

ORDINANCE NO. 012 - 2026

AN ORDINANCE CHANGING THE ZONE FROM A PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE TO A MEDIUM DENSITY RESIDENTIAL (R-4) ZONE, FOR 0.585 NET (0.793 GROSS) ACRES FOR PROPERTY LOCATED AT 401 WOODLAND AVENUE. (ANDERSON MIDTOWN APARTMENTS, LLC; COUNCIL DISTRICT 3).

WHEREAS, at a Public Hearing held on December 18, 2025, a petition for a zoning ordinance map amendment for property located at 401 Woodland Avenue, from a Planned Neighborhood Residential (R-3) zone to a Medium Density Residential (R-4) zone, for 0.585 net (0.793 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change by a vote of 10-0; and

WHEREAS, the Urban County Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for property located at 401 Woodland Avenue, from a Planned Neighborhood Residential (R-3) zone to a Medium Density Residential (R-4) zone, for 0.585 net (0.793 gross) acres, being more fully described in Exhibit “A” which is attached hereto and incorporated herein by reference.

Section 2 – That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

Section 3 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: February 12, 2026


MAYOR

ATTEST:


CLERK OF URBAN COUNTY COUNCIL
PUBLISHED: February 20, 2026-1t

Rec'd by _____

Date: _____

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

IN RE: **PLN-MAR-25-00019: ANDERSON MIDTOWN APARTMENTS, LLC** – a petition for a zone map amendment from Planned Neighborhood Residential (R-3) zone to a Medium Density Residential (R-4) zone for 0.585 net (0.793 gross) acres for property located at 401 Woodland Avenue. (Council District 3)

Having considered the above matter on **December 18, 2025**, at a Public Hearing, and having voted **10-0** 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 Medium Density Residential (R-4) zone is in agreement with the 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed project is in a location that promotes infill, redevelopment, adaptive reuse, and mixed-use developments (Theme A, Goal #2.a).
 - b. The proposed project will remain in scale with the surrounding context through the reuse of an existing, non-conforming structure (Theme A, Goal #2.b) while prioritizing multi-modal facilities promoting safer connectivity (Theme A, Goal #3.b).
2. The requested Medium Density Residential (R-4) zone is in agreement with the 2045 Comprehensive Plan's Policies, for the following reasons:
 - a. The proposal will reduce on-site parking, prioritizing multi-modal connectivity (Design Policy #7).
 - b. The site features pedestrian-friendly street patterns & walkable blocks in an area with excellent access to transit routes (Design Policy #2, Design Policy #5 and Connectivity Policy #3).
 - c. The proposed development will increase density while enhancing existing neighborhoods through context sensitive design (Density Policy #2).
3. The justification and corollary development plan are in agreement with the policies and development criteria of the 2045 Comprehensive Plan, for the following reasons:
 - a. Staff finds that this request meets the Development Criteria for Land Use. The applicant's proposal is located near a grocery and other retail services (A-DS12-1). This proposal would convert an underutilized parking lot into higher density residential use along a transit corridor (A-DN2-1 & D-CO3-1).
 - b. The proposed rezoning meets the criteria for Environmental Sustainability and Resiliency as the proposal will preserve existing greenscape and trees (B-PR7-1) while increasing the utility of the existing impervious surface by converting a portion of the parking area to residential use (B-SU4-1).
 - c. The request meets the criteria for Building Form, as the applicant's proposal will minimize contrasts in design and scale to the surrounding context (A-DN2-2), while creating a pedestrian-friendly atmosphere through the building fronting on the intersection (A-DS5-3).
4. This recommendation is made subject to approval and certification of **PLN-MJDP-25-00066: AYLESFORD ADDITION BLK 5 LOTS 1,2, & 3 (WOODLAND VILLAGE)** 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 9th day of January, 2026.

Jim Duncan
Secretary, Jim Duncan
Traci Wade

ZACH DAVIS
CHAIR

KRS 100.211(7) requires that the Council take action on this request by March 18, 2026.

Note: The corollary development plan, PLN-MJDP-25-00066: AYLESFORD ADDITION BLK 5 LOTS 1, 2, & 3 (WOODLAND VILLAGE) was approved by the Planning Commission on December 18, 2025 and certified on December 30, 2025.

Note: Numerous dimensional variances relating to landscape buffering were approved by the Planning Commission on December 18, 2025.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Dick Murphy, for the applicant.**

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES:	(10)	Barksdale, J. Davis, Z. Davis, Forester, Worth, Michler, Owens, Penn, Wilson, and M. Davis
NAYS:	(0)	
ABSENT:	(1)	Nicol
ABSTAINED:	(0)	
DISQUALIFIED:	(0)	

Motion for **APPROVAL** of **PLN-MAR-25-00019** carried.

Enclosures: Application
Justification
Supplemental Justification
Legal Description
Property Map
Development Snapshot
Staff Report
Supplemental Staff Report
Applicable excerpts of minutes of above meeting

MAP AMENDMENT REQUEST (MAR) APPLICATION

1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)

Applicant: ANDERSON MIDTOWN APARTMENTS LLC, 1255 PROVIDENCE PLACE PKWY, LEXINGTON, KY 40511
Owner(s): ANDERSON MIDTOWN APARTMENTS LLC 1255 PROVIDENCE PLACE PKWY LEXINGTON KY 40511
Attorney: Richard Murphy, 250 West Main Street, Suite 2510, Lexington, KY 40507

2. ADDRESS OF APPLICANT'S PROPERTY

401 WOODLAND AVE LEXINGTON KY 40508

3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY

Zoning	Existing		Requested		Acreage	
	Zoning	Use	Zoning	Use	Net	Gross
R-3		Multi-family	R-4	multi-family	0.59	0.79

4. 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 type="checkbox"/> YES <input checked="" 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 type="checkbox"/> NO

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

Roads:	LFUCG
Storm Sewers:	LFUCG
Sanity Sewers:	LFUCG
Refuse Collection:	LFUCG
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



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RICHARD V. MURPHY
CHRISTOPHER M. CLENDENEN

October 6, 2025

Mr. Zach Davis, Chairman
and Members of the Lexington-Fayette Urban County Planning Commission
200 East Main Street
Lexington, KY 40507

Re: Proposed zone change for 401 Woodland Avenue

Dear Chairman Davis and Members of the Planning Commission:

This letter is written on behalf of Anderson Midtown Apartments, LLC, which is filing a zone change application for the property at 401 Woodland Avenue. We are requesting a zone change from the R-3 (Planned Neighborhood Residential) to the R-4 (Medium Density Residential) zone.

DESCRIPTION OF PROJECT.

401 Woodland Avenue is a 0.59 acre tract of land located at the corner of Woodland Avenue and Euclid Avenue. There is an existing three-story, 24-unit apartment building located on the property, directly at the corner of Woodland and Euclid. That building will remain.

There is a large, underutilized parking lot currently on site. We propose to construct a second three-story apartment building at the rear of the property, utilizing a portion of the property currently occupied by the parking lot. Thus, we will be increasing density without demolishing any existing buildings.

This property is ideally located for additional apartments. It is located within easy walking distance of the University of Kentucky campus. The Young Library is located only two blocks away. Woodland Park is located nearby and the property is located adjacent to a vibrant, university-related community. The Kroger grocery store is located nearby, along with dining, entertainment, banks, convenience stores and churches. The Christian Student Fellowship is located two blocks away.

Transportation facilities are excellent. There is an existing eight-foot sidewalk along Woodland Avenue, directly leading to the University. There is an existing sidewalk along Euclid Avenue as well. There are bike lanes on both Euclid Avenue and Woodland Avenue. Similarly, there are transit routes on both Euclid and Woodland Avenue. Automobile access is excellent.

Our new building will be mostly efficiency units, to supply housing at a price point which is more attainable for our residents.

GOALS AND OBJECTIVES OF THE 2045 COMPREHENSIVE PLAN.

This proposal is in agreement with the Goals and Objectives of the 2045 Comprehensive Plan. This development will supply infill housing for students and workers. The efficiency units will supply an additional housing choice at a more attainable price. As mentioned above, the property is within walking distance of the University, entertainment, dining, churches, banks, grocery stores and a major park.

The additional dwelling units and the use of efficiency units comply with Goal A.1, to expand housing choices. The proposal will comply with Objective A.1.b. by helping to accommodate the demand for housing in Lexington responsibly, prioritizing higher-density and a housing type which will result in a more attainable cost. Accessible units will be available (Goal A.1.c.). This project will use an under-utilized parking area to supply infill and redevelopment as called for in Goal A.2, and Objective A.2.a. The new building will be similar in height and size to the existing building, thus respecting the context and design features of the area (Objective A.2.b). Existing trees will be protected, and an outdoor activity area will remain (Objective A.2.c.).

As mentioned above, this development has excellent pedestrian and bicycle connections to parks, restaurants and entertainment areas, and there will remain a green area in the middle of the development which allows interaction among residents of the development (Objective A.3.b.). The area on which the new building will be built is part of the current parking area, so there will be little disruption of natural features (Objective A.3.c.). The efficiency units will help protect housing affordability (Objective A.5.b.).

By providing additional density, the project helps to uphold Goal E.1., upholding the Urban Service Area by utilizing redevelopment of under-utilized property within the Urban Service Area (Objectives E.1.d and E.1.e.).

THEMES AND POLICIES.

Our proposal successfully addresses the Themes and Policies of the 2045 Comprehensive Plan. Pertaining to Theme A, building and sustaining successful neighborhoods, Pillar 1, Design, the neighborhood currently has a people-first design (Policy 1), proper road connections (Policy 2), and provides pedestrian-friendly street patterns (Policy 5). The street and sidewalks establish clear public access to neighborhood open space and green space, at Woodland Park, the University, and the Transylvania Park median. This development will comply with Design Policy 3, the multi-family design standards, and will be in context with the surrounding diverse area (Design Policy 4). Our parking area will be right-sized to enhance walkability and bikability (Design Policy 7).

The efficiency units will provide an additional housing choice in this area (Design Policy 8). It will provide student-oriented housing with open space and parks within walking distance (Design Policy 9). Finally, the additional residential density will help to support the Euclid Avenue commercial area (Design Policy 12). The development also complies with Pillar II, Density. This property is located along higher capacity roadways, which already facilitate transit (Design Policy 1). It will be a context-sensitive design which increases density (Density Policy 2).

This development also supports Equity Policies 3 and 5. The efficiency units will provide a cost-effective housing option by up-zoning areas near transit for those who rely solely on public transportation. Under Theme B, Protecting the Environment, Pillar II, Sustainability, this development will support Policy 3, which calls for reduction of air pollution and greenhouse gases through compact development and complete streets that encourage multi-modal transportation options. Residents in this development will not need an automobile to have ready access to the University, parks, churches, grocery and dining options. We will increase density along the Euclid Corridor, which is on transit lines, to reduce vehicle miles traveled (Theme D, Improving a Desirable Community, Pillar I, Connectivity, Policy 3).

ENGAGEMENT.

The applicant will reach out to the appropriate neighborhood association for further input.

PLACE-TYPE, DEVELOPMENT AND REQUESTED ZONE.

This proposal fits within the Second Tier Urban place-type and within the Medium Density Residential (MR) development-type. We are requesting the R-4 (Medium Density Residential) zone, which is a recommended zone for this place-type and development-type.

DEVELOPMENT CRITERIA

Here is a discussion of the criteria that were not specifically addressed on the development plan, or which need further discussion.

- **A-DS12-1.** This development will be located close to neighborhoods serving commercial areas, including University Plaza, Kroger, banks, restaurants, service stations, etc.
- **A-DN2-1.** This project will re-use an underutilized parking area to increase residential density.
- **A-DN3-2.** Although this property not itself a commercial property, it is immediately across the street and diagonally across from commercial areas, with other commercial uses nearby.
- **C-PS15-2.** A large grocery store and convenience stores are within easy walking distance of the property.

- **D-PL7-1.** The applicant will be consulting the appropriate neighborhood association.
- **E-ST8-2.** Community oriented places and services are immediately available, including Woodland Park, the University of Kentucky, churches, commercial uses and restaurants.
- **D-CO2-1.** This project will utilize the outstanding existing multi-modal transportation network. The property is within easy walking distance of the University of Kentucky, Woodland Park, churches, commercial areas and restaurants. There are existing bike lanes on both Euclid Avenue and Woodland Avenue. Similarly, there are transit routes on both Woodland Avenue and Euclid Avenue.
- **B-PR10-1.** The project will not utilize upward directed lighting and will be appropriately lit.
- **B-SU4-1.** Impervious surfaces will be minimized, as the footprint of the new building will largely be located in an area which is currently occupied by a paved parking lot.
- **B-SU5-1.** Energy efficient systems will be utilized, including LED lights, energy efficient appliances, extra insulation and high-efficiency HVAC systems.
- **B-SU11-1.** Low impact landscaping and native plant species will be utilized.
- **A-DS7-1.** Parking will be located to the rear of the existing building at the corner of Woodland and Euclid Avenue.
- **A-DN2-2 and A-EQ5-1.** Like the existing building, the new building will be a three-story structure, thus the scale and massing will be similar to the existing building. The property is located in an area which has a variety of one, two and three-story buildings, and a variety of uses.
- **D-PL2-1.** Both the existing building and the proposed building will be activated with first-floor residential uses.
- **E-GR4-1.** This development will retain the existing building while allowing additional density on site.

VARIANCES.

The applicant is requesting variances of the eight-foot vehicular perimeter buffer requirement at three locations: first, for the proposed driveway to Euclid Avenue, second, for the existing parking lot adjacent to 415 Woodland Avenue, and third, for nineteen inches of one parking space at the right of the vehicular entrance on Woodland Avenue.

actions of this applicant taken subsequent to the regulation from which relief is sought. The

5. The circumstances surrounding the required variance are not the result of the Woodland Avenue.

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 the applicant would no longer be able to have a dumpster on the property, would have to shrink the size of driving aisles creating an unsafe situation, and would be deprived of the parking space near Woodland Avenue.

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 we are providing additional infill on an under-utilized lot, in conformance with the Comprehensive Plan. This project will supply additional living units within walking distance of the University, parks, churches, grocery stores and other retail, dining and entertainment destinations.

2. Granting these variances will not allow an unreasonable circumvention of the requirements of the Zoning Ordinance because the parking facility and configuration of the existing building, and the current parking lot is legally non-conforming. There will still be greenspace along Woodland Avenue, which can be additionally screened by a hedge if desired.

1. Granting these variances will not adversely affect the public health, safety or welfare and will not alter the character of the existing vicinity, and will not cause a hazard or nuisance to the public because the applicant is accommodating the only way to service a dumpster without causing backing onto the street, the existing parking area has existed for at least 40 years, and is currently sized to allow appropriate backing distances. The lot on the other side of 415 Woodland is a parking area as well. The VUA variance along Woodland Avenue is minimal, one foot seven inches, to allow one additional parking space. The applicant has preserved a larger space in the interior to preserve trees and allow picnic and other usage by residents.

Therefore, we are requesting your approval of these variances for the following reasons:

Third, we are requesting a variance of nineteen inches to allow one new parking space on the right side as vehicles enter from Woodland Avenue. The applicant is preserving a tree and picnic area to preserve open space inside the development, and we feel that large area is more desirable for greenspace than having nineteen inches of additional grass along Woodland Avenue. There will still be 6 feet 5 inches of buffering along Woodland Avenue at that point.

Second, the existing parking area has a five-foot landscape area along the southwest side of the property, adjoining 415 Woodland Avenue. The adjacent property has a parking lot also adjacent to this same screening area. The screening area is existing, and shifting would require extensive construction work, and would not leave sufficient backing area in the existing parking lot. First, the entrance off of Euclid Avenue is needed to provide service to a dumpster which meets the criteria of the Division of Solid Waste. The configuration shown will allow the truck to enter off of Euclid Avenue, service the dumpster, and then exist via Woodland Avenue, without backing into the right-of-way. Any other configuration will require backing onto the right-of-way.

existing building was already in existence when the applicant purchased the property 28 years ago. The configuration of the property relating to the vehicular use area was already set at that time.

CONCLUSION.

Our proposed zone change will use this under-utilized parking lot to increase density. This property is within walking distance of the University, parks, open spaces, churches, groceries, restaurants and entertainment. All modes of transportation are fully available: walking, biking, transit and automobiles. The proposal agrees with the spirit and the provisions of the Comprehensive Plan.

Thank you for your consideration of this zone change request.

Sincerely,

A handwritten signature in blue ink that reads "Dick Murphy". The signature is written in a cursive, slightly slanted style.

Richard V. Murphy,
Attorney for Applicant

RVM/prb

On Plan

written

Not Applicable

2ND TIER URBAN

2ND TIER URBAN - MEDIUM DENSITY RESIDENTIAL

LAND USE

- A-DS12-1** Development should be located nearest to neighborhood serving commercial areas.
- A-DN2-1** Infill residential should aim to increase density.
- A-DN3-2** Development should incorporate residential units in commercial centers.
- C-LI7-1** Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.
- C-PS15-2** Improve options for affordable and nutritious food where not currently available.
- D-CO3-1** Development should increase density and intensity adjacent to transit.
- D-PL7-1** Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
- D-SP9-1** Encourage co-housing, shared housing environments, planned communities and accessory dwelling units for flexibility and affordability for senior adults and people with disabilities.
- E-ST8-2** Development should provide community oriented places and services.

TRANSPORTATION, CONNECTIVITY, AND WALKABILITY

- A-DS1-1** Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes.
- A-DS1-2** Accessible pedestrian linkages to transit should be provided.
- A-DS4-1** A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided.
- A-DS5-1** Safe multi-modal facilities should be provided to ensure vehicular separation from bicycles, pedestrians and other modes of transport.
- A-DS5-2** Developments should incorporate vertical elements, such as street trees and buildings, to create a walkable streetscape.
- A-DS10-1** New developments should incorporate clear and dedicated connections to nearby community anchors.
- A-DS11-1** Street layouts should provide clear, visible access to neighborhood-focused open space and greenspaces.
- A-DS12-1** Flexible parking and shared parking arrangements should be utilized

2ND TIER URBAN - MEDIUM DENSITY RESIDENTIAL

- D-CO1-1** Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type.
- D-CO2-1** Development should create and/or expand a connected multimodal transportation network that satisfies all users' needs.
- D-CO2-2** Development should comply with Lexington's Complete Streets Policy.
- D-CO5-1** Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.

ENVIRONMENTAL SUSTAINABILITY AND RESILIENCE

- B-PR2-1** Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.
- B-PR7-1** Developments should be designed to minimize tree removal and to protect and preserve existing significant trees.
- B-PR9-1** Minimize grading and topsoil disturbance by utilizing the existing topography to the greatest extent possible and preserving key natural features.
- B-PR10-1** Development should avoid overlighting and upward directed lighting.
- B-SU4-1** Development should minimize and/or mitigate impervious surfaces.
- B-SU5-1** Developments should incorporate energy efficient systems and renewable energy resources (i.e. wind, solar, etc.).
- B-SU7-1** Green Stormwater Infrastructure (GSI) should be implemented in new development.
- B-SU11-1** Development should incorporate low impact landscaping and native plant species.
- B-RE1-1** Developments should improve the tree canopy.
- B-RE2-1** Lexington's green infrastructure network, including parks, trails, greenways, or natural areas should be highly visible and accessible.
- B-RE5-1** Dividing floodplains into privately owned parcels with flood insurance should be avoided.
- B-RE6-2** Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them.
- D-SP10-1** Prioritize street trees in the planting strip.

2ND TIER URBAN - MEDIUM DENSITY RESIDENTIAL

SITE DESIGN

- A-DS5-4** Development should provide a pedestrian-oriented and activated streetscapes.
- A-DS7-1** Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
- A-DS9-1** Development should provide active and engaging amenities within neighborhood focused open spaces.
- A-DS9-2** Where neighborhood open space or parks are not located within walking distance of a new development, applicants should incorporate these facilities.
- A-EQ7-1** School sites should be appropriately sized.
- A-EQ9-2** Shared open spaces should be easily accessible and clearly delineated from private open spaces.
- A-PL10-1** Development should enhance a well-connected and activated public realm.
- C-PS10-2** Over-parking of new developments should be avoided.
- D-PL4-1** Enhance open space through the provision of programmatic elements and amenities.
- D-PL10-1** Activate the streetscape or publicly visible areas by designating public art easements in prominent locations.
- D-SP3-1** Adequate right-of-way, lease areas and easements for infrastructure, with emphasis on wireless communication networks should be provided to create reliable service throughout Lexington.
- D-SP3-2** Cellular tower antennae should be located to minimize intrusion and negative aesthetic impacts, and stealth towers and landscaping used to improve the visual impact from the roadway and residential areas.

BUILDING FORM

- A-DS3-1** Multi-family residential developments should comply with the Multi-family Design Standards in Appendix A.
- A-DS4-2** New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context.
- A-DS5-3** Building orientation should maximize connections with the street and create a pedestrian-friendly atmosphere.

2ND TIER URBAN - MEDIUM DENSITY RESIDENTIAL

- A-DN2-2** Development should minimize significant contrasts in scale, massing and design, particularly along the edges of historic areas and neighborhoods.
- A-EQ5-1** Development should create context sensitive transitions between intense corridor development and existing neighborhoods.
- D-PL2-1** Development should provide active first floor uses whenever adjacent to a street, pedestrian facility, or community focused open space.
- E-GR4-1** Developments should incorporate reuse of viable existing structures.
- E-GR5-1** Structures with demonstrated historic significance should be preserved or adapted.

MURPHY & CLENDENEN, PLLC

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RICHARD V. MURPHY
CHRISTOPHER M. CLENDENEN

November 25, 2025

Mr. Zach Davis, Chairman
and Members of the Lexington-Fayette Urban County Planning Commission
200 East Main Street
Lexington, KY 40507

Re: Supplement to Justification Statement, 401 Woodland Avenue

Dear Chairman Davis and Members of the Planning Commission:

This letter is a supplement to the letter of justification dated October 6, 2025. After revisions to the plan and conferring with the staff, we are requesting modifications to the variances and waivers which we previously requested.

We had originally requested three variances. We are withdrawing the variance relating to the driveway off of Euclid Avenue (which has been removed from the plan), and the additional parking space near Woodland Avenue (which also has been removed from the plan). We are still requesting the variance from 8 feet to 5 feet for the vehicular use area buffer along the southwest side of the property, adjoining 415 Woodland Avenue. The reasons for that variance are set forth in the letter dated October 6, 2025.

We are also requesting the following variances and/or waivers:

1. We are requesting a property perimeter variance from eight feet to five feet along the western side of the property, adjacent to 415 Woodland Avenue, and along the eastern side of the property, adjacent to 464 and 466 Euclid Avenue. Along the western side of the property, this variance coincides with the property perimeter variance mentioned above. On the east side, Dennis Anderson owns the property at 464 Euclid Avenue. The variance adjacent to 466 Euclid Avenue will only run for about six feet, adjacent to the end of the new building.

2. We are requesting a variance in the minimum interior landscape area for a parking area under Section 18-3(b)(1). Under this section, the minimum interior landscape area for a parking area is 10%. We will actually be providing more landscape area than the previous plan, but it will be about 5.1%.

3. Under Section 18-3(b)(4)(a), we are requesting a variance in the maximum distance of 90 feet between interior landscape areas. We have 110 feet on one side and 125 feet on the other side. As you know, this is an existing parking area with no interior landscaping, which is being reduced in size.

The reasons for these variances are as follows:

A. Granting these variances will not adversely affect the public health, safety or welfare and will not alter the character of the existing vicinity, and will not cause a hazard or nuisance to the public because the applicant's plan will allow additional density to be constructed on an under-utilized lot. The current parking lot has no interior landscaping and occupies most of the property. If the variance is granted, the parking lot will be less non-conforming than it is currently. The applicant's plan will result in more interior landscaping than was previously provided, and the plan will allow additional residential units to be constructed on an under-utilized lot. The applicant is providing a landscape area between the two buildings, adjacent to the parking area. This provides a larger landscape space in the interior to preserve trees and allow picnic and other usage by residents. The lot to the west at 415 Woodland Avenue has a large parking area adjacent to this property.

B. Granting these variances will not allow an unreasonable circumvention of the requirements of the zoning ordinance because the parking area and configuration of the existing building and the current parking lot are currently legally non-conforming. Granting these variances will make the property more conforming. There will be a significant greenspace in the middle of the property as mentioned above.

C. 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 we are providing additional infill on an under-utilized lot, in conformance with the Comprehensive Plan. This project will supply additional living units within walking distance of the University, parks, churches, grocery stores and other retail, dining and entertainment destinations. As this project is a partial re-development of an under-utilized space, we face constraints relating to the existing building and existing parking, which are not faced by most development projects. Two rows of parking could not fit on this lot without the variances.

D. 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 the applicant is preserving the existing building on the property, and providing additional residential units within easy walking distance of the University, parks and other commercial, dining and entertainment destinations. As mentioned above, the applicant faces constraints in this partial redevelopment project in order to preserve the existing building. Vehicular access is limited to the existing parking area, which is being reduced in size. The parking area will actually be increasing the percentage of greenspace compared to the existing conditions. Significant greenspace is being preserved in the middle of the property for use by residents. A standard parking lot could not fit on this property without the variances.

E. The circumstances surrounding the requested variance are not the result of the actions of this applicant taken subsequent to the regulation from which relief is sought. The existing building was already in existence when the applicant purchased the property 28 years ago. The configuration of the vehicular use area was already set at that time, but is being reduced as a result of this application.

In addition, we are requesting a waiver of Section 18-3(b)(4)(b), which requires that at the end of every row of parking there shall be an interior landscape area. It is unclear whether this ordinance applies to this property, but we are requesting a waiver out of an abundance of caution. (It is unclear if the ordinance was meant to apply at the point where the entire parking area terminates). We have two rows of parking spaces serviced by one drive aisle. The parking area terminates at the front of the new building, and persons who park will have immediate access to the sidewalk leading to the front doors of the building. This is not a large parking lot with multiple interior drive aisles.

We are requesting this waiver for the following reason:

1. This waiver will not compromise the public health, safety or welfare. We have designed a safe parking area with immediate access to a sidewalk which leads to the front of the building. It will be better to allow full access to the sidewalk.

2. The extent of the waiver is the minimum necessary to reasonably afford relief to the applicant. The applicant is already reducing the amount of parking on the lot, and it cannot be reduced further without endangering the viability of the property. Parking was reduced by the dumpster and by accessible parking. In addition, bicycle parking is being provided.

3. The applicant has incorporated other design measures that compensate for non-compliance. Also, strict provisions of the regulation would create an unnecessary hardship for the applicant. As mentioned above, the applicant is preserving a significant open space in the middle of the property with existing trees which will be available for picnicking and recreation. Our parking area will end at the sidewalk which provides convenient access to the front doors of the new building. It would be an unnecessary hardship on the applicant to reduce parking further. We have reduced the parking to the minimum necessary, 26 spaces for 48 units. We are at the minimum needed to serve the development.

Thank you for your consideration of these variance and waiver requests.

Sincerely,



Richard V. Murphy,
Attorney for Applicant

RVM/prb

Legal Description
Anderson Midtown Apartments, LLC (applicant)
Zone Change From R-3 TO R-4
At 401 Woodland Avenue
Lexington, Fayette County, Kentucky

ALL THAT TRACT OR PARCEL OF LAND SITUATED AT THE SOUTHWEST CORNER OF WOODLAND AVENUE AND EUCLID AVENUE IN LEXINGTON, FAYETTE COUNTY, KENTUCKY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the intersection of the centerline of Woodland Avenue with the centerline of Euclid Avenue, said point having approximate state plane coordinates of 1,571,268.0 feet and 194,964.3 feet;
thence along the centerline of Woodland Avenue south 48 degrees 25 minutes 09 seconds west 182.50 feet to a point;
thence leaving Woodland Avenue north 41 degrees 34 minutes 51 seconds west 230.00 feet to a point;
thence north 48 degrees 25 minutes 09 seconds east 100.00 feet to a point;
thence south 41 degrees 34 minutes 51 seconds east 90.00 feet to a point;
thence north 48 degrees 25 minutes 09 seconds east 82.50 feet to a point in the centerline of Euclid Avenue;
thence with the centerline of Euclid Avenue south 41 degrees 34 minutes 51 seconds east 140.00 feet to the point of beginning and containing 0.793 gross acres and 0.585 net acres.



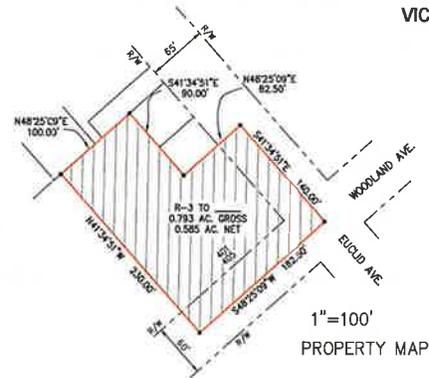
Wesley B. Witt



AREA NOTIFICATION MAP
1"=200'



VICINITY MAP



1"=100'
PROPERTY MAP

ZOMAR					
TITLE: PLN-MAR-25-00019		FROM	TO	GROSS	NET
PROPERTY ADDRESS: 401 WOODLAND AVENUE		R-3	R-4	0.793 AC.	0.585 AC
OWNER/ APPLICANT:	ANDERSON MIDTOWN APARTMENTS, LLC 1235 PROVIDENCE PLACE PARKWAY, SUITE 250 LEXINGTON, KY 40511	<div style="border: 1px solid black; padding: 5px;"> <p>STATE OF KENTUCKY WESLEY B. WITT 2187 LICENSED PROFESSIONAL LAND SURVEYOR</p> <p><i>Wesley B. Witt</i></p> </div>			
PREPARED BY:	WESLEY B WITT, INC.				
DATE PREPARED:	OCTOBER 6, 2025				

ANDERSON MIDTOWN APARTMENTS, LLC (PLN-MAR-25-00019)
401 WOODLAND AVENUE

Rezone property to add a 3-story residential structure with 24 units to an existing residential development for a total of 48 units.

Applicant/Owner

ANDERSON MIDTOWN APARTMENTS, LLC
1255 PROVIDENCE PLACE, SUITE 250
LEXINGTON, KY 40511
ATTORNEY: richard@murphyclendenen.com

Application Details

Acreage:

0.585 net (0.793 gross) acres

Current Zoning:

Planned Neighborhood Residential (R-3)

Proposed Zoning:

Medium Density Residential (R-4)

Place Type/Development Type:

Second Tier Urban/Medium Density Residential
For more information about the Second Tier Urban Place-type see Imagine Lexington page 268. For more information on the Medium Density Residential Development Type see page 270.

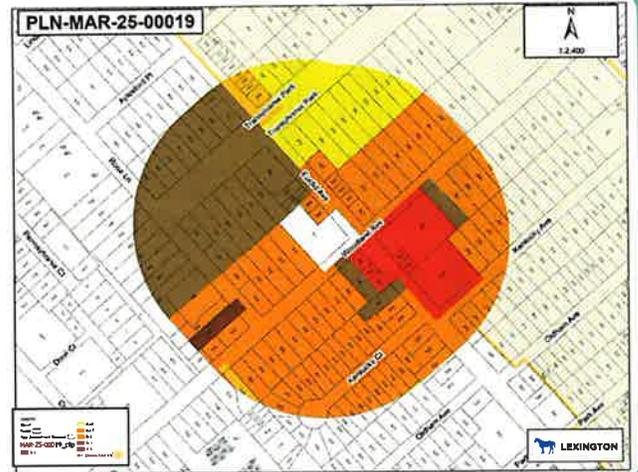
Description:

The applicant is seeking to rezone the subject property in order to add a three-story residential structure with an additional 24 units. If approved, the development would contain 48 units for a residential density of 82 units per acre.

In addition to the rezoning request above, the applicant is requesting variances to reduce the vehicular use area perimeter buffer from 8' to 1.5' adjacent to 466 Euclid Avenue, from 8' to 6'-5" along Woodland Avenue right-of-way, and from 8' to 5' adjacent to 415 Woodland Avenue.

Public Engagement

The applicant has not indicated that public outreach or engagement has occurred at this time.



Status

- Public Engagement
- Pre-Application Meeting
- Application Review
- Planning Staff Review
- Technical Review Committee
- Zoning/Subdivision Committee Meetings
- Planning Commission Hearing
- Urban County Council Meeting

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-25-00019: ANDERSON MIDTOWN APARTMENTS, LLC

DESCRIPTION OF ZONE CHANGE

Zone Change: From a Planned Neighborhood Residential (R-3) zone
To a Medium Density Residential (R-4) zone

Acreage: 0.585 net (0.793 gross) acres

Location: 401 Woodland Avenue



EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	R-3	Residential
To North	R-2	Residential
To East	B-1	Commercial
To South	R-2	Residential
To West	R-2/R-3	Residential

URBAN SERVICE REPORT

Roads - The subject property is located at the intersection of Euclid Avenue and Woodland Avenue. Euclid Avenue is a minor arterial roadway that connects the Ashland Park Neighborhood to the University of Kentucky Campus. The roadway experiences approximately 9,200 ADT. Woodland Avenue is a two/three lane local collector that connects East Main Street to the University of Kentucky and experiences approximately 8,100 ADT. These two roads handle a great deal of the traffic to and from the northern and eastern areas of campus.

Curb/Gutter/Sidewalks - E. Maxwell Street and Lexington Avenue have been improved with curb, gutter and sidewalks.

Storm Sewers - The subject property is located within the Town Branch watershed. Stormwater improvements may be required to address both water quantity and water quality. Any such improvements shall be designed and constructed in accordance with the LFUCG Engineering Manuals. There are no FEMA Special Flood Hazard Areas or known flooding issues within the immediate area.

Sanitary Sewers - The subject property is located within the Town Branch sewershed and will be serviced by the Town Branch Wastewater Treatment Facility, located on Lisle Industrial Avenue inside New Circle Road, between Leestown Road and Old Frankfort Pike. Sanitary sewer capacity will need to be verified by the Capacity Assurance Program (CAP) prior to certification of the final development plan, as an increase in sanitary sewer flows are anticipated for the more intense land use.

Utilities - All utilities, including natural gas, electric, water, phone, and cable television are available in the area, and are able to serve the proposed development.

Refuse - The Urban County Government serves residences in this portion of the Urban Service Area with collection on Mondays.

Police - The nearest police station is the main headquarters, located about 1 mile north of the subject property on East Main Street. This area is served by the Central Roll Call Center located at 1020 Industry Road.

Fire/Ambulance - The nearest fire station is Fire Station #5, located on Woodland Avenue approximately 1,000 feet northeast of the subject property.

Transit - Lextran services the area with inbound and outbound routes stopping directly adjacent to the property, at the intersection of Euclid and Woodland. Route 1, Route 3, Route 14, and Route 51 all utilize the stops at this location with other routes available nearby.

Parks - The subject property is located less than 1/2 of a mile west of Woodland Park.

SUMMARY OF REQUEST

The applicant is seeking to rezone the subject property in order to add a three-story residential structure with an additional 24 units. If approved, the development would contain 48 units for a residential density of 82 units per acre.

Along with the rezoning request above, the applicant is requesting variances to reduce the vehicular use area perimeter buffer from 8' to 1.5' adjacent to 466 Euclid Avenue, from 8' to 6'-5" along Woodland Avenue right-of-way, and from 8' to 5' adjacent to 415 Woodland Avenue.

PLACE-TYPE

SECOND TIER URBAN Is where significant infill and redevelopment opportunities exist to complement the urban core. While not expected to be as intensely developed as the downtown core, high-rise opportunities are not precluded provided that they are context-sensitive. The forward trend for development in the 2nd tier urban areas should be towards increased walkability and intensity.

DEVELOPMENT TYPE

MEDIUM DENSITY RESIDENTIAL

Primary Land Use, Building Form, & Design
Primarily attached and multi-family units, with interspersed single-family detached dwellings. Multi-family units should complement and enhance existing development through quality design and connections.

Transit Infrastructure & Connectivity
Nearby commercial/employment uses and greenspace should be easily accessible, and bicycle and pedestrian modes should be maximized to connect residents to destinations.

Parking
These developments should include intentional open space designed to fit the needs of area residents, and a variety of neighborhood-serving commercial/ employment uses.

PROPOSED ZONING



The intent of this zone is to provide for medium to medium-high density multi-family dwellings and supporting uses. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population. The medium to medium-high density residential uses should be located along collector and arterial streets. Where lower density development occurs in this zone, it should be located along local streets. Adequate multi-modal connections should be available to all residents. Development should be in areas of the community where necessary services and facilities will be adequate to serve the anticipated population. Medium to medium-high density multi-family dwellings should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

PROPOSED USE



The petitioner is proposing to add a 40-foot tall residential structure to the existing development, increasing the size of the residential development to 21,780 square feet of building size. The second residential building will accommodate 24 dwelling units, bringing the total to 48 units, for a density of 82 dwelling units per acre. As the proposed structure will be located within the existing parking lot, the overall number of parking spaces for the development will decrease from 40 to 28 motor-vehicle parking spaces and 4 bicycle spaces.

APPLICANT & COMMUNITY ENGAGEMENT



The applicant has not indicated that public outreach or engagement has occurred at this time.

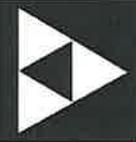
PROPERTY & ZONING HISTORY



The subject property was originally zoned R-2 during the comprehensive rezoning of the City and County in 1969. The property was subsequently upzoned to the R-3 zone when the current structure was built in 1978. The footprint, configuration and zoning of this property have remained unchanged while the Woodland corridor, particularly between Euclid Avenue and campus, has experienced significant changes over the last 47 years.

The surrounding area features a mix of zones and uses. Adjoining the property to the west are properties with both purpose-built and retrofitted multi-family structures (R-3 zone). To the north, the properties retain their single-family structures and many are used for rental purposes within the R-2 zone. To the east is a pocket of commercial uses near the intersection of Woodland Avenue and Euclid Avenue. The properties to the south consist of single-family structures that have been converted to multi-family, many with additions that double the size of the structure (R-2 zone).

COMPREHENSIVE PLAN COMPLIANCE



GOALS AND OBJECTIVES

The 2045 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

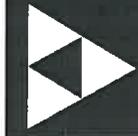
The applicant opines that they are in compliance with the adopted Goals and Objectives of the 2045 Comprehensive Plan. They state that the request will allow for the site to redevelop into a higher density housing product that will help meet an increase in the demand for housing, particularly for University of Kentucky students (Theme A, Goal #1.b and #1.d; Theme A, Goal #2.a). Additionally, the applicant states that accessible units will be available (Theme A, Goal #1.c) and the new structure will resemble the existing structure in design and scale (Theme A, Goal #2.b). The existing greenspace will be retained which, along with the pedestrian oriented location, will encourage social interaction (Theme A, Goal #3.b and #3.c). Staff agrees with the applicant's assessment of this application's compliance with the Goals and Objectives of the Comprehensive Plan.

POLICIES

Within the letter of justification, the applicant opines that the project is meeting Comprehensive Plan policies that call for proper road connections and pedestrian-friendly street patterns & walkable blocks in an area with excellent access to transit routes (Design Policy #2, Design Policy #5 and Connectivity Policy #3). Additionally, the applicant states that the proposed development will increase density while enhancing existing neighborhoods through context sensitive design (Density Policy #2). Staff agrees with the applicant's assessment of this application's compliance with the Policies of the Comprehensive Plan.

PLACE TYPE, DEVELOPMENT TYPE, AND ZONE

In an effort to allow for the greatest contextual development of Lexington's Urban Service Area, applicants are asked to identify a Place-Type based on the location of the subject properties. Within each Place-Type there are recommended Development Types based on the form and function of the proposed development. Based on the Place-Type and Development Type there are also several recommended zones that are most appropriate based on the Goals, Objectives, and Policies of the Comprehensive Plan. While these zones are the ideal zoning categories to develop within a specified area, other zones may be considered, provided



there is an appropriate justification addressing the unique situation and provided the development is able to adequately meet the associated Development Criteria.

The applicant indicates that the project is located within the Second-Tier Urban Place-Type which is where significant infill and redevelopment opportunities exist to complement the urban core. The applicant is also proposing a Medium Density Residential Development Type. Although this Development Type is not expected to be as intensely developed as the downtown core, high-rise opportunities are not precluded provided that they are context-sensitive. The forward trend for development in the Second-Tier Urban areas should be towards increased walkability and intensity.

Based on the property's location along numerous transit routes, close proximity to the University of Kentucky and easy access to grocery and other retail services, staff finds the choice in Place Type appropriate. The applicant's chosen Development Type is a recommended Development Type within the Second-Tier Urban Place-Type, and can be appropriate at this location with appropriate consideration given to the transition between the proposed development and the existing development in the area. The applicant's choice in zone, the Medium Density Residential (R-4) zone, is a recommended zone for the chosen Place-Type and Development Type.



DEVELOPMENT CRITERIA

The criteria for a zone change are the distillation of the adopted Goals and Objectives, as well as the policies put forth in the 2045 Comprehensive Plan. The criteria for development represent the needs and desires of the members of the Lexington-Fayette Urban County community in hopes of developing a better built environment. The criteria are refined by the applicant based on the proposed place-type and development type. The applicant has indicated that the site is located within the Second-Tier Urban place-type and is seeking to create a medium density development. Staff concurs with the applicant's assessment of the place-type and agrees that the Medium Density Residential (R-4) zone can be appropriate for the subject property.

1. Land Use

Staff finds that this request meets the Development Criteria for Land Use. The applicant's proposal is located near a grocery and other retail services (A-DS12-1). This proposal would convert an underutilized parking lot into higher density residential use along a transit corridor (A-DN2-1 & D-CO3-1).

2. Transportation and Pedestrian Connectivity

Staff finds that this request meets the Development Criteria for Transportation and Pedestrian Connectivity. The proposal will provide multi-modal facilities (A-DS5-1) that incorporates connections to community anchors (A-DS10-1) with accessible pedestrian linkages directly to transit (A-DS1-2).

3. Environmental Sustainability and Resiliency

The proposed rezoning meets the criteria for Environmental Sustainability and Resiliency as the proposal will preserve existing greenscape and trees (B-PR7-1) while increasing the utility of the existing impervious surface by converting a portion of the parking area to residential use (B-SU4-1).

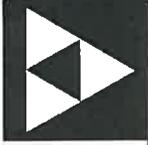
4. Site Design

Staff finds that this request meets the requirements for Site Design as the proposal will provide a pedestrian oriented and activated streetscape (A-DS5-4), enhance a well-connected public realm through activating the street corner (C-LI8-1), and reducing on-site parking to encourage foot, bicycle, and transit traffic (C-PS10-2).

5. Building Form

The applicant has stated that the new building will use the same exterior materials as the existing building with same scale and mass. The request meets the criteria for Building Form, as the applicant's proposal will minimize contrasts in design and scale to the surrounding context (A-DN2-2), while creating a pedestrian-friendly atmosphere through the building fronting on the intersection (A-DS5-3).

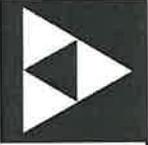
While staff agrees with much of the justification provided by the applicant, there are several criteria listed below that require further explanation or justification:



1. Land Use

D-PL7-1: Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.

The applicant has indicated that they intend to conduct public outreach for the project with the surrounding neighborhood. The applicant should provide greater information on those efforts.



MULTI-FAMILY DESIGN STANDARDS

In connection with the proposed multi-family uses, the applicant submitted an a site plan, justifications and photos of the existing structure as an example of the proposed design to demonstrate compliance with the Multi-Family Design Standards. Below, staff discusses the respective criteria:

Site Design:

The request meets the criteria for site design as the request uses the buildings to help reinforce the streetscape (SP.1). The request promotes connectivity by expanding the sidewalk network throughout the site and providing connections to the surrounding neighborhood (SP.5). The proposal locates the parking areas internally to limit their visual impact (SP.8).

Open Space

Staff finds that the request meets the requirements for Open Space, as the open space areas are located centrally to the site (OS.1), and are accessible for residents in both the existing and proposed structures (OS.2).

Architectural Design.

The proposed building design uses windows and alternating materials to avoid blank wall faces (AD.4; AD.5). The plan calls for the second structure to match the height of the existing structure to match the scale of the neighborhood (AD.2).



PARKING DEMAND MITIGATION STUDY

Under the requirements of the Parking and Landscaping Zoning Ordinance Text Amendment, all “Significant Developments,” or developments with over 5,000 square-feet of building coverage that require a Zoning Map Amendment, shall provide a Parking Demand Mitigation Study for the project that details the following information:

1. Review of national best practices for parking calculations for the project, including the current ITE Manual Parking ranges or the ranges produced by the ITEParkGen Report;
2. The anticipated parking demand for the project;
3. How the anticipated parking demand will be satisfied on-site or off-site;
4. The methods and strategies to be implemented in order to reduce vehicle trips by site users;
5. The methods and strategies to be implemented in order to promote transportation options by site users;
6. The projected mode share by site users from the utilization of the study’s strategies.

Within the applicant’s review of the parking demand, they have provided specific calculations based on the ITE manual for the proposed residential multi-family use. Based on the provided number of units and commercial square footage, the study indicates indicate that the a multi-family development at the proposed scale would require 28 parking spaces for the proposed total of 48 units. This conclusion was reached by taking the Institute of Transportation Engineers standard value of 1.2 spaces per unit and factoring in the reduced need to account for transit, bike/pedestrian and switching the remaining spots to market rate availability.

STAFF RECOMMENDS: **APPROVAL**, FOR THE FOLLOWING REASONS:

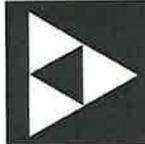
1. The requested Medium Density Residential (R-4) zone is in agreement with the 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed project is in a location that promotes infill, redevelopment, adaptive reuse, and mixed-use developments (Theme A, Goal #2.a).
 - b. The proposed project will remain in scale with the surrounding context through the reuse of an existing, non-conforming structure (Theme A, Goal #2.b) while prioritizing multi-modal facilities promoting safer connectivity (Theme A, Goal #3.b).

2. The requested Medium Density Residential (R-4) zone is in agreement with the 2045 Comprehensive Plan's Policies, for the following reasons:
 - a. The proposal will reduce on-site parking, prioritizing multi-modal connectivity (Design Policy #7).
 - b. The site features pedestrian-friendly street patterns & walkable blocks in an area with excellent access to transit routes (Design Policy #2, Design Policy #5 and Connectivity Policy #3).
 - c. The proposed development will increase density while enhancing existing neighborhoods through context sensitive design (Density Policy #2).

3. The justification and corollary development plan are in agreement with the policies and development criteria of the 2045 Comprehensive Plan.
 - a. Staff finds that this request meets the Development Criteria for Land Use. The applicant's proposal is located near a grocery and other retail services (A-DS12-1). This proposal would convert an underutilized parking lot into higher density residential use along a transit corridor (A-DN2-1 & D-CO3-1).
 - b. The proposed rezoning meets the criteria for Environmental Sustainability and Resiliency as the proposal will preserve existing greenscape and trees (B-PR7-1) while increasing the utility of the existing impervious surface by converting a portion of the parking area to residential use (B-SU4-1).
 - c. The request meets the criteria for Building Form, as the applicant's proposal will minimize contrasts in design and scale to the surrounding context (A-DN2-2), while creating a pedestrian-friendly atmosphere through the building fronting on the intersection (A-DS5-3).

4. This recommendation is made subject to approval and certification of PLN-MJDP-25-00066: AYLESFORD ADDITION BLK 5 LOTS 1,2, & 3 (WOODLAND VILLAGE) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

STAFF REPORT ON VARIANCE REQUEST



As part of their application, the petitioner is also seeking several dimensional variances to reduce the minimum required VUA perimeter requirements as regulated in Article 18-3(2)(d).

Before any variance is granted, the Planning Commission must find the following:

- a. The granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Planning Commission shall consider whether:
 1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone.
 2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
 3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
- b. The Planning Commission shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

ZONING ORDINANCE

Article 6-4(c) states that the Planning Commission may hear and act upon requested variances associated with a zone change. In such cases, they may assume all of the powers and responsibilities of the Board of Adjustment, as defined in Article 7-6(b) of the Zoning Ordinance.

Article 18-3(2)(d) states that a vehicular use area perimeter buffer shall be located between vehicular use areas and any adjacent streets and adjacent properties excluding required sight clearances at driveways and ingress/egress location. A continuous hedge, fence, wall, or earthen mound, except where trees require breaks and one (1) canopy tree (Group A or B) per twenty-five (25) linear feet of the total perimeter of the parking area.

CASE REVIEW

The initial design for this proposal featured the construction of additional parking spaces, as well as a new driveway extending to connect to Euclid Avenue. At that time, the applicant requested several variances to reduce the required buffer from 8 feet to 1.5 feet adjacent to 466 Euclid Avenue, from 8 feet to 6 feet 5 inches along Woodland Avenue right-of-way, and from 8 feet to 5 feet adjacent to 415 Woodland Avenue.

The applicant has since provided a revised design that eliminates the additional access drive, a relocation of the dumpster, and the removal of the proposed new parking spaces. As a result, the variance to reduce the VUA buffer where it adjoins 466 Euclid Avenue is no longer necessary, as this drive aisle has been removed. Additionally, with the removal of the parking addition, there is now sufficient space between the parking lot and Woodland Avenue to provide the required buffer. Staff is recommending these two components of the variance address be withdrawn.

For the areas where the parking lot adjoins 415 Woodland Avenue, the applicant states that they are unable to meet the necessary screening requirement as the current distance between the parking area and the adjacent property is 5 feet. The applicant opines that strict adherence to the landscaping requirement would create an unnecessary hardship considering the area in question, as it would require a demolition and reconfiguration of existing parking. The applicant opines that they intend to retain the current condition, which has existed on the property for several decades. Staff finds this aspect of the request will not negatively impact the health safety or welfare of the general public. The subject property has a unique circumstance in that the parking area predates the current zoning regulations that was developed in such a way that installing the required landscaping is not feasible within this portion of the property.

STAFF RECOMMENDS: APPROVAL OF THE REQUEST TO REDUCE THE REQUIRED VEHICULAR USE AREA BUFFER FROM EIGHT FEET TO FIVE FEET WHERE PROPERTY ADJOINS 415 WOODLAND AVENUE, FOR THE FOLLOWING REASONS:



1. Approval of the landscape variance in this area should not adversely affect the public health, safety, or welfare, nor should it create a hazard or nuisance to the public. This area has historically featured parking, and the overall size of the parking area is being reduced with this request.
2. The lot shape and the location of the site's existing parking area represent special circumstances unique to the subject property that justify the need for a variance.
3. Removing the existing parking present on the site to accommodate the required landscaping buffer would unreasonably restrict the applicant's use of the property.
4. The circumstances of this variance are not a result of actions taken by the applicant subsequent to the adoption of the Zoning Ordinance.

This recommendation of approval is made subject to the following conditions:

- a. Provided the Planning Commission and Urban County Council approve the requested zone change to the R-4 zone, otherwise the requested variance shall be null and void;
- b. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy; and,
- c. Action of the Planning Commission shall be noted on the Subdivision Plan for the subject property.

STAFF RECOMMENDS: WITHDRAWAL OF THE REQUEST TO REDUCE THE REQUIRED VEHICULAR USE AREA BUFFER WHERE THE PROPERTY ADJOINS 466 EUCLID AVENUE AND THE RIGHT-OF-WAY FOR WOODLAND AVENUE, FOR THE FOLLOWING REASONS:

1. Due to changes in the proposed site layout, there is sufficient space to accommodate any necessary Vehicular Use Area screening within these areas.

SUPPLEMENTAL STAFF REPORT ON VARIANCE REQUEST PLN-MAR-25-00019: ANDERSON MIDTOWN APARTMENTS, LLC



In addition to the Vehicular Use Area perimeter buffer area variance request submitted with the initial application, the applicant is seeking several other variances relating to the interior landscaping for the parking areas and property perimeter screening.

ZONING ORDINANCE

Article 6-4(c) states that the Planning Commission may hear and act upon requested variances associated with a zone change. In such cases, they may assume all of the powers and responsibilities of the Board of Adjustment, as defined in Article 7-6(b) of the Zoning Ordinance.

Article 18-3(a)(1) states that when an R-4 zone adjoins an R-2 zone, an eight foot buffer is required, consisting of one tree/40 feet of linear boundary, OFT, from Group A or B only, plus, 1) a double staggered row of six feet high hedge or 2) a six feet high fence, wall or earth mound.

Article 18-3(a)(2)(d) states that a vehicular use area perimeter buffer shall be located between vehicular use areas and any adjacent streets and adjacent properties excluding required sight clearances at driveways and ingress/egress location. A continuous hedge, fence, wall, or earthen mound, except where trees require breaks and one (1) canopy tree (Group A or B) per twenty-five (25) linear feet of the total perimeter of the parking area.

Article 18-3(b)(1) states the minimum interior landscape area shall be ten percent (10%) of the total vehicular use area.

Section 18-3(b)(4)(a) requires a maximum distance of ninety (90) feet between interior landscape areas.

CASE REVIEW

Within the supplemental letter of justification, the applicant identifies several other variances needed in order to construct the development as proposed. These additional variances include:

- A reduction in the width of the property perimeter buffer from eight feet to five feet where the property adjoins residential zones.
- A reduction in the minimum interior landscape area for a parking lot from 10% to 5%
- An increase in the maximum length between landscape islands from 90 feet to 125 feet

For the property perimeter buffer request, the applicant notes that the buffer is applicable to both the east and western portions of the property. The western portion of the property adjoins the parking lot of an adjoining multi-family residential use, and the eastern portion of the property adjoins two single-family residential homes. The applicant notes that there is sufficient room to provide the full buffer for all but thirty feet of the shared property line on the eastern side; however, the location of the new building limits the ability to provide the full eight feet width within the remaining portion. The applicant notes that they own the home at 465 Euclid Avenue that is primarily impacted by the request, and that there is still sufficient room to establish the screening and fencing called for in the Ordinance.

The remaining aspects of the variance request relate to the redevelopment of the parking lot area. The parking lot currently lacks any interior landscaping; however, redevelopment of the lot triggers the need to come into compliance with the applicable parking lot requirements. The applicant is seeking variances to reduce the amount of interior landscaping needed, as well as changes to the spacing between the landscape islands in order to retain the limited parking that is available on-site. The applicant notes that the parking area has reduced in size due to the development of the additional building, while the number of dwelling units has doubled. The applicant opines that providing the full landscaping requirements and additional parking islands would further reduce the on-site parking available and could cause issues with parking off-site. The applicant notes that while they cannot meet the full landscape area, the proposal will incorporate more plantings than are currently in-place.

Staff is generally supportive of both the original variance, as well as the items added during the supplemental request. The properties are located within the defined Infill and Redevelopment Area, which affords the property additional consideration with respect to variances that encourage redevelopment. The request reduces the size of the nonconforming parking lot, introduces additional landscaping, and provides adequate buffers between the adjoining uses. Requiring the applicant to comply with these Ordinance requirements would unreasonably restrict the applicant 's ability to use the site to provide additional dwelling units.

STAFF RECOMMENDS: APPROVAL OF THE REQUESTED VARIANCES



1. Approval of the variances should not adversely affect the public health, safety, or welfare, nor should it create a hazard or nuisance to the public. This area has historically featured parking, and the overall size of the parking area is being reduced with this request.
2. The lot shape and the location of the site's existing parking area represent special circumstances unique to the subject property that justify the need for a variance.
3. Removing the existing parking present on the site to accommodate the required landscaping and buffers would unreasonably restrict the applicant's use of the property to provide additional housing.
4. The circumstances of this variance are not a result of actions taken by the applicant subsequent to the adoption of the Zoning Ordinance.

This recommendation of approval is made subject to the following conditions:

- a. Provided the Planning Commission and Urban County Council approve the requested zone change to the R-4 zone, otherwise the requested variance shall be null and void.
- b. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
- c. Action of the Planning Commission related to the requested variances shall be noted on the Development Plan for the subject property.

1. ANDERSON MIDTOWN APARTMENTS, LLC MAP AMENDMENT and AYLESFORD ADDITION, BLOCK 5, LOT 1-3 (WOODLAND VILLAGE) DEVELOPMENT PLAN

- a. **PLN-MAR-25-00019: ANDERSON MIDTOWN APARTMENTS, LLC (1/4/26)*** – a petition for a zone map amendment from Planned Neighborhood Residential (R-3) zone to a Medium Density Residential (R-4) zone for 0.585 net (0.793 gross) acres for property located at 401 Woodland Avenue.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2045 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

Note: The petitioner is proposing to add a 40-foot-tall residential structure to the existing development, increasing the size of the residential development to 21,780 square feet of building size. The second residential building will accommodate 24 dwelling units, bringing the total to 48 units, for a density of 82 dwelling units per acre. As the proposed structure will be located within the existing parking lot, the overall number of parking spaces for the development will decrease from 40 to 28 motor-vehicle parking spaces and 4 bicycle spaces.

The Zoning Committee Recommended: Approval.

The Staff Recommended: Approval for the following reasons:

1. The requested Medium Density Residential (R-4) zone is in agreement with the 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed project is in a location that promotes infill, redevelopment, adaptive reuse, and mixed-use developments (Theme A, Goal #2.a).
 - b. The proposed project will remain in scale with the surrounding context through the reuse of an existing, non-conforming structure (Theme A, Goal #2.b) while prioritizing multi-modal facilities promoting safer connectivity (Theme A, Goal #3.b).
2. The requested Medium Density Residential (R-4) zone is in agreement with the 2045 Comprehensive Plan's Policies, for the following reasons:
 - a. The proposal will reduce on-site parking, prioritizing multi-modal connectivity (Design Policy #7).
 - b. The site features pedestrian-friendly street patterns & walkable blocks in an area with excellent access to transit routes (Design Policy #2, Design Policy #5 and Connectivity Policy #3).
 - c. The proposed development will increase density while enhancing existing neighborhoods through context sensitive design (Density Policy #2).
3. The justification and corollary development plan are in agreement with the policies and development criteria of the 2045 Comprehensive Plan.
 - a. Staff finds that this request meets the Development Criteria for Land Use. The applicant's proposal is located near a grocery and other retail services (A-DS12-1). This proposal would convert an underutilized parking lot into higher density residential use along a transit corridor (A-DN2-1 & D-CO3-1).
 - b. The proposed rezoning meets the criteria for Environmental Sustainability and Resiliency as the proposal will preserve existing greenscape and trees (B-PR7-1) while increasing the utility of the existing impervious surface by converting a portion of the parking area to residential use (B-SU4-1).
 - c. The request meets the criteria for Building Form, as the applicant's proposal will minimize contrasts in design and scale to the surrounding context (A-DN2-2), while creating a pedestrian-friendly atmosphere through the building fronting on the intersection (A-DS5-3).
4. This recommendation is made subject to approval and certification of **PLN-MJDP-25-00066: AYLESFORD ADDITION BLK 5 LOTS 1,2, & 3 (WOODLAND VILLAGE)** prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

- b. **VARIANCE** - As part of their application, the petitioner requests variances to 1) reduce the vehicle use area (VUA) screening from 8' to 5' adjacent to 415 Woodland Avenue, 2) reduce required property perimeter buffer from 8' to 5' adjacent to 415 Woodland Ave., 464 Euclid Ave., and a portion of 466 Euclid Avenue, 3) reduce the minimum vehicular use area interior landscape area from 10% to 5.1%, and 4) increase the required distance between interior landscape areas from 90' to 110' and 125'.

The Zoning Committee Recommended: Approval.

The Staff Recommended: Approval, of the requested variances for the following reasons:

1. Approval of the variances should not adversely affect the public health, safety, or welfare, nor should it create a hazard or nuisance to the public. This area has historically featured parking, and the overall size of the parking area is being reduced with this request.
2. The lot shape and the location of the site's existing parking area represent special circumstances unique to the subject property that justify the need for a variance.
3. Removing the existing parking present on the site to accommodate the required landscaping and buffers would unreasonably restrict the applicant's use of the property to provide additional housing.
4. The circumstances of this variance are not a result of actions taken by the applicant subsequent to the adoption of the Zoning Ordinance.

This recommendation of approval is made subject to the following conditions:

- a. Provided the Planning Commission and Urban County Council approve the requested zone change to the R-4 zone, otherwise the requested variance shall be null and void.
 - b. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
 - c. Action of the Planning Commission related to the requested variances shall be noted on the Development Plan for the subject property.
- c. **PLN-MJDP-25-00066: AYLESFORD ADDITION, BLOCK 5, LOT 1-3 (WOODLAND VILLAGE) (1/4/26)***
– located at 401 WOODLAND AVENUE, LEXINGTON, KY

Note: The purpose of this plan is to depict a proposed 3-story multi-family residential building in support of the requested zone change from a Planned Neighborhood Residential (R-3) zone to a Medium Density Residential (R-4) zone.

Requirements Not Met:

1. Depict or denote stormwater management. (ZO Art. 21-6(a)(9)) (Engineering)
2. Provide a minimum 8-foot landscape buffer between all adjacent R-2 properties as well as the VUA perimeter buffer. List VUA tree canopy required (30%) and VUA tree canopy provided. (ZO Art. 18-3) (Landscape)
3. Addition of common open space to open space exhibit. (ZO Art. 20-5e(2)) (Open Space)
4. Perimeter landscaping and VUA perimeter buffer will require a variance of ZO Art. 18-3(1) and 18-3(2)(d). (Planning)

Waiver(s) Necessary: None at this time.

Design Considerations:

1. See Accela comments provided by the Division Engineering.

Plan Questions or Concerns:

1. Discuss stormwater management proposal. (Engineering)
2. Discuss Placebuilder criteria.

The Subdivision Committee Recommended: Approval, subject to the following conditions:

1. Provided the Urban County Council approves the zone change to R-4; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of street cross-sections and access.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

4. Urban Forester's approval of tree inventory map.
5. Open Space Planner's approval of open space areas.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Correct all noted deficiencies listed as "requirements not met" herein.

Staff Presentation - Mr. Young oriented the Commission to the zone change request from the R-3 zone to the R-4 zone. He displayed aerial photographs of the project and described the zoning in the area. He indicated that applicant had chosen the Second Tier Urban Place-Type and the Medium Density Residential Development Type associated with the R-4 zone, as suggested in Placebuilder. He stated that the applicant had made some changes that required them to update their variance requests. Mr. Young stated that the staff and Zoning Committee recommended approval because the request is in agreement with the comprehensive Plan.

Commission Questions - Mr. Z. Davis asked about the public engagement. Mr. Young indicated that the applicant had held a neighborhood meeting, but there was no one in attendance.

Mr. Michler stated that, while this was a positive infill project, he hoped that future projects would be more mindful of the dumpster locations, specifically not placing them adjacent to sidewalks. Mr. Young agreed that it was not ideal, but a result of a difficult infill project.

Development Plan Presentation - Mr. Chaney oriented the Commission to the development plan. He pointed out the existing apartment building and the area for the proposed structure which would contain 24 more apartment units. He listed the conditions and the requirements that needed to be addressed.

Commission Questions - There was some discussion among the Commission and the Staff regarding documents on Accela and the recommendation of the Subdivision Committee. Ms. Wade clarified the misunderstandings.

Ms. M. Davis asked about the tree preservation notes. Mr. Chaney referred the question to the applicant.

Applicant Reply - Tony Barrett, Barrett Partners, Inc., was present to represent the proposed project. He stated that the condition of the trees on the plan would be evaluated and replaced, if necessary. He added that they would provide 30% tree canopy in the parking lot, as well as 30% tree canopy on the lot, as required by the zone.

Variance Request Presentation - Mr. Young described the various aspects of the variance requests regarding the perimeter buffer, minimum Vehicular Use Area (VUA), and required distance between interior landscape areas. He displayed a visual representation of the variance requests to help clarify the different details. He stated that Staff recommended approval of the variance requests.

Commission Questions - Ms. M. Davis asked about the conditions of the existing buffers on the parking lot side of the plan. Mr. Young replied that there is a 5' buffer, currently. Ms. M. Davis was concerned that the area was too small for trees to grow, and opined that the reduction of required buffers was too drastic.

Applicant Representation - Attorney Dick Murphy and Tony Barrett, were present to represent the applicant. Mr. Murphy stated that the current building had just been completely remodeled, but it would have been easier to develop this site had they demolished this building so that they could meet all the current requirements. He stated that the variance requests would make the property more conforming to the requirements, and there would be more green space than what is there currently. He stated that the project would provide additional density, and would be within walking distance to campus and other amenities. He asked for approval.

Commission Comments - Ms. Worth stated that there was a large "parking lot pond" currently, and appreciated that this plan would improve the conditions.

Citizen Comments - Braden Stamper, UK student, supported the zone change and development plan. He said that this location was ideal for students like him because of its proximity to campus.

Action - Mr. Michler made a motion, seconded by Ms. Worth, and carried 10-0 (Nicol absent), to approve PLN-MAR-25-00019: ANDERSON MIDTOWN APARTMENTS, LLC, for the reasons given by staff.

Mr. Michler made a motion, seconded by Ms. Worth, and carried 9-1 (Nicol absent, M. Davis opposed), to approve the variances as requested by the applicant and recommended by staff.

Mr. Michler made a motion, seconded by Ms. Worth, and carried 10-0 (Nicol absent), to approve PLN-MJDP-25-00066: AYLESFORD ADDITION, BLOCK 5, LOT 1-3 (WOODLAND VILLAGE), for the subject to the corrections listed and the seven conditions.