

August 5, 2019

Via Hand Delivery Mail

Lexington-Fayette Urban County Planning Commission
200 East Main Street
Lexington, Kentucky 40507

Re: Variance Request – 840 Angliana Avenue

Dear Commissioners:

Please be advised that I represent F2 Companies, LLC (“F2”). As you are aware, my client is pursuing a zone change for approximately 5.57 acres from the Wholesale and Warehouse Business (B-4) zone to the High Rise Apartment (R-5) zone in order to construct a multi-family development on the property located at 840 Angliana Avenue.

As we have progressed through the zone change process, we have convened numerous meetings with Planning staff. During these meetings, we have discussed potential edits to our preliminary development plan (“PDP”) that are more in keeping with the goals and objectives of the 2018 Comprehensive Plan, including the policy statements included in the Placebuilder. In working with staff, we feel we have crafted a development plan that meets these goals and objectives, as well as meeting many of the policy statements contained in the Placebuilder. However, following these amendments, we have discovered that a variance is required to our off-street parking requirement. Please accept this letter as our request that the Planning Commission grant a variance to the off-street parking requirements from a minimum of 491 spaces to a minimum of 387 spaces, or a ratio of 0.9 spaces per bed.

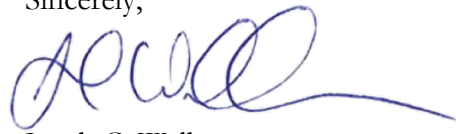
In support of this request, and as you are aware, the Zoning Ordinance provides two methods of calculating minimum required off-street parking. One method is to take the number of “beds” in a multi-family development and multiply it by 0.9 spaces. The other method is to take the total number of “units” and multiply that number by 1.5. The Ordinance requires an applicant to use the *greater* of those two calculations. Our development plan currently shows a total of 385 units and 430 beds. Accordingly, by providing 390 spaces, the plan actually satisfies the “per bed” requirement, even without taking any of the permitted reductions for transit stops or bicycle racks (430 beds x 0.9 spaces per bed = 387 spaces). It does not, however, satisfy the “per unit” requirement. Unlike many student housing projects, this project focuses more smaller “units” (consisting, primarily of studio and 1-bedroom units, with a smaller number of multi-bed units). Because there are more “units,” this drives up the second (per unit) calculation substantially. We believe that this plan meets the intent of the Ordinance, which seeks to generally ensure adequate parking for a development. Simply stated, in a community where 1 bedroom units are the most common unit type, the 0.9 “per bed” calculation would appear to more accurately reflect the actually needed parking than the more arbitrary 1.5 “per unit” calculation. Additionally, we would note that a review of overhead pictometry in the area,

where numerous student housing projects are located, reflect that these other projects generally show a reasonable surplus of parking available in the individual projects. That is indicative that the “legally required” parking may be more than is actually necessary.

In further support of this variance, we state that the grant of this variance will neither adversely impact the public health, safety, or welfare nor alter the essential character of the general area. We further submit that this will not cause a hazard or nuisance, as sufficient parking is actually provided, and further, is not an unreasonable circumvention of the ordinance, but rather, provides parking in accord with what is actually commercially necessary at the site. We would note that the need for this variance arises from special circumstances. The applicant is redeveloping an already developed parcel at a higher level of density. It has employed creative methods to supplement parking (via putting the parking underneath buildings and orienting it away from the street). Further, as articulated above, this project is unique as compared to similar projects because of the high proportion of one-bedroom units, which dramatically increase the “unit” count for the project. Notably, this project averages only 1.12 beds per unit. Additionally, strict application of the off-street parking regulation would create an unnecessary hardship – to wit, the loss of density on the project for parking that appears to be superfluous. Indeed, reducing overparking in developments is an objective of the 2018 Comprehensive Plan.

In sum, we believe that the parking proposed for this development complies with the Ordinance in spirit, if not in literal count. Accordingly, we think this request is appropriate and will allow the development to be more in compliance with the 2018 Comprehensive Plan. Accordingly, we request your approval of this variance request in conjunction with our zone change. Should you require additional information regarding this matter, please do not hesitate to contact me.

Sincerely,



Jacob C. Walbourn
Counsel for F2 Companies

JCW/klm