

MURPHY & CLENDENEN, PLLC

ATTORNEYS AT LAW

LEXINGTON FINANCIAL CENTER

250 West Main Street, Suite 2510

Lexington, Kentucky 40507

TEL. (859) 233-9811

FAX. (859) 233-0184

E-MAIL

Richard@MurphyClendenen.com

Chris@MurphyClendenen.com

RICHARD V. MURPHY

CHRISTOPHER M. CLENDENEN

April 3, 2023

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

Re: Proposed zone change for 4075 Old Richmond Road

Dear Chairman Forester and Members of the Planning Commission:

This letter is written on behalf of Anderson Communities, Inc., which is filing a zone change application and development plan for the property at 4075 Old Richmond Road. This property is approximately 8.36 net acres and is currently zoned Highway Service Business (B-3) and Agricultural Rural (A-R). We are requesting a zone change to the Community Center (CC) zone in order to allow construction of a mixed commercial and residential project.

INTRODUCTION

This triangular parcel is surrounded by highways and roads: Athens-Boonesboro Road (Kentucky Route 418) on the northeast side, Old Richmond Road (US Route 25) on the west side, and Aphids Way on the south side. Approximately 1.62 acres are currently zoned Highway Service Business (B-3) at the intersection of Old Richmond Road and Aphids Way. This B-3 zoning has existed for over 60 years. About 6.74 acres of the property are zoned Agricultural Rural (A-R).

The property is located where Richmond Road splits into Athens-Boonesboro Road and Old Richmond Road. The traffic count on Athens-Boonesboro Road is approximately 25,000 trips a day. The traffic count on Old Richmond Road is approximately 4,000 trips a day. Hays Boulevard, which connects to Aphids Way, has a traffic count of approximately 7,800 trips a day.

The property was purchased by Anderson Acquisitions, LLC eight months ago. Prior to the purchase, the property had not been farmed or maintained. A single house on the property had been used for tenants, but the house is in poor condition.

Although this property has not been developed, the properties on either side have undergone major developments. To the northeast, across Athens-Boonesboro Road, lies the Stuart Hall neighborhood, the Chilesburg neighborhood, and the Traditions neighborhood. The property immediately across Athens-Boonesboro Road from the Subject Property is an attached single-family development. To the west, the Ellerslie neighborhood has been developed, and townhomes and single-family homes are located adjacent.

The Kentucky Highway Department plans major changes to this area, which will have a great impact on this property. Those changes are discussed below.

DESCRIPTION OF PROJECT

The Kentucky Department of Highways has finalized its R-Cut plan to redesign the intersection of Richmond Road, Athens-Boonesboro Road, Old Richmond Road, Aphids Way and Hays Boulevard. The purpose of the plan is to eliminate left turns and to increase safety along this major route to I-75. Old Richmond Road will be diverted to a reconstructed Aphids Way. Traffic wishing to proceed to downtown Lexington will be required to turn right, then proceed down Athens-Boonesboro Road to a U-turn. Aphids Way itself will be lowered by approximately ten feet, necessitating regrading of the Subject Property in order to accommodate the lower elevation. The only vehicular exit from the Subject Property will be via the reconstructed Aphids Way. Our development must accommodate the lower grades.

As you know, the Community Center (CC) zone is a mixed-use zone which is required to include both commercial and residential components. We plan a commercial component consisting of buildings at the corner of Aphids Way and Athens-Boonesboro Road. The balance of the property will be utilized for an apartment community. Extensive walking and bicycling paths will be provided. The paths constructed by the developer will connect with the proposed pedestrian/bicycle path to be constructed by the state on the north side of Athens-Boonesboro Road.

The external focal point for the development is the nearby Jacobson Park, which can be reached by the pedestrian/bicycle trail to be constructed by the state on the north side of Athens-Boonesboro/Richmond road. Jacobson Park is a community park which provides a wide variety of recreational opportunities. The internal focal point for the development will be an open space area located in the residential portion of the property. The community mailboxes and bicycle parking will be located in that area, facilitating resident interaction. The community room, swimming pool, fitness area, and manager's office will also be located in this area. Sidewalks and bicycle paths will be provided as shown on the development plan. A new public road will be constructed which will originate at a right-in access point from Athens-Boonesboro Road, through the property, to the entrance/exit on Aphids Way. There will also be a right-in only entrance off of Aphids Way, just south of Athens-Boonesboro Road.

The commercial area will consist of a facility which specializes in high-quality, food options, cooked on-site, and fuel facilities. A second building is anticipated to be a restaurant.

CURRENT AND PROPOSED ZONING

As mentioned above, the property is now zoned B-3 (Highway Service Business) and A-R (Agricultural Rural). Also, the 1996 Expansion Area Master Plan designated this property for low-density residential use, less than three units per acre.

Both the A-R zoning and the Low-Density Residential (EAR-1) recommendation for this property are no longer appropriate. This small tract of 8.36 acres, surrounded by busy state and federal highways, is inappropriate for farming. In fact, the property has not been farmed in the recent past. The EAR-1 designation, allowing three units per acre or less, is also inappropriate in light of the high volume of traffic which already exists, and the extensive reconstruction planned by the state Department of Highways, which will increase the traffic at this location. The applicant plans a community consisting of one-bedroom apartments, which will be attractive to singles and couples who are interested in good access to the interstate highways for those who are required to travel for work, and to empty nesters. It is not anticipated that there will be many families with children residing on the property. Neither the existing zoning nor the Expansion Area Master Plan anticipated the major changes coming to his property.

In addition, the commercial development allowed by the existing B-3 zone, would be more appropriate at the intersection of Athens-Boonesboro Road and the reconstructed Aphids Way. This will allow us to keep the less intense residential uses along Old Richmond Road.

The only zone which allows commercial and retail development in the Expansion Area is the Community Center (CC) zone. The Community Center zone will allow an appropriate mixture of commercial and residential uses, as shown on our development plan.

In addition, the nearest CC zone, on Hays Boulevard, has underperformed and not supplied commercial uses to this area.

GOALS AND OBJECTIVES OF THE 2018 COMPREHENSIVE PLAN

This proposal is in agreement with the Goals and Objectives of the 2018 Comprehensive Plan. In addition, the proposal will provide retail and food service to our residents and the surrounding area in a way which accommodates the extensive road changes and elevation changes as part of the R-Cut project which will surround this property. The apartment community will transition from the high-volume major corridor, Athens-Boonesboro Road, to attached single-family uses to the northeast and west, and single-family uses also to the west. The roads themselves, and the right-of-way for a portion of Old Richmond Road which will be abandoned, will also buffer surrounding uses.

The provision of apartment dwelling units complies with Theme A, growing successful neighborhoods, and Goal A.1., expanding housing choices. It provides a planned residential community with enough units to support a fitness center, swimming pool, dog park, community

room, and walking and biking paths, thus fulfilling Objective A.1.a., which encourages creativity and sustainability in housing development. It will also accommodate the demand for housing responsibly, prioritizing higher-density housing types, as called for in Objective A.1.b. It will appeal to empty-nesters, thus providing safe and accessible housing to meet the needs of older and/or disabled residents, as called for in Objective A.1.c.

The proposal also supports infill and redevelopment in the Urban Service Area. This property is located within the Urban Service Area boundary and has been overlooked for redevelopment (Goal A.2. and Objective A.2.a.). It will provide apartment living and retail and food options which transition to and are buffered from adjoining single-family attached and single-family detached uses, as called for in Objective A.2.b. It will incorporate open space within the development and access to the large greenspace and other park features in Jacobson Park, as called for in Objective A.2.c. The project is a well-designed neighborhood as called for in Goal A.3. By grouping together the open space, swimming pool, community mailboxes, bicycle parking, fitness facility, community room and manager's office, it provides positive and safe space for social interactions in neighborhoods, as called for in Objective A.3.b. and in Goal A.4., which calls for addressing community facilities on a neighborhood scale. Even though the Subject Property is constrained by highways, it will connect to the pedestrian/bicycle path that is being provided as part of the R-Cut project, to Jacobson Park and areas to the west, as called for in Objective B.2.d.

This project complies with Theme D, improving a desirable community. Despite the presence of major highways, it accommodates pedestrian and bicycle use, as well as the automobile traffic (Objective B.1.a.). It accommodates bicycles and walkways as called for in Objective D.1.b, and complies with Goal D.2., by providing alternative means of access to Jacobson Park. Finally, the proposal complies with Theme E., urban and rural balance. By providing another residential alternative, it complies with Goal E.1., to uphold the Urban Service Area concept. It provides redevelopment of underutilized corridors, Objective E.1.c.

PUBLIC ENGAGEMENT

The applicant has had discussions with the officers of the Ellerslie neighborhood association and will continue contacts with that association. The applicant has reached out to the Old Richmond Road neighborhood association, which has declined to engage in conversation at the present time.

PLACE-TYPE, DEVELOPMENT TYPE AND REQUESTED ZONE

This proposal fits within the Corridor Place-type, and within the Medium Density Non-Residential/Mixed-Use (MNR-MU) development type. We are requesting the Community Center (CC) zone, which is an Expansion Area zone.

DEVELOPMENT CRITERIA

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

- **A-DS4-2.** This property is located on one of the communities' major highways, Athens-Boonesboro Road, where it connects to Richmond Road. This property is surrounded by roads. The multi-family residential buildings are in keeping with increasing density along corridors. The residential buildings will also transition from the new R-Cut construction to lower-density residential uses on the west and northeast sides.
- **A-DS10-1.** Our internal focal point will be the area containing the open space, swimming pool, community mailboxes, fitness area, community room and management office. This area is centrally located and within easy walking distance from all residential units. Our exterior focal point is Jacobson Park. The project's walking and bicycling paths connect with the walkway that will be provided by the state across the proposed intersection with Hays Boulevard, and to the pedestrian and bicycle path provided to Jacobson Park.
- **A-DN2-1 and A-DN2-2.** This proposal increases residential density along a major corridor. It provides sufficient density to construct a viable, manageable community. It utilizes the roadways and topography along Athens-Boonesboro Road as buffers.
- **A-EQ3-1.** This development serves as a transition from the highly intense R-Cut development proposed along Athens-Boonesboro Road and the attached and detached residential development to the west. In addition, the Old Richmond Road roadway on the west serves as a buffer.
- **C-DI1-1.** The CC zone is the most flexible zoning option available for this property, which is located in the Expansion Area. CC requires a mix of commercial and residential uses, as shown on the development plan.
- **C-LI6-1 and C-LI7-1.** This development incorporates multi-family housing and commercial uses with pedestrian connections and bicycle connections internally and to the pedestrian/bicycle paths being provided by the state on the northeast side of Athens-Boonesboro Road.
- **D-PL7-1.** The developer has had conversations with the officers of Ellerslie Neighborhood Association, with further discussions anticipated. The Old Richmond Road association has at this point declined to have further discussion with the applicant.
- **D-PL10-1.** A public art easement is provided.
- **D-SP9-1 and E-GR9-1.** The one-bedroom units are designed to appeal to singles and couples, including senior adults and accessible units will be provided for people with disabilities. Live-work arrangements will be possible.
- **E-GR9-4.** This development intensifies this under-utilized property.

- **E-GR10-3.** The developer has not yet finalized the commercial uses. However, the small size of the commercial area will make it difficult to provide experiential retail programming.
- **A-DS4-1.** The project's walk/bike path connects both with the multi-model trail on the northeast side of Athens-Boonesboro Road and with the right-of-way of Old Richmond Road, which will be removed by the state.
- **A-DS5-2.** In addition to the buildings which will provide a vertical edge, a large embankment of approximately 20 feet is existing along Athens-Boonesboro Road.
- **A-DS10-2 and A-EQ7-2.** As mentioned above, this project's internal focal point is the area which includes the open space, community mailboxes, bicycle parking, swimming pool, fitness facility, community room and management office. This focal point is easily accessible within the development by foot or by bicycle. In addition, our pedestrian path connects to the state pedestrian connection across Athens-Boonesboro Road which will make Jacobson Park and the facilities in the Stuart Hall and other subdivisions available on the northeast side of the property.
- **D-SU4-1.** As mentioned above, this project has on-site and off-site focal points and access to those focal points.
- **C-PS10-1.** The parking provided is based upon the developer's experience with other multi-family developments it has created in this community.
- **D-CO1-1, D-CO2-1, D-CO2-2, and D-CO4-2.** As part of the R-Cut reconstruction, the Kentucky Department of Highways will be reconstructing Athens-Boonesboro Road, Aphids Way and Old Richmond Road. The Department of Highways will be providing a pedestrian and bicycle crossing of Athens-Boonesboro Road and the multi-model trail on the northeast side of Athens-Boonesboro Road. Our pedestrian and bicycle trail will connect to the state's system in a safe manner.
- **D-CO5-1.** The internal street is constructed with curves in order to slow down the traffic entering from Athens-Boonesboro Road and from Aphids Way.
- **D-SP1-3.** See discussion above regarding internal and external pedestrian/bicycle paths.
- **E-ST3-1.** It is anticipated that some residents will choose to live in the development due to its access to the interstate highway system. Due to the secure, private residential area, it is not anticipated that a formal park and ride area will be provided.
- **A-DS4-3.** The R-Cut project of the Commonwealth of Kentucky will result in major changes to the grade of the adjacent Aphids Way. Our site will have to accommodate the changes in elevation, which will require more extensive site work than would otherwise be required.

- **A-EQ7-3.** The internal open space will be accessible to all residents.
- **B-PR7-1, EGR3-1 and E-GR3-2.** See discussion above regarding our internal connections and connections to the community focal point, Jacobson Park.

CONCLUSION

Anderson Communities is pleased to present this proposal for development of an under-utilized parcel which will be subject to the R-Cut project, which is a major change which was not anticipated in prior comprehensive plans. Our proposal coordinates with state plans which include not only safer automobile traffic, but also include pedestrian and bicycle connections. This is designed as a community. It will have the proper number of units, amenities, on-site management and a small commercial area.

Thank you for your consideration of this zone change request.

Sincerely,



Richard V. Murphy
Attorney for Anderson Communities, Inc.

MEDIUM DENSITY NON-RESIDENTIAL / MIXED-USE

SITE DESIGN, BUILDING FORM, & LOCATION

- A-DS3-1** Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
- 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 in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.
- A-DS5-3** Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
- A-DS5-4** Development should provide a pedestrian-oriented and activated ground level.
- A-DS7-1** Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
- A-DS7-2** Any non-residential or multi-family parking not buffered by a building should be screened from the streetscape view and adjacent properties.
- A-DS7-3** Parking structures should activate the ground level.
- A-DS8-1** At the individual street level, medium density housing types should be interspersed with single-family detached units and should be context sensitive. (14)
- A-DS10-1** Residential units should be within reasonable walking distance to a focal point.
- A-DS11-1** Common public uses that serve as neighborhood focal points, such as parks and schools, should be on single loaded streets.
- A-DN2-1** Infill residential should aim to increase density.
- A-DN2-2** Development should minimize significant contrasts in scale, massing and design, particularly along the edges of historic areas and neighborhoods. (D-PL9, E-GR6)
- A-DN3-1** Pedestrian-oriented commercial opportunities should be incorporated within residential neighborhoods.
- A-DN3-2** Development should incorporate residential units in commercial centers with context sensitive design.
- A-EQ3-1** Development should create context sensitive transitions between intense corridor development and existing neighborhoods. *Abandonment*
- A-EQ7-1** School sites should be appropriately sized. *Red Road at*
- B-PR9-1** Minimize disturbances to environmentally sensitive areas by utilizing the existing topography to the greatest extent possible.
- B-SU11-1** Green infrastructure should be implemented in new development. (E-GR3)

CORRIDOR

- C-DI1-1** Consider flexible zoning options that will allow for a wide range of jobs.
- C-DI5-1** In Opportunity Zones with a clearly defined local context, consider adaptive reuse to enhance the existing context.
- C-LI2-2** Non-agricultural uses at or near potential and existing gateways, as mapped in the Rural Land Management Plan, should be buffered.
- C-LI2-3** Design should create a positive gateway character at existing and proposed gateways as identified in the Rural Land Management Plan.
- C-LI2-4** Setbacks, signage, and screening should complement the iconic Bluegrass landscape along Historic Turnpikes, Scenic Byways, Turnpikes, and other scenic roads listed in the RLMP.
- C-LI6-1** Developments should incorporate multi-family housing and walkable commercial uses into development along arterials/corridors.
- C-LI7-1** Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.
- C-PS9-2** Modify current office space to include complementary uses.
- C-PS10-2** Developments should explore options for shared and flexible parking arrangements for currently underutilized parking lots.
- C-PS10-3** Over-parking of new developments should be avoided. (B-SU5)
- D-PL7-1** Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
- D-PL9-1** Historically significant structures should be preserved.
- D-PL10-1** Activate the streetscape 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 should be used to improve the visual impact from the roadway and residential areas.
- 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-GR4-1** Developments should incorporate reuse of viable existing structures.
- E-GR5-1** Structures with demonstrated historic significance should be preserved or adapted.
- E-GR9-1** Live/work units should be incorporated into residential developments.

Theme Letter - Pillar Abbreviation & Policy Number - Criteria Number
Ex: from Theme A - Design Pillar & Policy #1 - Criteria #1 = A-DS1-1. Full decoder on page ##

Criteria that include additional policy items in parentheses refer to companion policies that will provide additional context to the related criteria.

MEDIUM DENSITY NON-RESIDENTIAL / MIXED-USE

SITE DESIGN, BUILDING FORM, & LOCATION (CONT.)

- E-GR9-4** Development should intensify underutilized properties and develop vacant and underutilized gaps within neighborhoods. (E-GR6)
- E-GR10-2** Developments should provide walkable service and amenity-oriented commercial spaces.
- E-GR10-3** Shared common space in commercial developments should be provided to encourage experiential retail programming.

TRANSPORTATION & PEDESTRIAN CONNECTIVITY

- A-DS1-1** Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7).
- A-DS1-2** Direct pedestrian linkages to transit should be provided.
- A-DS4-1** A plan for a connected multimodal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided. (A-DS2, A-DN1, B-SU1, B-SU2, C-L17, E-AC5)
- A-DS5-1** Adequate multimodal infrastructure should be provided to ensure vehicular separation from other modes of transport.
- A-DS5-2** Roadways should provide a vertical edge, such as trees and buildings.
- A-DS10-2** New focal points should be designed with multimodal connections to the neighborhood.
- A-DS13-1** Stub streets should be connected. (D-CO4)
- A-EQ3-2** Development on corridors should be transit-oriented (dense & intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities). (B-SU3)
- A-EQ7-2** Multimodal transportation options for healthcare and social services facilities should be provided. (E-ST3)
- B-SU4-1** Where greenspace/community centers are not located within walking distance of a new development, applicants should attempt to incorporate those amenities. (A-DS9)
- C-PS10-1** Flexible parking and shared parking arrangements should be utilized.
- D-CO1-1** Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type.
- D-CO2-1** Safe facilities for all users and modes of transportation should be provided.
- D-CO2-2** Development should create and/or expand a safe, connected multimodal transportation network that satisfies all users' needs, including those with disabilities.

CORRIDOR

- D-CO4-2** Roadway capacity should be increased by providing multiple parallel streets, which alleviate traffic and provide multiple route options, in lieu of additional lanes.
- D-CO5-1** Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.
- D-SR1-3** Developments should provide multimodal transportation infrastructure to school sites, including sidewalks, shared-use paths, and roadways that can accommodate the bus and vehicle traffic associated with the site.
- E-ST3-1** Development along major corridors should provide for ride sharing pick up and drop off locations along with considerations for any needed or proposed park and ride functions of the area. (E-GR10, E-GR7)

GREENSPACE & ENVIRONMENTAL HEALTH

- A-DS4-3** Development should work with the existing landscape to the greatest extent possible, preserving key natural features.
- A-EQ7-3** Community open spaces should be easily accessible and clearly delineated from private open spaces.
- B-PR2-1** Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.
- B-PR2-2** Dividing floodplains into privately owned parcels with flood insurance should be avoided.
- B-PR2-3** Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them.
- B-PR7-1** Connections to greenways, tree stands, and stream corridors should be provided.
- B-PR7-2** Trees should be incorporated into development plans, prioritize grouping of trees to increase survivability.
- B-PR7-3** Developments should improve the tree canopy.
- B-RE1-1** Developments should incorporate street trees to create a walkable streetscape.
- B-RE2-1** Green infrastructure should be used to connect the greenspace network.
- D-SP2-1** Visible, usable greenspace and other natural components should be incorporated into school sites.
- D-SP2-2** Active and passive recreation opportunities should be provided on school sites.
- E-GR3-1** Physical and visual connections should be provided to existing greenway networks.
- E-GR3-2** New focal points should emphasize geographic features unique to the site.

Theme Letter - Pillar Abbreviation & Policy Number - Criteria Number
Ex: from Theme A, Design Pillar, Policy #1, Criteria #1: A-DS1-1. Full decoder on page ###

Criteria that include additional policy items in parentheses refer to companion policies that will provide additional context to the related criteria.