

Statement of Justification for proposed zone change

Anderson Communities is pleased to present its proposal for 9.3 acres at 2811 Spurr Road.

Our current plan is to construct senior housing. Due to the demographics of the baby boom generation, there is a continuing and increasing need for senior housing, both locally and nationwide. There is an even greater need for reasonably priced senior housing. (Under Lexington's Zoning Ordinance, senior housing is in the category of "elderly housing." Elderly housing is defined as multiple family structures with at least 24 units, devoted to single persons, age 62 years of age or older, or family units of which the head of household, or spouse, is 62 years of age or older; or for persons with a disability.)

We are proposing 112 one-bedroom units in 2 four-story buildings. The tract contains 9.31 net acres.

This property, along with adjacent property, was rezoned to the R-3 zone, with conditional zoning restrictions, in about 2004. It has stood vacant and unused since that time. In 2011, it was transferred to the lending bank, and has remained in bank hands since that time, without a user. The property has railroad tracts on the east, and also has a stream. This zone change will allow us to group the dwelling units in two buildings on the developable area, while allowing much of the property to remain as open space. The size of the buildings is well below the allowed floor area ratio and lot coverage. Six acres will remain as open space. Parking areas will be between the buildings and the railroad track, which will allow the buildings to be set back approximately 220-250 feet from the track. Sanitary sewers and other utilities are available to the site.

We will have efficiently designed units in order to achieve reasonable rental rates.

This proposal is in agreement with the 2013 Comprehensive Plan and the Adopted Goals & Objectives for the 2018 Comprehensive Plan. The most relevant Goals & Objectives relate to Theme A, Growing Successful Neighborhoods, Goal 1: Expand Housing Choices. Our proposed development, which includes higher density, senior housing units, designed to be safe and reasonably priced, agrees with Objective (a), Encouraging Creativity and Sustainability in Housing Development; Objective (b), which is to accommodate the demands for housing in Lexington responsibly, prioritizing higher-density and mixture of housing types; Objective (c), which calls for safe, affordable and accessible housing to meet the needs of older and/or disadvantaged residents, and Objective (d), which calls for implementation of housing incentives that strengthen the opportunities for higher-density and housing affordability. Our zone change also meet the objectives of Goal A.2., which is to support infill and redevelopment throughout the Urban Service Area as a strategic component of growth. This land, which has been zoned but unused for over 10 years, is an opportunity for infill or redevelopment (Objective (a)). As mentioned above, it will incorporate open space into the project, as called for in Objective (c). This proposal meets Goal A.3., which is to provide well-designed neighborhoods and communities. It provides an option for housing for the senior segment of the community, in agreement with Objective (a). By allowing us to build multi-family buildings, it will allow us to minimize disruption of the natural features, including streams and tree preservation areas (Objective (c)). The tree preservation areas will maintain the urban forest throughout Lexington (Objective (d)).

By supplying residential choice to the senior segment of the community, we comply with Theme D, Improving a Desirable Community, Goal 2, focusing on people-first to provide

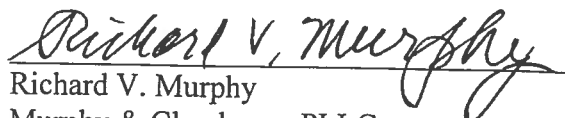
accessible community facilities and services to meet the health, safety and quality of life needs of Lexington-Fayette's residents and visitors. Development of this underutilized, vacant parcel will maintain the balance between urban and rural land uses (Theme E), by upholding the Urban Service Area concept (Goal E.1.). This development will help to accommodate future growth needs in an environmentally, economically and socially sustainable manner (Objective E.1.b). It will maximize development on this vacant land in a manner that enhances existing urban form (Objective E.1.d.). It will maintain the current boundaries of the Urban Service Area (Goal E.3.).

These Goals and Objectives are echoed in the 2013 Comprehensive Plan, especially growing successful neighborhoods (Theme E, Expand Housing Choices, Goal 1, and the objectives thereunder). The 2018 Goals and Objectives also reaffirm the Goals and Objectives under Theme A, Goals 2 and 3, and Theme D, Improving a Desirable Community. Theme E calls for maintaining the balance between planning for urban uses and safeguarding rural land. We will not repeat the specifics under each theme, as they are reflected in the discussion of the 2018 Goals and Objectives, above. This proposal also agrees with the other elements of the 2013 Plan. By providing housing for the elderly and disabled, it complies with the accessibility discussion on Page 15 of the 2013 Plan. The 2013 Plan shows that there are more than 32,000 people in Fayette County with a disability. The 2013 Plan shows a 14% increase in the population 65 years of age and older. There will be an increase of 27,115 people aged 65-84, from the years 2010 to 2035. (Page 18). At Page 28 of the 2013 Plan, it is noted that Lexington is the regional healthcare provider. The access to healthcare and the cultural amenities of Lexington will continue to make Lexington attractive to seniors and retirees.

Chapter 3 of the 2013 Comprehensive Plan discusses "growing successful neighborhoods." Our senior housing proposal helps to provide a variety of housing types in this area (Page 38-39)), with abundant private open space (Page 39). Our proposal also conforms with the recommendations of the 2013 Comprehensive Plan in maintaining a balance between planning for urban uses and safeguarding rural land (Chapter 7). The 2013 Plan calls for consideration of infill opportunities throughout the Urban Service Area, not just downtown. (Page 97). This proposal will also stimulate economic investment in established communities, allow flexibility in housing types, encourage reasonably priced housing, and provide housing that allows for diversity of citizens and enhances community vitality (Pages 98-99).

In summary, our proposed zone change is in agreement with the Comprehensive Plan, provides a needed housing option for seniors in northern Fayette County, and utilizes the developable area of this tract in a creative way.

Thank you for your consideration of this zone change request.


Richard V. Murphy
Murphy & Clendenen, PLLC
Attorneys for Anderson Communities

Addition to Justification for proposed zone change.

As a result of discussions with the staff, the applicant has added a request to amend conditional zoning restrictions on the remainder of the property at 2811 Spurr Road. The concern was that even though the areas impacted by the conditional zoning restrictions were predominately on the portion of the property which was subject to the R-4 zoning change, there may be some impact on the remainder of the property.

Also, there was a desire to see how the road system would coordinate with the rest of the property.

Thus, we have filed a new development plan, showing the entire property that will be developed as a planned community. The main access into the R-4 area will be through the R-3 area, providing a connection and continuity to the property.

We will have a mix of housing types and densities including single-family detached and townhouses as well as the multi-family buildings on the R-4 portion of the property. The R-3 portion will be developed in a manner similar to Townley Center, McConnell's Trace in Lexington, and the Wooldridge development in Woodford County, all of which have been successful mixed residential developments.

Three conditional zoning restrictions were imposed by the Planning Commission in January, 2006. These were imposed because of statements in the 2001 Comprehensive Plan relating to the subject property. (These statements were not carried forward into the 2007 or 2013 Comprehensive Plans). The conditional zoning restrictions limited total average density to less than five units per net acre, imposed a 50-foot building setback along Spurr Road and had restrictions on 16.4 acres of wooded land due to the possible presence of alluvial soils near the creek and along the railroad tracks.

There have been major changes of an economic, physical and social nature on the subject property or within the area which were not anticipated twelve years ago when the conditions were imposed. These changes have substantially altered the character of the area, making the restrictions inappropriate or improper.

As to density, lifestyle choices among all age groups, particularly millennials and baby boomers, have trended away from ownership of single-family detached residences to communities in which maintenance, lawn care, snow removal and other matters are handled by management, thus allowing residents to pursue leisure or work-related activities. This trend has accentuated since the Great Recession which started in 2007, the year after the initial zoning was approved on this property. Planning efforts in Lexington have further emphasized increasing density and infill development. There are plenty of opportunities for single family detached home ownership in the immediate area of this property for those who choose to own, have a mortgage, and assume all maintenance and upkeep responsibilities. Our proposal will allow single-family attached and detached living, along with independent living, which attracts an increasing segment of the community.

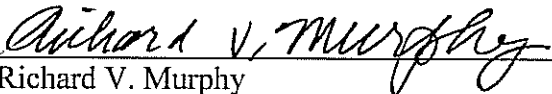
Increasing density is also in agreement with the 2018 Adopted Goals and Objectives. Goal A.1. is to expand housing choices. Objective (b) is to accommodate the demand for housing in Lexington responsibly, prioritizing higher-density and mixture of housing types, exactly as proposed in this development. It meets Goal A.2. by supporting infill and redevelopment throughout the Urban Service Area as a strategic component of growth. Objective A calls for identification of opportunities for infill, redevelopment, adaptive reuse and mixed-use development. It upholds the Urban Service Area concept, as called for in Goal E.1. Objective (d) calls for maximizing development on vacant land within the Urban Service Area and promoting redevelopment of underutilized land. This will activate this undeveloped land holding as called for in Objective (e). It will help maintain the Urban Service Area as called for in Goal E.3.

The 50-foot building setback was to preserve the rural character of Spurr Road. However, as is evident if one visits this section of Spurr Road, this is no longer in the rural area. Neighboring subdivisions have been built without observing a 50-foot setback. The rear of Masterson Station Subdivision, which is closest to the rural area of Spurr road, is developed with houses directly backing up to Spurr Road.

The condition relating to the wooded land has been more precisely studied in the last twelve years. We have located our development in areas which are not within the creek areas or wet areas. As mentioned in the original justification, the siting of the multi-family buildings allows much of the property to remain as open space.

Overall, the majority of the acreage will be developed as single-family residential. It will allow continuation of the streets in a creative design which will calm traffic and promote pedestrian and bicycle usage. The independent living will be connected to the community. Open space will be provided. It will provide a variety of housing choices to present and future residents of Lexington.

Thank you for your consideration of this request.


Richard V. Murphy
Murphy & Clendenen, PLLC, Attorneys for
Applicant