.37 net acre. These three small parcels are part of a larger tract included on a development plan which we are simultaneously filing. Most of the tract is already zoned R-4 (Medium Density Residential). We are requesting a zone change for 1104 Fern Avenue and 122 Simpson Avenue from the Single-Family Detached (R-1D) zone to the R-4 zone. We are requesting a zone change for 119 Burley Avenue from the Townhouse Residential (R-1T) zone to the R-4 zone.

DESCRIPTION OF PROJECT.

These three small tracts are adjacent to property which has been zoned R-4 for over ten years. We are requesting the zone change to place these three tracts in the same zone as the adjoining property.

By combining these three small tracts with the larger tract, these three tracts can be part of the common development pattern. This will allow parking to be in the rear of the property and in joint parking areas with the rest of the development. The property which is already zoned R-4 backs up to the railroad. The development will transition down from four-story apartment buildings along the railroad to three story buildings. The tract at 1104 Fern Avenue will be utilized as open space. The property at 122 Simpson Avenue will be utilized for a small portion of a planned apartment building, three parking spaces and for open space and a pedestrian walkway from the

rear parking area to Simpson Avenue. The tract at 119 Burley Avenue will be utilized for a small, three-story apartment building. The building will be set forward to the street, to be consistent with seven townhome units located in the same block face.

Overall, the project will have no front yard parking and will have pedestrian connections from parking areas to the street.

A great lawn is proposed in the area already zoned R-4, along with a community room and exercise facilities.

Much of the Simpson, Burley and American Avenue neighborhood has been re-developed over the last two decades to attract university students, in dwelling units that contain four bedrooms. This development will emphasize one and two bedroom apartment units to be more appealing to healthcare workers in the nearby University of Kentucky Hospital, graduate students and others. The property is within walking distance of the University, the hospital and healthcare facilities and employment areas downtown. Retail and restaurants are within walking distance. Bus lines on South Broadway and Virginia Avenue are also nearby.

GOALS AND OBJECTIVES OF THE 2045 COMPREHENSIVE PLAN.

This proposal is in agreement with the Goals and Objectives of the 2045 Comprehensive Plan. This development will supply infill housing for workers and students. The one and two bedroom units will supply an additional housing choice to those who do not wish to reside in four-bedroom student-type accommodations. As mentioned above, the property is within walking distance of the University, healthcare facilities, shopping and dining venues on Virginia Avenue and South Broadway, and service and employment centers on South Broadway, Virginia Avenue and downtown. It will allow these three small lots to be integrated into a larger, planned development. The development will have on-site management to supervise and maintain the property. It will have a community room, exercise facilities and green space. It is close to bus routes.

The additional dwelling units and additional choice in type of dwelling units complies with Goal A1, to expand housing choices. The proposal will comply with Objective A1.b by helping to accommodate the demand for housing in Lexington responsibly, prioritizing higher-density and mixture of housing types. Accessible units will be provided (Goal A1.c). This proposal will supply infill and redevelopment as called for in Goal A2 and Objective A2.a. It will respect the context and design features of surrounding areas. The new building on the lot at 119 Burley Avenue will have similar materials as the adjacent single-family structures. The setback will activate the street and will mirror the setback of other new units in the same block face (Objective A2.b). The development, including the properties requested for re-zoning will utilize greenspace and the common lawn (Objective A2.c).

Sidewalks were not constructed when the Stillwell, Burley and American Avenue neighborhood was constructed. This development will provide sidewalks along the street, and sidewalk linkages to rear parking areas, thus providing places for social interaction (Objective A3.b). The proposed buildings are smaller than typical apartment buildings. The smaller size will

allow the development to better utilize the terrain and cause less disruption of natural features (Objective A3.c). As mentioned above, this development will improve sidewalk connections between new and existing development (Objective A3.e). The new residential units will be open and encouraging for all (Goal A5 and Objective A5.c).

Finally, by providing additional density, the project helps to uphold Goal E.1., upholding the Urban Service Area concept by utilizing redevelopment of underutilized corridors and utilizing vacant land within the Urban Service Area (Objectives E.1d and E.1e).

THEMES AND POLICIES.

Our proposal successfully addresses the policies of the 2045 Comprehensive Plan.

Pertaining to Theme A, Building and Sustaining Successful Neighborhoods, this development will utilize the multi-family design standards (Policy 3), and will provide a design sensitive to the surrounding context of the neighborhood (Policy 4). It will be walkable, and parking lots and vehicular use areas will be in the rear and connected by sidewalks (Policies 5 and 7). It will assist in providing varied housing choice (Policy 8) and the development will provide open space internally (Policy 9).

As to Pillar II, Density, this is an infill proposal which will increase density and be sensitive to the design of neighboring properties.

ENGAGEMENT.

The applicant has met with several individual property owners in the area and will continue to reach out.

PLACE-TYPE, DEVELOPMENT AND REQUESTED ZONE.

This proposal fits within the Enhanced Neighborhood Place-Type and within the Medium Density Residential (MR) development-type. We are requesting the R-4 (Medium Density Residential) zone, which is a recommended zone for this Place-Type and Development-Type.

DEVELOPMENT CRITERIA.

Here is a discussion of the criteria that were not specially addressed on the development plan, or which need further discussion.

- **A-DS12-1.** The development will be located within walking distance of the restaurant and commercial area at Virginia Avenue and South Broadway.
- **A-DN2-1.** This is a proposed infill development which will increase density.
- **B-SU3-1.** This development will provide more compact development and will provide a variety of housing choice in the neighborhood.

- **C-LI7-1.** By providing one and two bedroom dwelling units, this development will add a housing choice to this neighborhood. It will have access to employment at the University and healthcare facilities and shopping and entertainment on South Broadway and Virginia Avenue.
- **D-PL7-1.** The applicant has consulted individual neighbors and will continue to consult neighbors throughout this process.
- **E-ST8-2.** This development will provide a central lawn, exercise facilities and community room.
- **A-DS1-2, A-DS4-1, A-DS5-1 AND A-DS10-1.** This neighborhood was originally built with narrow streets and no sidewalks or curbs. The project will include sidewalks to provide safe and easier access to transit on South Broadway and Virginia Avenue, to the University and hospital, and to the nearby commercial and restaurant establishments. Those linkages will be separate from the street. The existing narrow streets also provide traffic calming.
- **A-DS13-1 and D-CO4-1.** These criteria relate to stub streets and dead end streets. The three parcels which are the subject of the zone change request are located on existing streets. Simpson Avenue will be terminated at the main entrance to the overall project. People wishing to turn around will have the option of turning left to utilize drive aisles to go to Export Street, or the option to turn right to loop to the internal drive aisles or to simply turn around. The railroad tracks are, of course, the barrier which prevents the streets in this neighborhood from continuing.
- **D-CO1-1 and D-CO2-1.** As mentioned above, this neighborhood was built without sidewalks and the streets are narrow. This proposal will supply sidewalks along the streets and sidewalk connections to rear parking areas, thus providing pedestrian and bicycle facilities where none exist today.
- **D-CO4-2, D-CO4-3 AND D-CO5-1.** The existing neighborhood provides a grid-type street structure up to the railroad which serves as a barrier. The existing streets have relatively short block lengths and their narrow width provides a traffic-calming feature. However, there are no sidewalks or other areas for bicyclists and pedestrians. This development will provide internal sidewalks and sidewalks where the property abuts public streets. By utilizing smaller buildings, we will be able to follow the existing topography of the land and minimize grading.
- **B-PR2-1.** The three lots which are the subject of the zone change have no environmentally sensitive areas. Two of the buildings shown on the development are located in the property which is already zoned R-4. We will be redeveloping an existing detention basin and will meet all engineering standards.

- **B-PR9-1.** This overall development, and the property to be re-zoned, utilizes smaller buildings which will allow the developer to more closely confirm to the original grade.
- **B-PR10-1.** Lighting will be directed downward and overlighting will be avoided.
- **B-SU4-1.** By avoiding over parking, fewer impervious surfaces will be required.
- **B-SU11-1.** The developer will strive to incorporate low-impact landscaping and native plant species.
- **D-PL4-1.** The open space/common area will available for programmatic elements and amenities as determined by the on-site management.
- **A-DS4-2 AND A-DN2-2.** As mentioned above, smaller apartment building footprints are being utilized in order to minimize grading. In addition, the taller, four-story buildings are placed along the railroad track. The one building proposed on the property which will be re-zoned will be a three-story building.
- **D-PL2-1.** The first floors will be activated by doors and windows. Buildings will be adjacent to streets with no parking between the buildings and streets.

VARIANCE REQUEST.

We are requesting a variance to reduce the vehicular use area perimeter buffer from eight feet to three feet at the rear of the lot at 122 Simpson Avenue. This will allow a drive aisle to serve three of the parking spaces behind the building which will front on Simpson Avenue. It will assist in allowing all parking to be behind buildings. It will not be easily visible from any public street. No homes are adjacent to the variance area. The variance area is only for the vehicular use area, not for parking spaces. It will allow an adequate backing area for the three parking spaces on the other side of the driving aisle.

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 it is a parking area behind the building, not along the street, and will not be highly visible form any public street. It will a vehicular use area, but there will be no parking spaces adjacent to the three-foot landscape area. It will allow the applicant to construct the development as a cohesive unit.

Granting the variance will not allow an unreasonable circumvention of the requirements of the Zoning Ordinance because the Zoning Ordinance encourages parking to be behind buildings, not along the street. This will allow residents to have convenient access to their living units while not disturbing neighboring properties. It will allow the applicant to integrate this parking area into the development.

The special circumstances which apply to this property and which do not generally apply to land in the general vicinity or the same zone are that this is a small, vacant lot which is being incorporated into a larger development to allow a modest increase in density near the University and other employment, entertainment and commercial areas. It will allow the parking area on this lot to be consistent with the parking area which is internal to the complex. The differing size and shape of the original lots contribute to the difficulty of designing the parking and vehicular use area.

Strict application of the regulation of the Zoning Ordinance would deprive the applicant of a reasonable use of its land or create an unnecessary hardship because the narrower width of the drive aisle would make parking and maneuvering much more difficult.

The circumstances surrounding the requested variance are not the result of actions of this applicant taken subsequent to the regulation from which relief is sought. No construction has started prior to action by the Planning Commission. The size and shape of the individual lots was established over 100 years ago.

CONCLUSION.

Our proposed zone change will allow these three small lots, totaling 0.37 acre net, to contribute to and be incorporated into the larger development which is planned in the R-4 zone. It will allow modern, new infill residential use in this area which is convenient to employment, healthcare, restaurants, commercial and other services. It will supply an additional housing choice to compliment this area.

Thank you for your consideration of the zone change request.

Sincerely,


Richard V. Murphy,
Attorney for Applicant

RVM/prb

On Plan

Written

Not applicable

ENHANCED NEIGHBORHOOD

ENHANCED NEIGHBORHOOD - MEDIUM DENSITY RESIDENTIAL

LAND USE

A-DS12-1 Development should be located nearest to neighborhood serving commercial areas.

A-DN2-1 Infill residential should aim to increase density.

B-SU3-1 Development should provide compact and/or mixed use development.

C-LI7-1 Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.

C-PS15-2 Improve options for affordable and nutritious food where not currently available.

D-PL7-1 Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.

D-SP1-1 Elementary and middle schools should be located within residential neighborhoods, and high schools primarily along collector streets.

D-SP9-1 Encourage co-housing, shared housing environments, planned communities and accessory dwelling units for flexibility and affordability for senior adults and people with disabilities.

E-ST8-2 Development should provide community oriented places and services.

E-GR3-1 Development should meet recreational needs by following the recommendations of the Parks Master Plan.

TRANSPORTATION, CONNECTIVITY, AND WALKABILITY

A-DS1-1 Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes.

A-DS1-2 Accessible pedestrian linkages to transit should be provided.

A-DS4-1 A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided.

A-DS5-1 Safe multi-modal facilities should be provided to ensure vehicular separation from bicycles, pedestrians and other modes of transport. Developments should incorporate vertical elements, such as street trees and buildings, to create a walkable streetscape.

A-DS10-1 New developments should incorporate clear and dedicated connections to nearby community anchors.

ENHANCED NEIGHBORHOOD - MEDIUM DENSITY RESIDENTIAL

A-DS11-1 Street layouts should provide clear, visible access to neighborhood-focused open space and greenspaces.

A-DS13-1 Stub streets should be connected.

C-PS10-1 Flexible parking and shared parking arrangements should be utilized.

D-CO1-1 Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type.

D-CO2-1 Development should create and/or expand a connected multimodal transportation network that satisfies all users' needs.

D-CO2-2 Development should comply with Lexington's Complete Streets Policy.

D-CO4-1 Dead-end streets and cul-de-sacs should be discouraged.

D-CO4-2 Provide multiple route options (grid type structure) to alleviate congestion in lieu of additional lanes upon existing roadways.

D-CO4-3 Street pattern and design should consider site topography and minimize grading where possible.

D-CO5-1 Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.

ENVIRONMENTAL SUSTAINABILITY AND RESILIENCY

B-PR2-1 Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.

B-PR2-2 Development should include regularly spaced access with an adequate width to the greenway network and conservation areas.

B-PR3-1 Minimize impact of development adjacent to land conservation properties through buffering.

B-PR7-1 Developments should be designed to minimize tree removal and to protect and preserve existing significant trees.

B-PR9-1 Minimize grading and topsoil disturbance by utilizing the existing topography to the greatest extent possible and preserving key natural features.

B-PR10-1 Development should avoid overlighting and upward directed lighting.

B-SU4-1 Development should minimize and/or mitigate impervious surfaces.

ENHANCED NEIGHBORHOOD - MEDIUM DENSITY RESIDENTIAL

- B-SU5-1** Developments should incorporate energy efficient systems and renewable energy resources (i.e. wind, solar, etc.).
- B-SU9-1** Green Stormwater Infrastructure (GSI) should be implemented in new development.
- B-SU11-1** Development should incorporate low impact landscaping and native plant species.
- B-RE1-1** Developments should improve the tree canopy.
- B-RE2-1** Lexington's green infrastructure network, including parks, trails, greenways, or natural areas should be highly visible and accessible.
- B-RE5-1** Dividing floodplains into privately owned parcels with flood insurance should be avoided.
- B-RE5-2** Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them.
- B-RE5-3** Developments within the Royal Springs Aquifer should consult with the Royal Springs Water Supply Protection Committee.
- D-SPI0-1** Prioritize street trees in the planting strip.

SITE DESIGN

- A-DS5-4** Development should provide a pedestrian-oriented and activated streetscapes.
- A-DS7-1** Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
- A-DS9-1** Development should provide active and engaging amenities within neighborhood focused open spaces.
- A-DS9-2** Where neighborhood open space or parks are not located within walking distance of a new development, applicants should incorporate these facilities.
- D-SP3-2** Cellular tower antennae should be located to minimize intrusion and negative aesthetic impacts, and stealth towers and landscaping used to improve the visual impact from the roadway and residential areas.
- A-EQ9-1** School sites should be appropriately sized.
- A-EQ9-2** Shared open spaces should be easily accessible and clearly delineated from private open spaces.
- C-LI8-1** Development should enhance a well-connected and activated public realm.

ENHANCED NEIGHBORHOOD - MEDIUM DENSITY RESIDENTIAL

- C-PS10-2** Over-parking of new developments should be avoided.
- D-PL4-1** Enhance open space through the provision of programmatic elements and amenities.
- D-PL10-1** Activate the streetscape or publicly visible areas by designating public art easements in prominent locations.
- D-SP1-2** School design should prioritize a high percentage of open and accessible street frontage.
- D-SP2-1** Visible, usable greenspace and other natural components should be incorporated into school sites.
- D-SP3-1** Adequate right-of-way, lease areas and easements for infrastructure, with emphasis on wireless communication networks should be provided to create reliable service throughout Lexington.

BUILDING FORM

- A-DS3-1** Multi-family residential developments should comply with the Multi-family Design Standards in Appendix A.
- A-DS4-2** New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context.
- A-DS5-3** Building orientation should maximize connections with the street and create a pedestrian-friendly atmosphere.
- A-DS8-1** Where single family detached residential units are provided, a variety of other housing types should be regularly interspersed along the street frontage.
- A-DN2-2** Development should minimize significant contrasts in scale, massing and design, particularly along the edges of historic areas and neighborhoods.
- D-PL2-1** Development should provide active first floor uses whenever adjacent to a street, pedestrian facility, or community focused open space.
- E-GR4-1** Developments should incorporate reuse of viable existing structures.
- E-GR5-1** Structures with demonstrated historic significance should be preserved or adapted.