

### **Justification for requested rezoning.**

The Applicant is requesting a rezoning from the Single Family Residential (R-1D) zone to the High Density Apartment (R-4) zone for 135-139 American Avenue and 112-118 Burley Avenue. This zone change is a cooperative effort by neighboring property owners, Anderson Campus Rental Properties, LLC and Luradane, LLC and John and Lura Dauer, the owners of 137 and 135 American Avenue, respectively.

By working together, the property owners can present a development which increases density and respects height and massing along American Avenue and Burley Avenue, and minimizes curb cuts and driveways.

This area of American and Burley Avenue has been characterized by demolition of older houses and replacement with student oriented four-bedroom single family houses. The applicant presents a coordinated development which will retain the existing streetscape along Burley Avenue. Parking will be placed in the rear of structures. Along American Avenue, we propose a two-story building containing 16 one-bedroom units. There would be no driveways or access along American Avenue, improving the streetscape which is now characterized by narrow lots with many driveway openings. This proposal will also be consistent with other re-development projects in the area.

New curb, gutter and sidewalk will be built on the street frontages.

This proposal is in agreement with the 2013 Comprehensive Plan. Part of the mission of the 2013 Comprehensive Plan is to insure that development of the community preserves quality of life and promotes successful, accessible neighborhoods. This proposal is in agreement with Theme A, Growing Successful Neighborhoods, and Goal A.1., Expand Housing Choices. It provides one-bedroom apartment units, at a scale which is in keeping with the neighborhood. It agrees with Objective A.1.b., which is to 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 centers.

This proposal supports Goal A.2., which supports infill and redevelopment throughout the Urban Service Area as a strategic component of growth. This proposal will increase density near the University of Kentucky, consistent with the development of the existing neighborhood. Theme A.2.a. calls for identification for opportunities for infill, redevelopment and adaptive reuse that respect the area's context and design features whenever possible. Three houses along American Avenue are in a bad state of repair and will be replaced. Replacement with a consistent development, rather than three individual houses with three individual parking areas and three driveways, respects the area's context. The proposal will agree with Goal A.3., by providing well-designed neighborhoods and communities. Since this is a redevelopment, it will minimize disruption of natural features (Objective A.3.c.).

By providing housing near the University of Kentucky, it will reduce Lexington's carbon footprint (Goal B.2.).

The proposal upholds the Urban Service Area concept (Goal E.1) and encourages compact, contiguous development within the Urban Service Area, as guided by market demand, to accommodate future growth needs (Theme E.1.b.). It will assist in maintaining the current boundaries of the Urban Service Area (Goal E.3.).

This development will provide housing choice within a neighborhood as called for on Page 40 of the Comprehensive Plan: "By providing housing choices within a neighborhood, residents of a community have greater options of where to live, particularly when the components of housing choice include access to jobs and schools, affordability, and housing type...Diverse neighborhoods feature townhomes, apartments and condominiums and duplex housing adjacent and mixed with single-family homes."

We are also in agreement with the Goals and Objectives of the 2018 Comprehensive Plan as recently adopted by the Planning Commission.

In addition, we are requesting dimensional variances as follows: reducing the required front yard along American Avenue from 20 feet to 8 feet, decreasing the required rear yard on 118 Burley Avenue from 10 feet to 5 feet, reducing the required rear yard on 112 Burley from 10 feet to 5 feet, and elimination of the zone to zone property perimeter screening requirement. Although we request elimination of the zone to zone screening requirement, we will still use a six-foot solid privacy fence.

We are proposing to preserve the streetscape of Burley Avenue and greatly improve the streetscape of American Avenue by eliminating curb cuts and driveways along American Avenue. To accommodate this innovation, we are constructing a parking area behind the buildings. The lots in this area are narrow, 40-50 feet currently, and our proposed setbacks are consistent with the area. Granting these variances will allow us to pursue this unified development.

Thus, we are requesting these variances for the following reasons:

1. Granting these variances 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 applicant will be improving the streetscape of American Avenue and preserving the streetscape of Burley Avenue, by placing parking in the rear, rather than the front or side of each property. All existing driveway and curb cut openings will be eliminated along American Avenue. Placement of the building closer to the street on American Avenue will present a more urban appearance.

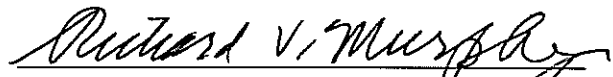
2. Granting these variances will not allow an unreasonable circumvention of the requirements of the Zoning Ordinance because driveways will be eliminated and group parking will be provided behind the structures, improving the appearance of the neighborhood.

3. The special circumstances which apply to this property and which do not generally apply to land in the general vicinity or in the same zone are that this is a cooperative redevelopment among adjoining land owners. Instead of replacement of existing houses with narrow, two-story buildings, each having its own driveway and access point, the redevelopment will respect the character of the area through the size and height of the proposed buildings (two stories).

4. Strict application of the regulations of the Zoning Ordinance would deprive the applicant of a reasonable use of its land or create an unnecessary hardship because it would eliminate the incentive to place parking behind each building and improve the character of the area, and would encourage the individual lot owner to develop lots separately.

5. The circumstances surrounding the requested variances are not the result of actions this applicant has taken subsequent to the regulation from which relief is sought. No construction has started.

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

  
Richard V. Murphy, Attorney for Applicant