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November 28 2022

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

Re: Proposed zone change for 2819 Liberty Road

Dear Chairman Forrester and Members of the Planning Commission:

This letter is written on behalf of Liberty Park Development, LLC, which is filing a zone change application and development plan for the property at 2819 Liberty Road. The property is less than one net acre and is currently zoned Single-Family Residential (R-1D). We are requesting a zone change to the Planned Neighborhood (R-3) zone in order to allow the construction of single-family attached townhome units.

## **DESCRIPTION OF PROJECT**

This property is located on Liberty Road, and has approximately 360 feet of direct frontage to the Brighton Trail, a major multi-use trail in our community. The property is located across Liberty Road from the Cadentown Lane area, and is northwest of the property at 2833 Liberty Road, which was recently rezoned for a veterinary clinic.

The focal point of the project is the Brighton Trail, and the development is designed to give its residents access to the trail. In addition, Liberty Park is directly across the Brighton Trail from this property. Our residents will have direct access to Brighton Trail and Liberty Park and will have easy access by the trails to Liberty Elementary School and to other destinations in the Hamburg area.

The project will consist of townhome units, which will be available for sale to working families in Lexington.

## **GOALS AND OBJECTIVES OF THE 2018 COMPREHENSIVE PLAN**

This proposal is in agreement with the Goals and Objectives of the 2018 Comprehensive Plan. This development will supply housing for sale to working families, which will provide an additional option to residents in this area. We are close to apartment complexes on the northeast

side of Liberty Road, and single-family detached homes on the southwest side of Liberty Road (Cadentown). Our project will supply an option for attached single-family housing for individual sale, thus complying with the objectives of Theme A, Goal 1, Expand Housing Choices, and Objective A.1.b., accommodating the demand for housing in Lexington responsibly, prioritizing higher-density and mixture of housing types.

This project develops a one-acre tract which has been vacant for many years, supporting Goal A.2., to support infill and redevelopment throughout the Urban Service Area as strategic component of growth. It complies with Objective A.2.a. and A.2.b., by allowing infill development of this parcel in a single-family attached development which will be compatible with the surrounding land uses.

The development is also in agreement with Goal A.3., which calls for the provision of well-designed neighborhoods and communities. Objective A.3.b. calls for positive and safe social interaction in neighborhoods, including neighborhoods that are connected for pedestrians and various modes of transportation. The Brighton Trail, Liberty Trail and Liberty Park are adjacent to this property and provide that opportunity for social interaction. In addition, the development of this long vacant tract will minimize the disruption of natural features (Objective A.3.c.). The presence of the Brighton Trail and Liberty Trail will provide safe routes for pedestrians and bicyclists to other community facilities including Liberty Park and Liberty Elementary in accord with Objective A.4.a. The development will help reduce Lexington-Fayette County's carbon footprint by fully utilizing the multi-model options on the Brighton Trail and Liberty Trail (Objective B.2.d.).

This project complies with Theme D, Improving a Desirable Community. It accommodates a pedestrian design, and it accommodates the needs of bicycle traffic, as well as automotive traffic on Liberty Road (Objective D.1.a.). It includes bicycles and walkways, as called for in Objective D.1.b.

Finally, the proposal complies with Theme E, Urban and Rural Balance. It assists in upholding the Urban Service Area concept by assisting in redevelopment of an underutilized corridor (Objective E.1.c.) and by maximizing development on vacant land within the Urban Service Area and enhancing urban form (Objective E.1.d.). Also, by developing this vacant parcel, it assists in maintaining the current boundaries of the Urban Service Area (Goal E.3.).

## **ENGAGEMENT**

Jeff Morgan of Liberty Park Development, LLC has had discussions with the owners of the property at 2833 Liberty Road, which is the only privately owned parcel immediately adjacent to the property. In addition, he will be conducting community meetings in Cadentown to solicit input.

## **PLACE-TYPE, DEVELOPMENT TYPE AND REQUESTED ZONE**

This proposal fits within the Enhanced Neighborhood Place-type, and within the Low-Density Residential (LR) development type. We are requesting the Planned Neighborhood Residential (R-3) 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 specifically addressed on the development plan, or which need further discussion:

- A-DS5-3 and A-DS10-1. The focal point of this development is the adjacent Brighton Trail. The buildings are oriented to provide a visual and pedestrian connection with the trail.
- A-DN2-1, A-DN6-1 and B-PR9-1. By utilizing attached single-family residential uses, this development acts as a transition between the single-family detached uses in Cadentown to the southwest side of Liberty Road, and the higher-density apartment uses on the northeast side of Liberty Road. This provides new compact single-family housing types and will minimize to the greatest extent possible disturbance to the existing topography. There are no environmentally sensitive areas on the property.
- C-LI6-2. This development is designed to provide residential units for sale to working families. The smaller size of the units will preclude use of accessory dwelling units.
- C-LI7-1. This development will provide safe access to community facilities by utilizing the Brighton and Liberty trails to separate pedestrian and bicycle traffic from the automotive traffic on Liberty Road. There is nearby access to schools, employment, business, shopping and entertainment in the Man-O-War and Hamburg area, in addition to the nearby Liberty Elementary School.
- C-PS10-3. Most parking will be provided in garages and driveways. A few guest parking spaces are also provided. This development is not over-parked.
- D-PL7-1. The applicant has held consultations with the owner of the property at 2633 Liberty Road, the only privately held property which is directly adjacent to the subject property. He also will be holding conversations with the Cadentown neighborhood.
- E-GR9-1. The applicant intends to construct two-bedroom units which also have a flex room on the first floor which can serve as a home office or as a bedroom. Most customers have chosen to use that space as an office.

- E-GR9-4. This proposal will intensify underutilized properties and develop this property which is vacant and has been a gap within the neighborhood.
- A-DS1-1, A-DS1-2 and A-DS5-1. LexTran does not currently serve this portion of Liberty Road. The nearest available connections are to Pink Pigeon Parkway and Man-O-War Boulevard, both of which are easily accessible by vehicle, and can be accessed through the Brighton Trail. Thus, there are pedestrian linkages to the nearest available mass transit. The Brighton Trail and Liberty Trail provide separation of vehicles from pedestrian and bicycle travel.
- A-DS4-1 and A-DS10-2. As mentioned above, the Brighton Trail and nearby Liberty Trail are the focal points of this development. These trails interconnect with adjacent neighborhoods and school.
- B-CO1-1 and B-CO2-1. The trail system and Liberty Road have been constructed by the city and state and provide safe rights-of-way for traffic and pedestrian and bicycle traffic and separate the two uses.
- B-CO-2-2. This development connects directly to the Brighton Trail and Liberty Trail which are both generally accessible to those with disabilities.
- B-SP1-3. There is existing multi-modal transportation infrastructure to the nearby Liberty Elementary, including sidewalks, the shared use trails mentioned above and roadways that are adequate to handle the vehicular traffic.
- A-DS4-3. The use of this property for attached single-family units will utilize the existing landscape to the greatest extent possible.
- A-EQ7-3. The open space on the subject property will be private. We will provide our residents with connections to public open spaces and trails.
- B-PR7-1. We have connections to adjacent greenways, trees and the stream corridor on the Liberty Trail.
- E-GR3-1 and E-GR3-2. As mentioned above, visual and physical connections will be made to the Brighton Trail. The Brighton Trail itself is the focal point of this development and provides a unique opportunity for the residents to enjoy the benefits of the trail system.

## **VARIANCE REQUEST**

In addition to the zone change application, we are requesting a variance of the rear yard setback from 25 feet to 10 feet along the Brighton Trail. The required rear yard setback in the R-3 zone is 10-feet. However, we are adjacent to the Brighton Trail, which is zoned Agricultural

Urban (A-U). The zoning ordinance requires that when a property is adjacent to another property which is in a different zone, the greater setback must be observed.

The setback in the A-U zone is designed to protect agricultural uses. However, there is no agricultural use on the Brighton Trail, and there are no buildings on the Brighton Trail. The odd shape of the subject property places its greatest frontage along the Brighton trail, and we wish to utilize the trail as the focal point of the development. Thus, we are requesting to reduce the rear yard setback from 25 feet to 10 feet. Ten feet is the normal setback in the R-3 zone if we were not adjacent to the A-U zone.

Thus, we are requesting a 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 there are no agricultural operations on the adjacent property, which is the Brighton Trail, and there are no buildings on the Brighton Trail. It is not uncommon along the trail to have residential uses directly adjacent to the trail. Also, having residential uses next to the trail provides additional safety due to the proximity of the residential units.

2. Granting this variance will not allow an unreasonable circumvention of the requirements of the Zoning Ordinance because there is no agricultural activity or buildings on the adjacent property, and it is appropriate to have the trail serve as the focal point of the development.

3. The special circumstances that apply to this property and which do not generally apply to the land in the general vicinity or in the same zone are that this is an urban area in which the old railroad tracks, which now constitute the trail, were never rezoned. There is no agricultural activity or buildings on the trail.

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 unusual triangular shape of the property is oriented to the adjacent Brighton Trail, with approximately 360 feet of frontage. Requiring a 25-foot setback would greatly increase the development constraints on the property.

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. The applicant has recently purchased the property and is requesting this variance prior to the commencement of any development activity.

## **CONCLUSION**

Our proposal will allow development of a long-vacant parcel with attached single-family housing. The orientation to the Brighton Trail will make this an attractive addition to this portion of the community.

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

Sincerely,



Richard V. Murphy  
Attorney for Liberty Park Development, LLC

RVM/prb  
Justification Letter 11-28-22.docx

**LOW DENSITY RESIDENTIAL**

**SITE DESIGN, BUILDING FORM, & LOCATION**

- A-DS5-3** Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
- A-DS7-1** Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
- A-DS7-2** Any non-residential or multi-family parking not buffered by a building should be screened from the streetscape view and adjacent properties.
- A-DS10-1** Residential units should be within reasonable walking distance to a focal point.
- A-DS11-1** Common public uses that serve as neighborhood focal points, such as parks and schools, should be on single loaded streets.
- A-DN2-1** Infill residential should aim to increase density.
- A-DN6-1** Allow and encourage new compact single-family housing types.
- A-EQ7-1** School sites should be appropriately sized.
- B-PR9-1** Minimize disturbances to environmentally sensitive areas by utilizing the existing topography to the greatest extent possible.
- B-SU11-1** Green infrastructure should be implemented in new development. (E-GR3)
- C-LI6-2** ADUs and/or affordable housing options should be incorporated into existing and new single-family residential development. (A-DN5)
- C-LI7-1** Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.
- C-PS10-2** Developments should explore options for shared and flexible parking arrangements for currently underutilized parking lots.
- C-PS10-3** Over-parking of new developments should be avoided. (B-SU5)
- D-PL7-1** Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
- D-PL9-1** Historically significant structures should be preserved.
- D-SP1-1** Elementary and middle schools should be located within residential neighborhoods, and high schools primarily along collector streets. (A-EQ7)
- D-SP1-2** An open and inviting school campus/locale should utilize frontage on single-loaded streets (also true for other support facilities, like parks, community centers, social services, healthcare).
- 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.

- D-SP3-2** Cellular tower antennae should be located to minimize intrusion and negative aesthetic impacts, and stealth towers and landscaping should be used to improve the visual impact from the roadway and residential areas.
  - 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-GR4-1** Developments should incorporate reuse of viable existing structures.
  - E-GR5-1** Structures with demonstrated historic significance should be preserved or adapted.
  - E-GR9-1** Live/work units should be incorporated into residential developments.
  - E-GR9-3** Less intense multi-family residence types (duplexes, four-plexes, courtyard apartments, etc.) should be incorporated into primarily single-family areas.
  - E-GR9-4** Development should intensify underutilized properties and develop vacant and underutilized gaps within neighborhoods. (E-GR6)
- TRANSPORTATION & PEDESTRIAN CONNECTIVITY**
- A-DS1-1** Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7).
  - A-DS1-2** Direct pedestrian linkages to transit should be provided.
  - A-DS4-1** A plan for a connected multimodal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided. (A-DS2, A-DN1, B-SU1, B-SU2, C-LI7, E-AC5)
  - A-DS5-1** Adequate multimodal infrastructure should be provided to ensure vehicular separation from other modes of transport.
  - A-DS5-2** Roadways should provide a vertical edge, such as trees and buildings.
  - A-DS10-2** New focal points should be designed with multimodal connections to the neighborhood.
  - A-DS13-1** Stub streets should be connected. (D-CO4)
  - B-SU4-1** Where greenspace/community centers are not located within walking distance of a new development, applicants should attempt to incorporate those amenities. (A-DS9)
  - D-CO1-1** Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type.
  - D-CO2-1** Safe facilities for all users and modes of transportation should be provided.

Theme Letter - Pillar Abbreviation & Policy Number - Criteria Number  
Ex: from Theme A - Design Pillar & Policy #1 - Criteria #1 = A-DS1-1. Full decoder on page ###

Criteria that include additional policy items in parentheses refer to companion policies that will provide additional context to the related criteria.

LOW DENSITY RESIDENTIAL

TRANSPORTATION & PEDESTRIAN CONNECTIVITY (CONT.)

- D-CO2-2** Development should create and/or expand a safe, connected multimodal transportation network that satisfies all users' needs, including those with disabilities.
- D-CO4-1** Dead-end streets and Cul-de-sacs should be discouraged except where connections are not topographically or environmentally feasible.
- D-CO4-2** Roadway capacity should be increased by providing multiple parallel streets, which alleviate traffic and provide multiple route options, in lieu of additional lanes.
- 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.
- D-SP1-3** Developments should provide multimodal transportation infrastructure to school sites, including sidewalks, shared-use paths, and roadways that can accommodate the bus and vehicle traffic associated with the site.

GREENSPACE & ENVIRONMENTAL HEALTH

- A-DS4-3** Development should work with the existing landscape to the greatest extent possible, preserving key natural features.
- A-EO7-3** Community open spaces should be easily accessible and clearly delineated from private open spaces.
- B-PR2-1** Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.
- B-PR2-2** Dividing floodplains into privately owned parcels with flood insurance should be avoided.
- B-PR2-3** Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them.
- B-PR7-1** Connections to greenways, tree stands, and stream corridors should be provided.
- B-PR7-2** Trees should be incorporated into development plans, prioritize grouping of trees to increase survivability.
- B-PR7-3** Developments should improve the tree canopy.
- B-RE1-1** Developments should incorporate street trees to create a walkable streetscape.
- B-RE2-1** Green infrastructure should be used to connect the greenspace network.

- D-SP2-1** Visible, usable greenspace and other natural components should be incorporated into school sites.
- D-SP2-2** Active and passive recreation opportunities should be provided on school sites.
- E-GR3-1** Physical and visual connections should be provided to existing greenway networks.
- E-GR3-2** New focal points should emphasize geographic features unique to the site.

ENHANCED NEIGHBORHOOD

Theme Letter - Pillar Abbreviation & Policy Number - Criteria Number  
Ex: from Theme A, Design Pillar, Policy #1, Criteria #1: A-DS1-1. Full decoder on page ###

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