

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 2950, Lexington, KY 40507 (859) 233-9811

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

99 - 119 Burley Avenue

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-1T	Single Family Residential	1.009	1.458

4. SURROUNDING PROPERTY, ZONING & USE

Property	Use	Zoning
North	Single Family Residential	R-1D
East	Railroad/Residential	R-2
South	Single Family Residential & Utility	R-1D
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 type="checkbox"/> YES <input checked="" 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 40% 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 type="checkbox"/> YES <input checked="" 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 type="checkbox"/> To be constructed by	<input 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... in agreement with the Comp. Plan more appropriate than the existing zoning due to unanticipated changes.

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 OWNER or HOLDER of an agreement to purchase this property since _____.

APPLICANT Richard V. Murphy DATE 3/30/12
 OWNER attys for applicants/owners DATE _____
 LFUCG EMPLOYEE/OFFICER, if applicable _____ DATE _____

GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

APPLICANT: 99 - 119 BURLEY AVENUE

OWNER: ATTACHMENT 1

ATTORNEY: APPLICANTS:

99,101, 109, 113, 115, & 119 BURLEY AVENUE
 ANDERSON CAMPUS RENTAL PROPERTIES, LLC
 1720 SHARKEY WAY
 LEXINGTON, KY 40511
 859-231-0099

Parcel ID	Use	Proposed Use	Proposed Zoning	Existing Zoning	Existing Use
103, 105, & 107 BURLEY AVENUE	Single Family Residential	Single Family Residential	R-11	Single Family Residential	Single Family Residential
					ROBERT C HODGES & ANTHONY MCINTIRE
					P.O. BOX 910726
					LEXINGTON, KY 40591-0726
					859-489-7368

OWNERS:

99,101, 109, 113, & 115 BURLEY AVENUE
 ANDERSON CAMPUS RENTAL PROPERTIES, LLC
 1720 SHARKEY WAY
 LEXINGTON, KY 40511
 859-231-0099

Parcel ID	Use	Proposed Use	Proposed Zoning	Existing Zoning	Existing Use
103 BURLEY AVENUE	Single Family Residential	Single Family Residential	R-11	Single Family Residential	Single Family Residential
					ROBERT C HODGES & ANTHONY MCINTIRE
					P.O. BOX 910726
					LEXINGTON, KY 40591-0726
					859-489-7368

EXISTING CONDITIONS

103 BURLEY AVENUE
 ROBERT C HODGES & ANTHONY MCINTIRE
 P.O. BOX 910726
 LEXINGTON, KY 40591-0726
 859-489-7368

Are there any existing zoning units on this property that will be removed? YES NO

Have any other zoning units been present on the subject property in the past 12 months? YES NO

Are there any units currently occupied by households during the year? YES NO

If yes, how many units? _____

If yes, please provide a written statement outlining any efforts to be undertaken to obtain the following: _____

105 BURLEY AVENUE
 ANTHONY MCINTIRE
 P.O. BOX 910726
 LEXINGTON, KY 40591-0726
 859-489-7368

Parcel ID	Use	Proposed Use	Proposed Zoning	Existing Zoning	Existing Use
105 BURLEY AVENUE	Single Family Residential	Single Family Residential	R-11	Single Family Residential	Single Family Residential
					ANTHONY MCINTIRE
					P.O. BOX 910726
					LEXINGTON, KY 40591-0726
					859-489-7368

107 BURLEY AVENUE
 ROBERT C HODGES
 P.O. BOX 910726
 LEXINGTON, KY 40591-0726
 859-536-7368

DESCRIBE YOUR JUSTIFICATION FOR REQUESTED CHANGE (Please refer to the map amendment with the Commission. If more space is required, attach a separate sheet of paper.)

107 BURLEY AVENUE
 ROBERT C HODGES
 P.O. BOX 910726
 LEXINGTON, KY 40591-0726
 859-536-7368

119 BURLEY AVENUE
 ANNA SUE CAUDILL
 119 BURLEY AVENUE
 LEXINGTON, KY 40503

APPLICANT: 119 BURLEY AVENUE

OWNER: ANNA SUE CAUDILL

DATE: _____

LEUCO EMPLOYER OFFICER, if applicable: _____

119 BURLEY AVENUE
LEXINGTON, KY 40503

March 30, 2012

Lexington Fayette Urban County Planning
Commission
101 E. Vine Street, 7th Floor
Lexington, KY 40507


Re: 119 Burley Avenue

Dear Ladies and Gentlemen:

I am the owner of the property at 119 Burley Avenue. I hereby give permission for my property to be included with others on Burley Avenue (99 through 119 Burley Avenue) in a zone change to the townhouse residential (R-1T) zoning category.

Thank you.

Sincerely,


Anna Sue Caudill

JUSTIFICATION FOR ZONE CHANGE

The Applicants are requesting a zone change from the single family residential (R-1D) zone to the townhouse residential (R-1T) zone for the property on the north side of Burley Avenue, from Prospect Avenue on the west to the railroad on the east.

On the portions of the property which are vacant, we are proposing construction of townhouse units. The parcel is bounded on the east by the main line (3 tracks) of the Norfolk-Southern Railroad. The south, this property faces a 25 foot tall Kentucky Utilities substation. To the west of the property are single family lots. To the north are a vacant area and higher density student oriented apartments.

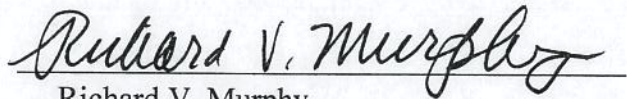
R-1T zoning would maintain the single-family nature of the property to the west, and it would be a more appropriate use in light of the major railroad and utility substation uses to the east and south. It would be an appropriate transitional use between the single family neighborhood and the railroad and substation.

This proposal is in agreement with the recommendation of the 2007 Comprehensive Plan. The land use plan element shows the adjacent neighborhood and part of this property as medium density residential. A part of this property, along with the large utility substation across the street, seems to be designated green space / open space. We feel this designation is inappropriate for this property, as the utility substation is extremely large and would be difficult to move, and no effort has been made to acquire the property for open space purposes. Due to the sloping topography of the land and the fact that it is below the elevation of the adjacent railroad tracks, it would not be desirable open space or park land. Thus, we must look at the land use category of the surrounding land, which is medium density residential. The MD designation calls for up to 8

units per gross acre or 5-10 units per net acre. The density proposed would be allowable on this property.

Thus, we are requesting approval of this zone change application because it is in agreement with the 2007 Comprehensive Plan. Part of the property is designated medium density residential, as is the surrounding neighborhood. A part of this property and the large utility substation across the street were designated as green space/open space, but that designation is not viable because it would be nearly impossible to move the utility substation, and the subject property is not suitable for green space or park use. The underlying designation should be considered to be medium density, and the proposal is in agreement with the medium density classification. In addition, zoning this property R-1T would retain the single family residential nature of the neighborhood to the west, while serving as a good transitional use between the single family detached neighborhood and the railroad tracks to the east and the utility facility to the south.

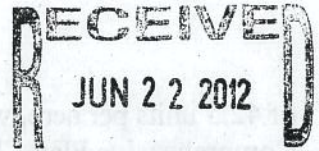
Thank you for your consideration of this zone change request.



Richard V. Murphy

Attorney for Applicant, Dennis Anderson

C:susan:Anderson:burley avenue:justification for zone change



REVISED JUSTIFICATION FOR ZONE CHANGE

The Applicants are requesting a zone change from the single family residential (R-1D) zone to the townhouse residential (R-1T) zone for the property on the north side of Burley Avenue, from Prospect Avenue on the west to the railroad on the east.

On the portions of the property which are vacant, the applicants propose to build single family attached townhouse units. We also propose to remove the current house at 119 Burley Avenue and replace it with two townhouse units. The remaining single family detached single family houses will remain. We feel it is important to develop the entire block-front under one development plan, to maintain consistency of scale and similarity of use.

Townhouse zoning will serve as a transitional use between diverse uses in the immediate vicinity. The parcel is bounded on the east by the main line (3 tracks) of the Norfolk-Southern Railroad. Across the street from this property to the south is a large, 25-foot tall Kentucky Utilities substation. To the west and southwest are single family homes. To the north is a vacant area and other student housing. Within 300 feet of the property are both the University of Kentucky and very high density student apartments, including University Village.

This neighborhood has been undergoing a change in residential patterns over the last 10 years. It was formerly a neighborhood with significant issues relating to quality of housing. In recent years, many houses have been razed and replaced with new units, primarily rented to students from the University of Kentucky. There are 126 separate parcels within our notification area. Only 23 (18.2%), are owner occupied. Over 70% of the parcels have rental units. The remaining 11% are owned by the University of Kentucky, Kentucky Utilities, or by churches. If we counted the number of dwelling units, not the number of parcels, the percentage of owner/occupiers would be even lower.

This zone change started as a zone change for two lots. After discussions with neighboring property owners, however, it became clear that all nine lots on this block front on Burley, from Prospect to the railroad, should be zoned consistently. Rather than redeveloping on a lot-to-lot basis, the block front can be governed by one development plan. A better development will result with consistent scale and with parking provided in the rear. We have eliminated individual driveways onto Burley Avenue for the new units.

The Subject Property is designated medium density residential on the 2007 Comprehensive Plan. (A portion along the railroad tracks is designated green space/open space). This recommendation derives from a 1990 small area plan.

Our proposal, including the units which will remain "as is," will result in a density of 13.88 units per net acre, or 9.6 units per gross acre. The medium density range as stated in the Comprehensive Plan is up to 10 units per net acre, or 8 units per gross acre. Thus, our proposal is close, but slightly over, the densities set forth in the Comprehensive Plan. It is important, however, to compare our proposal with other recent development in the area. Earlier this year, a plan was approved for property in the 300 block of Burley Avenue. That development will contain 16.9 units per acre, a higher density than our proposal. The other recent development occurred in 2001, in a zone change for a portion of University Village, which is located less than 300 feet from the subject property. That proposal was approved for 85 units on 2 acres, a density

of 42.5 units per acre, which exceeds the "very high density" recommendation of the Comprehensive Plan. That proposal was unanimously approved by the Planning Commission and Urban County Council.

Thus, all recent multi-lot development has been at a density greater than the density proposed for this development. We are only slightly above the medium density guidelines. Also, it is important to utilize infill to promote housing which is in close proximity to the University of Kentucky. This development is much closer to campus than other new student-oriented projects on the other side of Broadway. It has easy pedestrian and bicycle access to UK via Virginia Avenue.

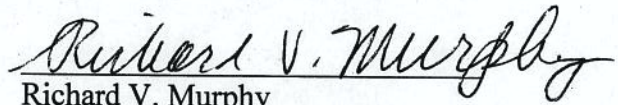
Therefore, the existing R-1D zoning is inappropriate and the proposed R-1T zoning is appropriate for the subject property. R-1T zoning will serve as an appropriate transition between single family detached housing on the south and west, and the higher density housing and the railroad tracks to the north and east. Higher density uses are appropriate in close proximity to the university, to allow pedestrian and bicycle access for students. Newer developments close to the subject property have had greater density than that of the current proposal. Developing this property on one development plan will allow joint parking in the rear of the property.

The proposal is also consistent with goals and objectives of recent comprehensive plans which have emphasized the importance of infill, especially in the university area. As far back as 1990, in the South Broadway Corridor Plan, it was recognized that re-development 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 Objective 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 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.

Therefore, the proposed zone change is in agreement with the Goals and Objectives of the 2007 Plan and the 2012 Plan, as well as the Corridor Plan from 1990.

Thank you for your consideration of this zone change request.

A handwritten signature in cursive script that reads "Richard V. Murphy". The signature is written in black ink and is positioned above the printed name and title.

Richard V. Murphy
Attorney for Applicants