

## GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

**1. ADDRESS INFORMATION (Name, Address, City/State/Zip & PHONE NO.)**

APPLICANT:	See attached
OWNER:	See attached
ATTORNEY:	Richard Murphy, 250 West Main Street, Suite 2510, Lexington, KY 40507 (859) 233-9811

**2. ADDRESS OF APPLICANT'S PROPERTY (Please attach Legal Description)**

116 & 118 Simpson Avenue & 1100 – 1110 Prospect Avenue & a portion of 101 & 103 Burley Avenue
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**3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY (Use attachment, if needed--same format.)**

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
R-1D	Single Family Residential & Vacant	R-4	High Density Apartment Zone	1.976	2.731

**4. SURROUNDING PROPERTY, ZONING & USE**

Property	Use	Zoning
North	Multi Family Residential (Apartments)	R-4
East	Railroad/Single Family and 2-Family Residential	R-2
South	Single Family Residential (Attached and Detached)	R-1D & R-1T
West	Single Family Residential	R-1D

**5. EXISTING CONDITIONS**

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
b. Have any such dwelling units been present on the subject property in the past 12 months?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
c. Are these units currently occupied by households earning under <u>40%</u> of the median income? If yes, how many units? If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO _____ Units

**6. URBAN SERVICES STATUS (Indicate whether existing, or how to be provided.)**

Roads	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Storm Sewers	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Sanitary Sewers	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Curb/Gutter/Sidewalks	<input type="checkbox"/> Existing	<input checked="" type="checkbox"/> To be constructed by	<input checked="" type="checkbox"/> Developer	<input type="checkbox"/> Other
Refuse Collection	<input checked="" type="checkbox"/> LFUCG	<input type="checkbox"/> Other		
Utilities	<input checked="" type="checkbox"/> Electric	<input checked="" type="checkbox"/> Gas	<input checked="" type="checkbox"/> Water	<input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable

**7. DESCRIBE YOUR JUSTIFICATION FOR REQUESTED CHANGE (Please provide attachment.)**

This is in...	<input checked="" type="checkbox"/> in agreement with the Comp. Plan	<input checked="" type="checkbox"/> more appropriate than the existing zoning	<input type="checkbox"/> due to unanticipated changes.
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**8. APPLICANT/OWNER SIGNS THIS CERTIFICATION**

I do hereby certify that to the best of my knowledge and belief, all application materials are herewith submitted, and the information they contain is true and accurate. I further certify that I am <input checked="" type="checkbox"/> OWNER or <input type="checkbox"/> HOLDER of an agreement to purchase this property since _____.	
APPLICANT <u>Richard V. Murphy, Atty for Applicant</u>	DATE <u>11/5/12</u>
OWNER _____	DATE _____
LFUCG EMPLOYEE/OFFICER, if applicable _____	DATE _____

# Simpson, Prospect, & Burley Avenues

## Attachment 1

### Applicant:

Anderson Campus Rental Properties, LLC  
1720 Sharkey Way  
Lexington, Kentucky 40511

### Owners:

116 Simpson Avenue  
1100, 1101, 1102, 1106, 1107, 1109, & 1110 Prospect Avenue  
101 Burley Avenue  
Anderson Campus Rental Properties, LLC  
1720 Sharkey Way  
Lexington, Kentucky 40511

118 Simpson Avenue  
Anderson Burley, LLC  
1720 Sharkey Way  
Lexington, Kentucky 40511

1108 Prospect Avenue  
Juanita G Lear  
1108 Prospect Avenue  
Lexington, Kentucky 40504-2627

103 Burley Avenue  
Robert C. Hodges & Anthony A McIntire  
P.O. Box 910276  
Lexington, Kentucky 40591-0726

### **5.c. Existing Conditions**

This section relates to whether there are units currently occupied by households earning under 40% of the median income. It asks for a written statement outlining efforts to be undertaken to assist those residents in obtaining alternative housing.

Although for privacy reasons the applicant does not disclose income information for residents in its properties, it is likely that there are individuals residing in the subject property who earn less than 40% of the median income in Fayette County. The majority of the existing housing units on the subject property are rental units leased by university students. When the leases end, residents will be shown alternative rental options from Anderson Communities. The property at 1108 Prospect Avenue was an owner occupied unit. Anderson Communities has worked with the owner and is providing her and her family with a brand new home a few blocks away, in the same neighborhood. She has worked with the building department of Anderson Communities to design a home that meets her needs exactly and that is efficient, spacious and closer to her job. She has expressed great satisfaction with this arrangement.

### **7. Justification for Requested Change**

The Applicant, Anderson Campus Rental Properties, LLC, an affiliate of Anderson Communities, is pleased to present a proposed zone change and associated development plan which will provide much needed medium to high density housing options in close proximity to the new University of Kentucky Chandler Hospital, the College of Pharmacy, and the expanded health care and graduate programs of the University of Kentucky.

We are asking for a zone change from R-1D to R-4 for 1.976 net ( 2.731 gross) acres. The development plan covers a larger area to show our overall development pattern.

The focal point of this proposed development is not a part of the zone change, but is shown on the associated development plan. The focus will be a new, five story residential building on property already zoned R-4, and which is immediately adjacent to the existing University Village high density apartment complex and adjacent to the Southern Railroad tracks. The development plan includes a pedestrian walkway over the Southern Railroad tracks. The height of the building is necessary for proper clearance of the walkway over the tracks. The proposed zone change area is south of this building. We will transition the height and mass of the buildings by utilizing three 3-story apartment buildings to the south (transitioning to the R-1T zoning along Burley Avenue) and utilizing townhouse units to the west (transitioning to the existing R-1D zoning). Thus, the greatest density of the development will be placed closest to the railroad tracks, to best utilize the pedestrian overpass; the lower density apartment buildings and townhouse units will transition to the single family zoning in the existing neighborhood.

The existing residential units on the property have been acquired over a number of years. Many of the units had to be demolished upon acquisition, because they could not be brought up

to residential codes and could not be provided as safe, efficient and clean housing to lessees. The existing units on the subject property are currently utilized as leased housing for university students, or are vacant.

This proposal will provide modern, safe and secure housing. All the apartment buildings will contain one or two bedroom units. Because of the convenient pedestrian access to the new Chandler Medical Center and associated facilities, we anticipate that many residents will be healthcare professionals, graduate students, or other employees of the large healthcare complex.

This property will become part of University Village, and will have central on-site management.

The existing single family residential (R-1D) zone is inappropriate and the proposed high density residential (R-4) zone is appropriate for this property. The proposed R-4 zoning is immediately adjacent to University Village Apartments (already zoned R-4), which has a density similar to this proposal. The site is adjacent to the Southern Railroad tracks and the University of Kentucky property immediately across the Southern Railroad tracks. The plan shows an appropriate step down of uses from University Village, utilizing three-story apartment buildings and townhouse units to transition to the townhouse zoning along Burley Avenue and the single family zoning to the west.

In addition, the proposal creates new development which is compact and contiguous while providing a variety of housing options in close proximity to the campus of the University of Kentucky. It ties into the existing University Village Apartments, and will be centrally managed. Existing housing on this block is dilapidated and the space is underutilized. Most houses on the subject property were boarded up or were already razed, due to code compliance issues. New, safe, efficient and attractive housing will make better use of this infill area to service the important healthcare and educational area around the University of Kentucky Hospital.

This proposal will allow a more urban form of development, which is appropriate for this area.

In addition, the proposal is in agreement with the 2007 Comprehensive Plan and the adopted Goals and Objectives of the 2012 Comprehensive Plan.

The 1990 South Broadway Corridor Plan recognized that redevelopment of the area was needed because of the structural condition of most buildings.

The current 2007 Comprehensive Plan recognizes the need for infill to reduce pressure on the Urban Services Area boundary (Goal 7 and associated objectives). Objectives E and J under Goal 7 call for new development to be compact and contiguous, and for new development which maximizes efficient use of existing adequate essential facilities. Goal 8 encourages appropriate

infill and redevelopment of established neighborhoods. Objective L encourages infill and redevelopment in locations where adequate urban services and infrastructure are in place or planned, and Objective N supports programs aimed at converting vacant lots into residential housing. Goal 13 calls for housing opportunities to meet the needs of all citizens, and Objectives F and I encourage infill to accommodate the increased population of Fayette County inside the Urban Service Boundary. Goal 16, Objective D encourages medium- and high-density residential uses that respect the character of existing neighborhoods and developments. Finally, Goal 19, Objective J encourages alternatives to motorized transportation, including biking and walking. Our proposal meets all these goals and objectives.

The recently adopted 2012 Goals and Objectives emphasize infill even more. “Expand housing choices. Plan for housing that addresses the market needs for all of the Lexington-Fayette County’s residents, including, but not limited to, mixed-use and housing near employment and commercial areas.” (Goal A.1.b). “Support infill and redevelopment throughout the Urban Service area as a strategic component of growth.” (Goal A.2.) “Uphold the Urban Service Area concept. Encourage compact, contiguous, and/or mixed-use sustainable development within the Urban Service Area, as guided by market demand, to accommodate future growth needs.” (Goal E.1.b). Also, this type of development will allow the community to maintain the current boundaries of the Urban Service Area, as called for by Goal E.3.

### **Variance**

We are requesting a variance from 20 feet to 3 feet for the side yard set back of the southernmost apartment building. This apartment building is adjacent to the parking lots behind the R-1T zoned property along Burley Avenue. The required setback in the R-4 zone is normally 5 feet. Because we have more than one building on one lot, the group residential setback requirement of 20 feet applies. Rather than moving the building and placing more parking next to the existing parking lot, it would be better for the development to break up parking areas. As the building will back up to an existing parking lot, there is still a sufficient distance between it and the townhouse units which are close to Burley Avenue. Most of those units are already owned by the applicant. The R-1T area will have access into the R-4 area.

Thus, we are requesting your approval of this 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 the apartment building is not adjacent to a public street. It is adjacent to a parking lot for an R-1T development. The applicant owns many of the units in that development.
2. Granting this variance will not allow an unreasonable circumvention of the requirements of the zoning ordinance because the normal setback requirement in the R-4 zone is 5 feet on a side yard. Group residential project requirements apply because there is more than one building on a lot. However, this yard adjoins another parking lot. Many of those units are

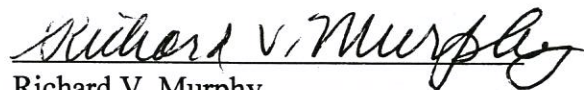
owned by this applicant. Instead of attempting to place parking along this property line, it is better to place the building, rather than creating a larger parking area behind the townhouse units.

3. 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 property is part of a unified development which transitions uses and densities from the townhouse units along Burley Avenue, to this 3-story apartment building, then to a taller building to the north. The R-1T parking lot, immediately adjacent, will have access through this property to reach Simpson Avenue.

4. Strict application of the requirements of the zoning ordinance would deprive the applicant of a reasonable use of its land or create an unnecessary hardship because the R-1T parking lot which adjoins this building will have access through the subject property.

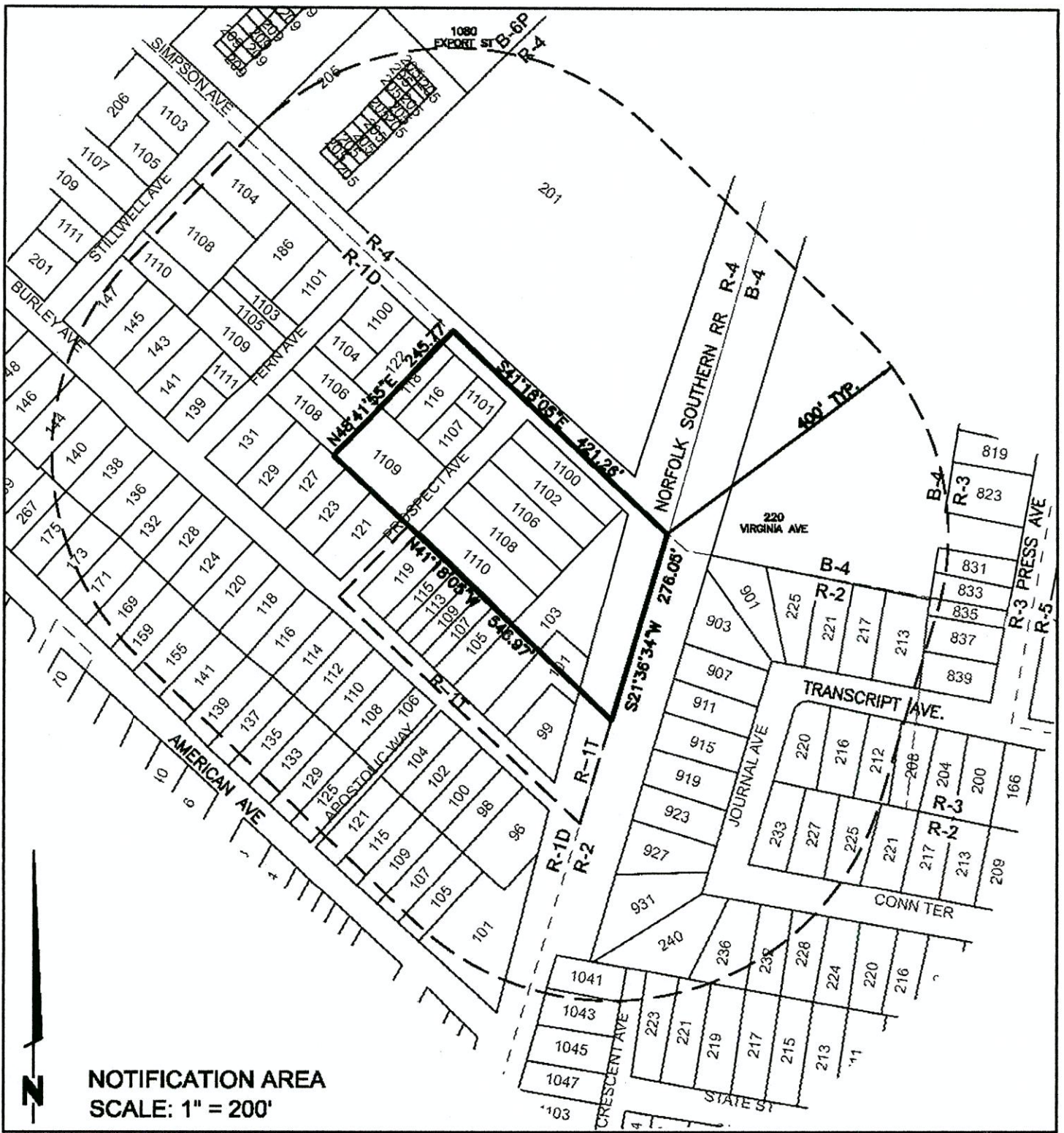
5. The circumstances surrounding the requested variance are not the result of the actions of this applicants taken subsequent to the regulation from which relief is sought. No construction has commenced on this property.

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



Richard V. Murphy

Attorney for Applicant



## Lynn Grove Addition

**Property Address:**

116 & 118 Simpson Avenue and 1100 - 1110 Prospect Avenue & a portion of 101 & 103 Burley Avenue

**Owners:**

Anderson Campus Rental Properties, LLC  
1720 Sharkey Way  
Lexington, KY 40511

Anderson Burley, LLC  
1720 Sharkey Way  
Lexington, KY 40511

Juanita G Lear  
1108 Prospect Avenue  
Lexington, KY 40504-26271

Robert C. Hodges & Anthony A. McIntire  
P.O. Box 910276  
Lexington, KY 40591-0726

**Applicant:**

Anderson Campus Rental Properties, LLC  
1720 Sharkey Way  
Lexington, KY 40511

**Prepared by:**

Barrett Partners, Inc. and Wesley B Witt, Inc.

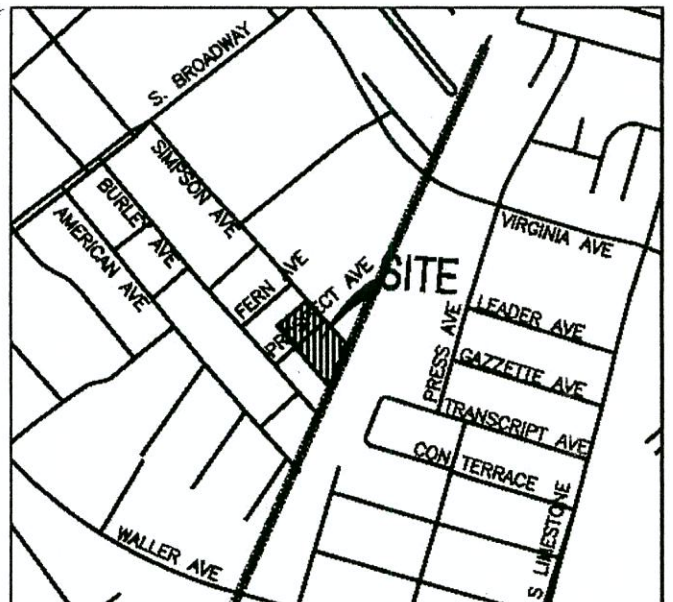
**Date Filed:** November 5, 2012

**Zone Change Request**  
R-1D Zone to R-4 Zone

1.976 Acres Net & 2.731 Acres Gross



*Wesley B Witt*



VICINITY MAP N.T.S.