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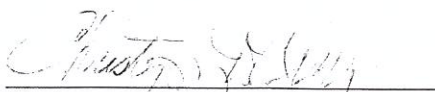
RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: **MARV 2012-19: ANDERSON CAMPUS RENTAL PROPERTIES, LLC** – petition for a zone map amendment from a Single Family Residential (R-1D) zone to a High Density Apartment (R-4) zone, for 1.976 net (2.731 gross) acres, for properties located at 116 & 118 Simpson Avenue; 1100-1110 Prospect Avenue; and a portion of 101 & 103 Burley Avenue. A dimensional variance is also requested with this zone change. (Council District 3)

Having considered the above matter on **December 13, 2012**, at a Public Hearing, and having voted **10-1** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL** of this matter for the following reasons:

1. The requested High Density Apartment (R-4) zoning for the subject property is not in agreement with the 2007 Comprehensive Plan's recommendation for Medium Density Residential land use, defined as 5–10 dwelling units per net acre. However, a recent zone change request has been granted in the immediate area that has created a major change of a physical and economic nature and that has changed the basic character of the area that were not anticipated by the 2007 Comprehensive Plan. The rezoning of adjacent properties to the R-1T zone has increased the permitted density of land use in this area over that recommended by the Plan.
2. The proposed R-4 zone is appropriate for several reasons:
 - a. The proposed development, including the expansion of University Village apartment, will create a step-down in density from a very high density residential land use, to the planned redevelopment with frontage along Burley Avenue.
 - b. The highest density development in the neighborhood will be situated adjacent to the railroad, thus buffering the single-family residences from the noise and dust associated with the Norfolk-Southern rail corridor.
 - c. The University Village apartments, located to the north, are also zoned R-4 and the proposed zoning will allow for the two developments to be integrated.
3. This recommendation is made subject to approval and certification of **ZDP 2012-110: South Broadway Place & Lynn Grove Addition** prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

ATTEST: This 16th day of January, 2013.


Secretary, Christopher D. King

MIKE OWENS
CHAIR

Note: The corollary development plan, ZDP 2012-110: South Broadway Place & Lynn Grove Addition, was approved by the Planning Commission on December 13, 2012, and certified on December 27, 2012.

K.R.S. 100.211(7) requires that the Council take action on this request by March 13, 2013.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Richard Murphy, attorney**.

OBJECTORS

- Ginny Daley, 136 Burley Avenue
- Faye Atkins, 116 Burley Avenue
- Priscilla Pemberton, 139 Burley Avenue
- Mary Fay Miniard, 128 Burley Avenue

OBJECTIONS

- She believes that the proposed development is too dense for the neighborhood and will cause problems with traffic, parking, stormwater, sewer, noise, and trash.
- She is concerned about destructive student parties and the loss of green space in the neighborhood.
- She does not trust the petitioner's motives, and does not want to live near the proposed development.
- She is concerned about the possibility of having to sell her home, since it is paid for and she had intended to live there for the rest of her life.

VOTES WERE AS FOLLOWS:

AYES: (10) Beatty, Berkley, Blanton, Brewer, Cravens, Mundy, Owens, Penn, Plumlee, Wilson

NAYS: (1) Roche-Phillips

ABSENT: (0)

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for APPROVAL of MARV 2012-19 carried.

Enclosures: Application
Plat
Staff Report
Applicable excerpts of minutes of above meeting